

Governor—not a patchwork of county judges, city mayors, superintendents, or school boards—the leader of the State’s response to and recovery from a statewide emergency.²

2. GA-38 is a statewide order, issued using statewide emergency powers, with a statewide legal effect. It has the force and effect of state law, and state law preempts inconsistent local law. Defendants disagree with Governor Abbott’s policy choice. But Defendants must recognize the fact that they are not above the law. Richardson ISD’s mask mandate should be immediately enjoined.

**REQUEST FOR AN EXPEDITED HEARING ON THE STATE’S APPLICATIONS FOR A
TEMPORARY RESTRAINING ORDER AND A TEMPORARY INJUNCTION**

3. Given the important and urgent issues raised in this action, the State requests an expedited setting on its applications for a temporary restraining order and a temporary injunction.

4. The State is seeking non-monetary relief. Discovery is intended to be conducted under Level 1.

PARTIES

5. Plaintiff is the State of Texas.

6. Defendant Richardson Independent School District (“Richardson ISD”) has approximately 39,619 students enrolled from Pre-Kindergarten to Grade 12.

7. Defendant Board of Trustees of Richardson ISD is the board of trustees for Richardson ISD.

8. Defendant Dr. Jeannie Stone is the superintendent of Richardson ISD.

² *Id.* § 418.011.

9. Defendants Karen Clardy, Regina Harris, Debbie Rentería, Megan Timme, Eron Linn, Eric Eager, and Chris Poteet are members of the Richardson ISD Board of Trustees.

10. Defendants may be served with process through Karen Clardy, the president of the Richardson ISD Board of Trustees, or through Dr. Jeannie Stone, the Richardson ISD superintendent.

JURISDICTION AND VENUE

11. The subject matter in controversy is within the jurisdictional limits of this Court, and the Court has jurisdiction over the action under Article V, Section 8 of the Texas Constitution and section 24.007 of the Texas Government Code, as well as under sections 37.001 and 37.003 of the Texas Uniform Declaratory Judgments Act and section 65.021 of the Texas Civil Practice and Remedies Code.

12. Venue is proper in Harris County under section 15.002(a)(1), (a)(2), and (a)(3), and under § 15.0151 of the Texas Civil Practices and Remedies Code.

BACKGROUND

I. The Texas Disaster Act of 1975 Makes the Governor the Leader of the State's Emergency Response.

13. Two core purposes of the Texas Disaster Act of 1975 (“TDA”) are to: (1) mitigate the “damage, injury, and loss of life and property” resulting from a disaster; and (2) “provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters.”³

³ Tex. Gov't Code § 418.002(1), (3).

14. The TDA names the Governor the “commander in chief” of the State’s response to a disaster⁴ and makes him “responsible for meeting . . . the dangers to the state and people presented by disasters.”⁵

15. The TDA grants the Governor vast powers to meet this obligation, which include the power to: (1) issue executive orders carrying “the force and effect of law”;⁶ (2) control the movement of persons and occupancy of premises;⁷ (3) suspend statutes, orders, or rules;⁸ and (4) use all available public resources, including resources of cities and counties.⁹

16. The TDA makes certain local officials “agents” of the Governor and gives them powers subordinate to the Governor’s.¹⁰ Local officials who preside over an incorporated city or a county—meaning city mayors and county judges—are deemed “emergency management directors.”¹¹ These directors “serve[] as the governor’s designated agent in the administration and supervision of duties under this chapter.”¹² When serving in this capacity, these directors “may exercise the powers granted to the governor under this chapter on an appropriate local scale.”¹³

17. The TDA also allows these same local officials the power to control the movement of persons and the occupancy of premises in a local disaster area.¹⁴ But as

⁴ *Id.* § 418.015(c).

⁵ *Id.* § 418.011.

⁶ *Id.* § 418.012.

⁷ *Id.* § 418.018(c).

⁸ *Id.* § 418.016(a).

⁹ *Id.* § 418.017(a).

¹⁰ *Id.* § 418.1015(b).

¹¹ *Id.* § 418.1015(a).

¹² *Id.* § 418.1015(b).

¹³ *Id.*

¹⁴ *Id.* § 418.108(g).

a power under “this chapter,” emergency management directors can wield it only in their capacities as the Governor’s “designated agent[s].”¹⁵

18. The TDA does not confer on county judges, city mayors, or any other local officials an independent power to issue emergency orders carrying the force and effect of law.

19. School districts are included in the definition of “local government entities” applicable to the TDA.¹⁶ Although recognizing that school districts are “local governmental entities” under the TDA, the Legislature did not delegate to those school districts specific authority to respond to disasters. Instead, that authority was delegated to the Governor.¹⁷

II. GA-38 Protects Individual Autonomy in Making Personal Health Decisions.

20. On July 29, 2021, Governor Abbott issued executive order GA-38.¹⁸

21. GA-38 seeks to create a uniform response to the COVID-19 pandemic, one that gives individuals the autonomy to make personal health decisions free from government control.¹⁹

22. Towards this end, GA-38 enacts limits to “ensure that vaccines continue to be voluntary for all Texans and that Texans’ private COVID-19-related health information continues to enjoy protection against compelled disclosure.”²⁰

¹⁵ *Id.* § 418.1015(b).

¹⁶ *See* Tex. Gov’t. Code § 418.004(10).

¹⁷ *See id.* at §§ 418.011–.026.

¹⁸ Ex. A., Pgs. 21-26, GA-38 is publicly available at <https://tinyurl.com/eo-ga-38>.

¹⁹ *See id.* at 21.

²⁰ *Id.* at 22–23.

23. Also, GA-38 protects businesses and other establishments from “COVID-19-related operating limits.”²¹

24. Further, GA-38 bans most state and local officials from mandating the wearing of facemasks.²² GA-38 contains an exception that allows certain institutions—state supported living centers, government-owned hospitals, and jails—to require the wearing of facemasks.²³

25. To ensure individual autonomy and promote uniformity, GA-38 supersedes conflicting local emergency orders.²⁴ For the same reasons, GA-38 also suspends certain listed statutes and any others “to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.”²⁵

26. Importantly, under GA-38, any person who wants to wear a facemask, get a vaccine, or engage in social distancing can still do so.²⁶ GA-38 “strongly encourage[s]” such practices.²⁷ But GA-38 leaves individuals free to follow the safe practices they should have already mastered over the last 18 months.²⁸

27. GA-38’s prohibition on local officials’ facemask mandates falls comfortably within Governor Abbott’s broad power to “control ingress and egress to

²¹ *Id.* at 23

²² *Id.* at 23–24.

²³ *Id.* at 24.

²⁴ *Id.* at 23–24.

²⁵ *Id.* at 23–25.

²⁶ *Id.* at 24.

²⁷ *Id.* at 21.

²⁸ *Id.* at 23.

and from a disaster area and the movement of persons and occupancy of premises in the area.”²⁹

28. Specifically, GA-38’s ban on facemask mandates controls “ingress and egress” to, “movement” in, and “occupancy of” a disaster area as it authorizes the entry of students into schools who would be prohibited if a school district was to require the wearing of facemasks. GA-38 also controls the conditions individuals may be subjected to when “occupying” premises in a disaster area.

III. Richardson ISD Issues a Facemask Mandate in Defiance of GA-38.

29. On or about August 12, 2021, Richardson ISD issued an order providing that “all people inside RISD schools and buildings and at RISD indoor events will be required to wear a mask” due to the COVID-19 pandemic (“Defendants’ Facemask Order”).³⁰

30. Further, Richardson ISD recently voted to extend the mask mandate through the beginning of October until the next Board of Trustees meeting.³¹

31. Defendants’ Facemask Order is barred by GA-38, which explicitly prohibits local officials such as Defendants from issuing facemask mandates in response to COVID-19.

32. On August 17, 2021, the Office of Attorney General sent a letter to Richardson ISD Superintendent Stone, warning that the imposition of the mask

²⁹ Tex. Gov’t Code § 418.018(c).

³⁰ THE BLUEPRINT RISD’S BACK TO SCHOOL PLAN, <https://web.risd.org/cv19/> (last visited September 9, 2021), a copy of which is attached hereto as Exhibit E, Pgs. 31-45.

³¹ Maria Guerrero, RICHARDSON ISD KEEPS MASK MANDATE; RISING CASES AT 7 CAMPUSES CAUSE CONCERN, NBCDFW (September 3, 2021), *available at* <https://www.nbcdfw.com/news/coronavirus/richardson-isd-keeps-mask-mandate-rising-cases-at-7-campuses-cause-concern/2734393/>. A copy is attached hereto as Exhibit F, Pgs. 46-56.

mandate exceeded her authority and violated GA-38. The letter stated in light of the Texas Supreme Court’s rulings, the Office of the Attorney General requests that: “you will rescind your local policy requiring masks in public schools or, alternatively, not enforce it pending the Supreme Court’s disposition of the cases before it involving this issue. Otherwise, you will face legal action taken by my office...”³²

33. Dr. Stone’s counsel Ms. Mia Martin quickly responded with a letter on August 17, 2021, stating clearly that Richardson ISD will not be rescinding the mask mandate.³³

34. The response letter went on to state that “Dr. Stone. . . used her professional judgment and discretion to implement a mask mandate. . .”³⁴ Further, that the Supreme Court’s Orders that stayed other matters did “not apply to school districts.”³⁵

35. Finally, the response letter concludes that “RISD reasonably and in good faith believes that the prohibition in GA-38 concerning mask mandates currently is not enforceable against it or other school districts.”³⁶

36. As of September 13, 2021, Richardson ISD and Superintendent Stone have not rescinded the mandatory masking policy in response to the letter from Attorney General Paxton’s office, and furthermore, they have indicated their intent to continue defying GA-38.

³² Exhibit G, Pgs. 57-58, Office of the Attorney General Letter to Richardson ISD Superintendent Dr. Jeannie Stone, August 17, 2021.

³³ Exhibit H, Pgs. 59-60, Richardson ISD Response Letter, August 17, 2021

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

CLAIMS FOR RELIEF

37. Pursuant to Texas’s Uniform Declaratory Judgment Act and *ultra vires* and preemption principles, the State alleges as follows:

38. GA-38 has the force and effect of law. GA-38 preempts school district rules that are in direct conflict with its prohibition on mask mandates. School districts’ general statutory authority does not allow them to violate GA-38. In the event of a conflict between school districts’ general authority and GA-38’s specific prohibition, GA-38’s specific prohibition controls. Therefore, the State requests a declaration that the enactment and enforcement of Defendants’ Facemask Order is invalid, unlawful, and constitutes an *ultra vires* act.

APPLICATIONS FOR A TEMPORARY RESTRAINING ORDER AND A TEMPORARY INJUNCTION

39. A temporary restraining order serves to provide emergency relief and to preserve the status quo until a hearing may be held on a temporary injunction.³⁷ “A temporary injunction’s purpose is to preserve the status quo of the litigation’s subject matter pending a trial on the merits.”³⁸ The applicant must prove three elements to obtain a temporary injunction: (1) a cause of action against the adverse party; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim.³⁹ These requirements are readily met here.

³⁷ *Texas Aeronautics Commission v. Betts*, 469 S.W.2d 394, 398 (Tex. 1971).

³⁸ *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

³⁹ *Id.*

I. The State will Likely Succeed on the Merits.

40. The State will likely succeed on the merits because (1) GA-38 expressly preempts Defendants’ Facemask Order and (2) Governor Abbott lawfully suspended Defendants’ statutory authority to issue their Facemask Order.

A. GA-38 Expressly Preempts Defendants’ Facemask Order.

41. The point is simple. Governor Abbott’s emergency orders carry the force and effect of law.⁴⁰ His emergency orders, which are issued using statewide powers and which have a statewide legal effect, are effectively “state laws.” Traditional preemption principles dictate that when a state law conflicts with a local law, the state law controls.⁴¹

42. Here, GA-38 supersedes and preempts any local orders or local requirements that are inconsistent with GA-38.⁴² Defendants’ Facemask Order imposes facemask requirements that are at odds with, and expressly prohibited by, GA-38. As such, Defendants’ Facemask Order is expressly preempted by GA-38 and thus should be enjoined.

43. A review of the Legislature’s intent, which is a focus of a preemption analysis,⁴³ supports this conclusion. Recently, an array of public officials—the Governor, city mayors, county judges, public health authorities, school board

⁴⁰ Tex. Gov’t Code § 418.012.

⁴¹ See, e.g., *BCCA Appeal Grp., Inc. v. City of Houston*, 496 S.W.3d 1, 18–19 (Tex. 2016); see also *City of Laredo v. Laredo Merchants Ass’n*, 550 S.W.3d 586, 593 (Tex. 2018); *S. Crushed Concrete, LLC v. City of Houston*, 398 S.W.3d 676, 678 (Tex. 2013).

⁴² Ex. A, at Pgs. 24–26.

⁴³ *BCCA Appeal Group, Inc.*, 496 S.W.3d at 8.

trustees, etc.—have been relying on different statutes to issue conflicting orders on the facemask issue. One of these orders *must* control.

44. Of these officials, the Governor is the only one with the authority to issue (1) *statewide* emergency orders⁴⁴ (2) that explicitly carry the force and effect of *state* laws.⁴⁵ Also, the Governor is the only official made explicitly responsible for meeting the dangers to the state and its people presented by a disaster.⁴⁶ Further, the Governor is the only one with the emergency powers to suspend laws;⁴⁷ use all available public resources, including resources of cities and counties;⁴⁸ and control the movement of persons and occupancy of premises on a statewide level.⁴⁹ The Legislature’s intent is clear. In the event of a conflict, Governor Abbott’s emergency orders control; his orders *must* have preemptive effect or else they are meaningless.

45. This conclusion is further supported by the principle that specific statutes control over local ones when a conflict is irreconcilable.⁵⁰ But here harmonization *is* possible: school districts’ general authority is not abolished, but merely circumscribed, by GA-38’s prohibitions. Just as the general authority of a board of trustees does not exempt a school district from complying with a municipal building code,⁵¹ so too does that general authority not exempt a school district from

⁴⁴ See Tex. Gov’t Code §§ 418.014–.015.

⁴⁵ *Id.* § 418.012.

⁴⁶ *Id.* § 418.011.

⁴⁷ *Id.* § 418.016(a).

⁴⁸ *Id.* § 418.017.

⁴⁹ *Id.* § 418.018.

⁵⁰ See, e.g., Tex. Gov’t Code § 311.026.

⁵¹ See *Port Arthur Indep. Sch. Dist. v. City of Groves*, 376 S.W.2d 330, 334 (Tex. 1964).

complying with GA-38. GA-38's ban on mask mandates functions as a particular limit on school districts' general authority.

46. The TDA reflects the Legislature's comprehensive allocation of powers and responsibilities during declared disasters. School districts are subject to the TDA and GA-38 just like any other state law.⁵² In the context of conflicting orders targeted at the subject of a declared disaster, the TDA is what controls, not the general-authority statutes Defendants will likely rely on when opposing this Petition.

47. Further, any alternative conclusion would have absurd and potentially disastrous results. As noted above, the Legislature gave only the Governor the emergency power to issue orders carrying the force and effect of law. City mayors and county judges are not granted this specific power—and school boards are certainly not included in this grant of emergency authority.⁵³ And if the Governor's orders under the TDA could not preempt school district rules, then county judges' and city mayors' orders—orders that are *not* imbued with the force and effect of law—could not preempt either. This inversion of authority would turn dozens of state and local emergency orders into impotent non-binding recommendations. It would make school board trustees, superintendents, and other local officials—individuals who the TDA does not even meaningfully contemplate—the true leaders of the State's response to a statewide emergency. This is not what the Legislature intended when it enacted the TDA and it is not the law.

⁵² *Univ. Interscholastic League v. Midwestern Univ.*, 152 Tex. 124, 134, 255 S.W.2d 177, 183 (Tex. 1953) (“Nobody can question that the public schools of this state ‘are quasi public entities and are subject to direct statutory control’ by the Legislature.”).

⁵³ See Tex. Gov't Code § 418.108.

48. In sum, GA-38 was a lawful use of Governor Abbott’s power to preempt inconsistent local orders. It has the force and effect of state law and must be followed, regardless of whether local officials agree with it. Defendants acted *ultra vires* when they issued a facemask mandate barred by GA-38.

B. Governor Abbott Suspended Defendants’ Authority to Issue a Mandatory Facemask Requirement Under the Circumstances.

49. Governor Abbott, using his TDA-granted power,⁵⁴ suspended “any . . . relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to this COVID-19 disaster that are inconsistent with this executive order”⁵⁵ Under the circumstances, Defendants had no authority to issue and enforce a mandatory facemask requirement that is expressly barred by GA-38. This makes Defendants’ Facemask Order invalid and their conduct *ultra vires*.

50. In *State v. El Paso County*, the El Paso Court of Appeals found that this suspension power should be interpreted broadly.⁵⁶ The court noted that the common dictionary meaning for the term “regulate” included “to control or supervise by means of rules and regulations.”⁵⁷ The court found that § 418.018 and the local emergency order issued thereunder fit within the “classic definition of regulation.”⁵⁸

51. The court then analyzed the term “state business.” The court found that “state business” did not “mean only the activities of state agencies and actors.”⁵⁹ The

⁵⁴ TEX. GOV’T CODE § 418.016(a).

⁵⁵ Ex. A, Pg. 26.

⁵⁶ 618 S.W.3d 812, 823–25 (Tex. App.—El Paso 2020, no pet.), mandamus dismissed (Nov. 20, 2020).

⁵⁷ *Id.* at 824 (citing various dictionaries).

⁵⁸ *Id.*

⁵⁹ *Id.*

court reasoned that, “had the Legislature meant to so limit the term, it would have said ‘official state business,’ as it has done in many other statutes.”⁶⁰ The court found that the local emergency order’s restrictions readily qualified as matters of “state business” under this interpretation.⁶¹ The El Paso Court of Appeals’ reasoning applies equally here.

52. Realistically, in the context of a worldwide pandemic, even local disaster responses are matters of “state business,” especially when local officials are undermining the Governor’s attempt to craft a uniform statewide response to that pandemic. GA-38’s suspensions are valid under § 418.016(a).

53. To be clear, GA-38 is supported by two independent gubernatorial powers—the power to preempt and the power to suspend. Knock out just one of these powers, and GA-38 is lawful under the other. Defendants will need to invalidate both powers to overcome the State’s claims. Defendants will not be able to do so.

II. The State will be Irreparably Injured Absent an Injunction.

54. The State’s injuries are irreparable. The Supreme Court of Texas recently held as much in *State v. Hollins*.⁶²

55. There, the Court explained that a century’s worth of precedent establishes “the State’s ‘justiciable interest in its sovereign capacity in the maintenance and operation of its municipal corporation in accordance with law.’”⁶³

The Court noted that an *ultra vires* suit is a necessary tool to reassert the State’s

⁶⁰ *Id.* (citing Tex. Gov’t Code §§ 660.009, 660.043, 1232.003).

⁶¹ *Id.*

⁶² 620 S.W.3d 400, 410 (Tex. 2020).

⁶³ *Id.* (quoting *Yett v. Cook*, 281 S.W. 837, 842 (Tex. 1926)).

control over local officials who are misapplying or defying State laws.⁶⁴ The Court reasoned: “[This] tool would be useless . . . if the State were required to demonstrate additional, particularized harm arising from a local official’s specific unauthorized actions.”⁶⁵

56. The Court continued that “[t]he [State] would be impotent to enforce its own laws if it could not temporarily enjoin those breaking them pending trial.”⁶⁶ The Court found that, “[w]hen the State files suit to enjoin *ultra vires* action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a temporary injunction.”⁶⁷

57. Per *Hollins*, the irreparable injury requirement favors the State.

58. The El Paso Court of Appeals rightly viewed *Hollins* “as controlling” on the irreparable injury issue.⁶⁸

III. Emergency Injunctive Relief is Necessary to Preserve the Status Quo.

59. “The status quo is the last actual, peaceable, noncontested status which preceded the pending controversy.”⁶⁹ There was no controversy over Defendants’ Facemask Order until they issued that order, which occurred after Governor Abbott enacted GA-38. The State is merely asking to bring Defendants back to their position prior to their facemask mandate.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *El Paso County*, 618 S.W.3d at 826.

⁶⁹ *Sharma v. Vinmar Intern., Ltd.*, 231 S.W.3d 405, 419 (Tex. App.—Houston [14th Dist.] 2007, no pet.).

60. The Texas Supreme Court has given unequivocal direction to lower courts who are considering local officials' attempt to usurp the Governor's power to control the direction of the State's response to the COVID-19 pandemic. The status quo favors the State.

61. Recently, the Texas Supreme Court overturned two temporary restraining orders and one temporary injunction enjoining GA-38's ban on facemask mandates.⁷⁰ Each time, the Court overturned these injunctions because they altered the status quo.⁷¹

62. The Court spoke in particularly clear and unmistakable terms in its most recent order dated August 26, 2021.⁷² The Court explained that these facemask cases turn on a pure legal question: "[W]hich government officials have the legal authority to decide what the government's position on [facemasks] will be."⁷³ The Court continued: "The status quo, for many months, has been gubernatorial oversight of such decisions at both the state and local levels."⁷⁴ The Court held that the status quo of "gubernatorial oversight" of disaster-related decisions "should remain in place while the court of appeals, and potentially this Court, examine the parties' merits arguments to determine whether plaintiffs have demonstrated a probable right to the relief sought."⁷⁵

⁷⁰ See Exhibits B-D, Pgs. 27-30.

⁷¹ *Id.*

⁷² Exhibit D, Pgs. 29-30.

⁷³ *Id.* at 29.

⁷⁴ *Id.*

⁷⁵ *Id.*

63. Texas Supreme Court precedent requires that this Court enjoin Defendants' Facemask Order and restore the status quo of gubernatorial control. Binding precedent still matters, even during a pandemic.

APPLICATION FOR A PERMANENT INJUNCTION

64. The State also asks the Court to set its request for a permanent injunction for a trial on the merits, and after the trial, issue a permanent injunction as set forth above.

PRAYER

65. For the reasons discussed above, the State respectfully prays that this Court:

- A. Through counsel below, enter an appearance for the State in this cause;
- B. Issue a temporary restraining order, which will remain in force until a temporary injunction hearing is held, restraining Defendants and any of their officers, agents, servants, employees, attorneys, representatives, or any other persons in active concert or participation with them who receive actual notice of the Order from enforcing Defendants' Facemask Order for as long as GA-38 (or a future executive order containing the same prohibitions) remains in effect;
- C. Set a date and time for a hearing on the State's application for a temporary injunction;
- D. Declare Defendants' Facemask Order to be invalid and unlawful;
- E. Issue preliminary and permanent injunctions that order Defendants to: (1) stop, or order stopped, all enforcement efforts of their Facemask Order; (2) rescind their Facemask Order; and (3) refrain from issuing any new emergency restrictions that conflict with GA-38;
- F. Award Supplemental Relief under Tex. Civ. Prac. & Rem. Code § 37.011 as necessary to enforce the declaratory judgment issued by this Court;
- G. Award attorneys' fees and costs; and

H. Award any further relief that the Court deems just and proper.

Respectfully submitted,

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Attorney General of Texas

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ATTORNEYS FOR THE STATE OF TEXAS

CAUSE NO. _____

STATE OF TEXAS,
Plaintiff,

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IN THE DISTRICT COURT

v.

DALLAS COUNTY, TEXAS

RICHARDSON INDEPENDENT
SCHOOL DISTRICT, BOARD OF
TRUSTEES OF RICHARDSON
INDEPENDENT SCHOOL
DISTRICT, DR. JEANNIE
STONE, in her official capacity as
superintendent of the Richardson
Independent School District, and
KAREN CLARDY, REGINA
HARRIS, DEBBIE RENTERIA,
MEGAN TIMME, ERON LINN,
ERIC EAGER, and CHRIS
POTEET, in their official
capacities as trustees of the
Richardson Independent School
District,
Defendants.

_____ JUDICIAL DISTRICT

**DECLARATION OF HALIE DANIELS IN SUPPORT OF THE STATE OF TEXAS’S VERIFIED
ORIGINAL PETITION AND APPLICATIONS FOR TEMPORARY
AND PERMANENT INJUNCTIVE RELIEF**

State of Texas

County of Travis

My name is Halie E. Daniels, my date of birth is January 5, 1989 and my address is P.O. Box 12548, Capital Station Austin, Texas 78711, USA. I declare under penalty of perjury that the facts contained in the State of Texas’s Verified Original Petition and Applications for Temporary and Permanent Injunctive Relief are true and correct. This verification is based on my review of the State and local emergency orders in question and other publicly available materials which this Court will be

able to take judicial notice of.

Executed in Travis County, State of Texas, on the 14th day of September 2021.

/s/ Halie Elizabeth Daniels

Declarant

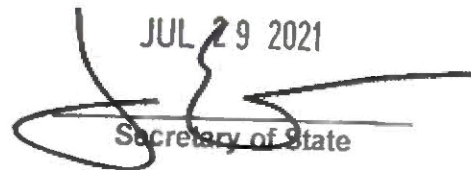


GOVERNOR GREG ABBOTT

July 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021


Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

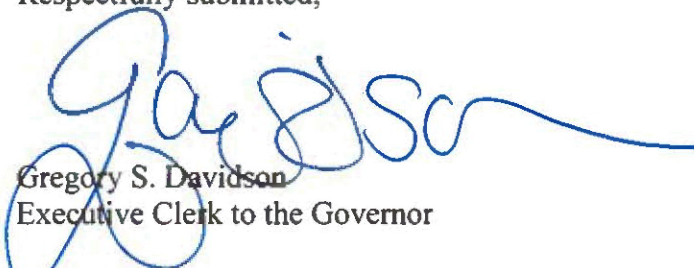
Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-38 relating to the continued response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment



Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 29, 2021

EXECUTIVE ORDER
GA 38

Relating to the continued response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, from March 2020 through May 2021, I issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing and other mitigation strategies; and

WHEREAS, combining into one executive order the requirements of several existing COVID-19 executive orders will further promote statewide uniformity and certainty; and

WHEREAS, as the COVID-19 pandemic continues, Texans are strongly encouraged as a matter of personal responsibility to consistently follow good hygiene, social-distancing, and other mitigation practices; and

WHEREAS, receiving a COVID-19 vaccine under an emergency use authorization is always voluntary in Texas and will never be mandated by the government, but it is strongly encouraged for those eligible to receive one; and

WHEREAS, state and local officials should continue to use every reasonable means to make the COVID-19 vaccine available for any eligible person who chooses to receive one; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility “for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to

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JUL 29 2021

and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, the legislature authorized as “an offense,” punishable by a fine up to \$1,000, any “failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;”

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. To ensure the continued availability of timely information about COVID-19 testing and hospital bed capacity that is crucial to efforts to cope with the COVID-19 disaster, the following requirements apply:
 - a. All hospitals licensed under Chapter 241 of the Texas Health and Safety Code, and all Texas state-run hospitals, except for psychiatric hospitals, shall submit to the Texas Department of State Health Services (DSHS) daily reports of hospital bed capacity, in the manner prescribed by DSHS. DSHS shall promptly share this information with the Centers for Disease Control and Prevention (CDC).
 - b. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to DSHS, as well as to the local health department, daily reports of all test results, both positive and negative. DSHS shall promptly share this information with the CDC.
2. To ensure that vaccines continue to be voluntary for all Texans and that Texans’ private COVID-19-related health information continues to enjoy protection against compelled disclosure, in addition to new laws enacted by the legislature against so-called “vaccine passports,” the following requirements apply:
 - a. No governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
 - b. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
 - c. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed

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3:15pm O'CLOCK

JUL 29 2021

- in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.
- d. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
 - e. This paragraph number 2 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.
3. To ensure the ability of Texans to preserve livelihoods while protecting lives, the following requirements apply:
- a. There are no COVID-19-related operating limits for any business or other establishment.
 - b. In areas where the COVID-19 transmission rate is high, individuals are encouraged to follow the safe practices they have already mastered, such as wearing face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.
 - c. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.
 - d. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
 - e. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
 - f. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
 - g. As stated above, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials. This paragraph number 3 supersedes any conflicting local order in response to the COVID-19 disaster, and all relevant laws are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

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4. To further ensure that no governmental entity can mandate masks, the following requirements shall continue to apply:
 - a. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; *provided, however, that*:
 - i. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
 - ii. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
 - b. This paragraph number 4 shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in subparagraph number 4.a. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
 - i. Sections 418.1015(b) and 418.108 of the Texas Government Code;
 - ii. Chapter 81, Subchapter E of the Texas Health and Safety Code;
 - iii. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
 - iv. Chapter 54 of the Texas Local Government Code; and
 - v. Any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

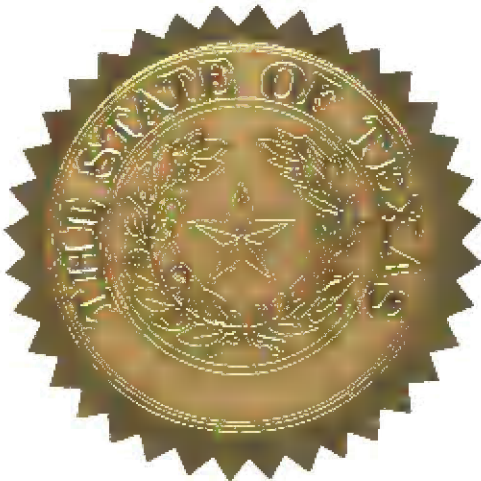
- c. Even though face coverings cannot be mandated by any governmental entity, that does not prevent individuals from wearing one if they choose.
5. To further ensure uniformity statewide:
 - a. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the

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- COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.
- b. Confinement in jail is not an available penalty for violating this executive order. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except that it does not supersede or rescind Executive Orders GA-13 or GA-37. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 29th
day of July, 2021.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor

ATTESTED BY:

Handwritten signature of Joe A. Esparza in black ink, written over a horizontal line.

JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

IN THE SUPREME COURT OF TEXAS

No. 21-0687

IN RE GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE
STATE OF TEXAS

ON PETITION FOR WRIT OF MANDAMUS

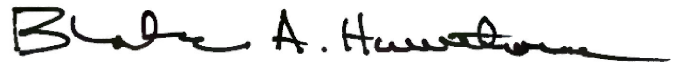
ORDERED:

1. Relator's emergency motion for temporary relief, filed August 13, 2021, is granted. The order on Plaintiffs' Verified Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Declaratory Judgment dated August 10, 2021, in Cause No. 2021CI16133, styled *City of San Antonio and Bexar County v. Greg Abbott, in his official capacity as Governor of Texas, in the 45th District Court of Bexar County, Texas*, is stayed pending further order of this Court, except to the extent that it sets a hearing on plaintiffs' request for a temporary injunction.

2. The trial court's temporary restraining order alters the status quo preceding this controversy, and its effect is therefore stayed pending that court's hearing and decision on plaintiffs' request for a temporary injunction. *See In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004).

3. The petition for writ of mandamus remains pending before this Court.

Done at the City of Austin, this Sunday, August 15, 2021.



BLAKE A. HAWTHORNE, CLERK
SUPREME COURT OF TEXAS

BY CLAUDIA JENKS, CHIEF DEPUTY CLERK



IN THE SUPREME COURT OF TEXAS

No. 21-0686

IN RE GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE
STATE OF TEXAS

ON PETITION FOR WRIT OF MANDAMUS

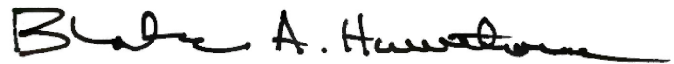
ORDERED:

1. Relator's emergency motion for temporary relief, filed August 13, 2021, is granted. The Temporary Restraining Order, dated August 10, 2021, in Cause No. DC-21-10101, styled *Clay Jenkins, in his Official Capacity v. Greg Abbott, in his Official Capacity as Governor of the State of Texas*, in the 116th District Court of Dallas County, Texas, is stayed pending further order of this Court, except to the extent that it sets a hearing on plaintiffs' request for a temporary injunction.

2. The trial court's temporary restraining order alters the status quo preceding this controversy, and its effect is therefore stayed pending that court's hearing and decision on plaintiffs' request for a temporary injunction. *See In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004).

3. The petition for writ of mandamus remains pending before this Court.

Done at the City of Austin, this Sunday, August 15, 2021.



BLAKE A. HAWTHORNE, CLERK
SUPREME COURT OF TEXAS

BY CLAUDIA JENKS, CHIEF DEPUTY CLERK



IN THE SUPREME COURT OF TEXAS

No. 21-0720

IN RE GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE
STATE OF TEXAS

ON PETITION FOR WRIT OF MANDAMUS

ORDERED:

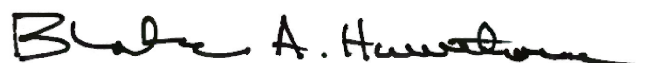
1. Relator's emergency motion for temporary relief, filed August 23, 2021, is granted. The order on Appellees' Rule 29.3 Emergency Motion for Temporary Order to Maintain Temporary Injunction in Effect Pending Disposition of Interlocutory Appeal, filed August 17, 2021, in Cause No. 04-21-00342-CV, styled *Greg Abbott, in his official capacity as Governor of Texas v. City of San Antonio and County of Bexar*, in the Court of Appeals for the Fourth Judicial District, dated August 19, 2021, is stayed pending further order of this Court.

2. As we previously held in staying the trial court's temporary restraining order in the underlying case, the court of appeals' order alters the status quo preceding this controversy, and its effect is therefore stayed pending that court's decision on the merits of the appeal. *See In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004). This case, and others like it, are not about whether people should wear masks or whether the government should make them do it. Rather, these cases ask courts to determine which government officials have the legal authority to decide what the government's position on such questions will be. The status quo, for many months, has been gubernatorial oversight of such decisions at both the state and local levels. That status quo should remain in place while the court of appeals, and potentially this Court, examine the parties' merits arguments to determine whether plaintiffs have demonstrated a probable right to the relief sought.

3. The petition for writ of mandamus remains pending before this Court.



Done at the City of Austin, this Thursday, August 26, 2021.

A handwritten signature in black ink that reads "Blake A. Hawthorne". The signature is written in a cursive style with a long horizontal flourish at the end.

BLAKE A. HAWTHORNE, CLERK
SUPREME COURT OF TEXAS

BY CLAUDIA JENKS, CHIEF DEPUTY CLERK

THE BLUEPRINT

RISD's Back To School Plan - 2021-2022

Updates as of September 10, 2021



RISD COVID-19 Notification Portal

Select Language ▼



Richardson ISD's priority continues to remain the health and safety of our students, staff and their families. RISD is implementing a variety of precautions and protocols for the 2021-22 school year in response to the COVID-19 pandemic to slow the spread of COVID-19. Some protocols may be subject to change based on updated guidance from the state of Texas, public health authorities, or changing conditions in Dallas County. [Please ask questions or submit feedback to RISD Let's Talk.](#)

Face Coverings:

- RISD has made a local decision to require masks.
- Students and staff are required to wear a mask indoors.
- Considerations for masking and other safety requirements will be addressed in the RISD Student Code of Conduct, along with identified campus procedures if requirements are not followed. It is important to note that masking does NOT preclude social distancing. Cloth face coverings should be worn, and social distancing followed when possible.
- Children younger than 2 years old should not wear a mask at any time.
- It may be impractical for students to wear a face mask while participating in some non UIL athletic or other extracurricular activities; however, those students required to wear a cloth face covering should wear them when entering and exiting facilities and practice areas and when not actively engaging in those activities.
- Schools may allow students who are actively exercising to remove their cloth face covering as long as they maintain social distancing.
- Schools must require students, teachers, and staff to wear cloth face coverings as they arrange themselves in positions that will allow them to maintain safe distance.

- Individual needs regarding face masks will be addressed on a case-by-case basis. Requests for accommodations should be submitted to campus administration.
- Students and staff will be provided with a mask.
- Virtual teachers assigned to private, socially distanced areas are not required to wear a mask while directly (synchronously) working with virtual students.
- [Please refer to the following Face Covering Flow Chart for how face covering compliance with students will be handled at the campus level. \(Español\)](#)

Health Precautions

- RISD requires all students and staff to wear a mask during school while indoors.
- Masks are required. It is important to note no classroom placements or schedules will be based on vaccination status.
- Bullying by any student directed towards a student who is wearing a mask or student who is not wearing a mask will not be tolerated and will be addressed by the campus as part of the discipline procedures.
- All adults and students are expected to self-screen and screen their children for symptoms of illness before coming to campus each day. (There is not a daily online RISD screener for the 2021-22 school year).
- Students and parents are expected to stay home and report to their campus nurse and RISD employees are expected to report to health services and their direct supervisor if they have symptoms, have tested positive for COVID-19, or have been exposed to someone who has tested positive for COVID-19.
- Health Services will monitor positive cases within RISD schools, programs, and facilities and will collaborate with Dallas County Health Department in all decisions that could potentially require closing of classrooms and schools.

- Parents are encouraged to talk with their students about COVID-19, and reinforce basic safety measures.
- If you believe your child has an existing medical condition that may prevent them from attending school, please reach out to SSS Coordinator Jessica Garrett at jessica.garrett@risd.org for homebound criteria information.

Environmental Protocols

- Air purifier/filtration system provided in every classroom
- Clear desk shields will be available for any student or teacher in school at their request.
- Increased ventilation and HVAC air filtering where possible in classrooms, indoor common areas, and student transportation.
- Increased cleaning of surfaces and common areas.
- Additional time allocated for handwashing in elementary grades.
- Beginning of year reminders for students about safety protocols, including demonstration of proper handwashing technique for elementary students.
- Encourage frequent use of hand sanitizer.
- Students and staff are encouraged to bring their own reusable water bottle for use throughout the day and take water bottles home to be cleaned on a daily basis.
- RISD staff and students will social distance when possible.
- Campuses will be encouraged to utilize outdoor learning spaces for lunch and other learning experiences when possible and available.
- Teachers will be encouraged to keep doors and windows open to increase ventilation.
- RISD has suspended leasing buildings and facilities to third parties for after-hours use.

- The district is currently limiting the number of volunteers and visitors during the school day; and any visitors and volunteers will only be allowed in designated areas of the campus that have minimal interaction with students.
- Cafeterias will be closed to visitors during lunch hours.
- The district will continue to monitor and communicate any changes with parents and the school community throughout the school year.

Clinic Considerations

- The campus nurse will work closely with the principal and front office staff to determine how to best meet the needs of all students while maintaining confidentiality and possible isolation. Plans will be campus specific because of the multiple sizes and layouts of each clinic.
- In an effort to minimize exposure, clinic traffic will be divided between students that are feeling ill and students that are not.
- All teachers will be provided with a basic first-aid kit, and teachers will assist and direct students to handle minor injuries in the classroom or front office.
- Nurses will determine processes for medication administration, keeping healthy students separate from those complaining of illness. Medication administration may occur (where confidentiality permits) in the classroom, in another room within the school or in the clinic. Medication administration may be delegated to other staff designated by the principal.
- RISD staff will only administer those medications that must be given during the school day. If the therapeutic use of the medication can be accomplished by dosage outside of the school day, the medication should not be administered at school.
- Nurses will determine processes for performing medical procedures to

maintain a clean area where the student will not be exposed to others. Medical procedures may take place in the classroom (where confidentiality permits), in another room within the school, or in the clinic. Nursing procedures may not be delegated to other staff; however, clinic coverage may be needed if the nurse must leave the clinic in order to perform a procedure.

- An isolation area will be determined for students exhibiting symptoms of COVID-19 while they are waiting for pick up. Isolation areas should be located such that staff can visually monitor the child while still maintaining social distancing.
- Clinics can no longer be used for rest, cool down, or an emotional safe place for anxiety. Principals should identify an alternate space for students in these situations.
- Clinics can no longer be used for incontinence issues, which is not a medical issue. Students may bring spare clothing in their backpack and use a designated restroom for cleanup. Front office staff may call home for spare clothing if necessary.
- Clinic restrooms will be for student use while in the clinic. Staff may not use the clinic restroom and should use designated staff restrooms.
- It is recommended that teachers call before sending a student to the clinic so that the nurse can prepare the clinic if the student is symptomatic, relocating any healthy students, and allowing the nurse to don proper PPE.

Asthma, Anaphylaxis, Allergies

- Students with asthma, anaphylaxis, or other life threatening conditions will be encouraged to carry and/or self-administer medication prescribed for these conditions provided the physician and the parent/ guardian provide permission for the student to do so on the medication administration paperwork. All

students who self-carry medication at school are still required to complete and provide the appropriate paperwork to their campus nurse.

- Students with symptoms of COVID-19 should not attend school. Symptoms of asthma and COVID-19 may overlap, including cough and shortness of breath. Parents should collaborate with the campus nurse and personal healthcare provider to determine the best option for what to do when their child experiences an acute asthma attack.
- According to the CDC, during this COVID-19 pandemic, asthma treatments using inhalers with spacers are preferred over nebulizer treatments whenever possible. Aerosols generated by nebulizer treatments are potentially infectious. If students require a nebulizer at school, a physician note will be required explaining why that student cannot use an inhaler with spacer.
- Students with seasonal allergies will be permitted in school. Students that have significant sneezing and coughing may be referred to the clinic so that the campus nurse can work with that parent to achieve better control.

Missing School

- Students or staff who are symptomatic, positive, or choosing to quarantine may not participate in face-to-face school activities until cleared to return under CDC guidelines. The campus nurse for students and RISD Health Services for employees will evaluate each situation and provide a return to school or work date.
- Students who miss school due to illness or quarantine will be able to keep up with assignments and make up work upon their return, as with any other excused absence due to illness.
- Any student or family needing internet access can notify their school to check

out an RISD hotspot.

- What happens if my student tests positive or chooses to be quarantined but is not symptomatic and is able to continue with learning?
 - Pre-K through 6th grade – a quarantined elementary student will be provided with a COVID support teacher. The COVID support teacher will follow the RISD curriculum and provide students with some synchronous and asynchronous instruction and instructional materials. All submitted student work will be given to the student’s homeroom teacher to be reviewed and graded, if applicable. The student stays enrolled at their home school, the COVID support teacher will simply help support the expected learning objectives during the quarantine or illness period. Students will take home the student iPad to support learning expectations.
 - Grades 7-12: Secondary students will be assigned a COVID support teacher in the four core areas, Reading/Language Arts, Math, Science and Social Studies. One teacher per core area per grade level will provide content support to any student missing school due to quarantine. The school will provide students and parents the COVID support teacher information when quarantine begins. The core teacher will provide general support for the course and students will be able to ask questions and receive tutorial support. All assignments will be distributed and graded by the student’s scheduled teacher. Those assignments will be located in google classroom with directions and information provided by the teacher. Logging into scheduled zooms with COVID support teachers is required for quarantine days to not count as an absence for the student.

COVID-19 Vaccinations

- Eligible students and staff are strongly encouraged to get vaccinated to

protect themselves against COVID-19.

- If a child has been vaccinated, parents are requested to send a copy of the vaccine card to the campus nurse so the information can be included with the student's records.

Experiencing Symptoms

The presence of any of the symptoms below generally suggests a person has an infectious illness and should not attend school, regardless of whether the illness is COVID-19:

- Temperature of 100.0 degrees Fahrenheit or higher
- Sore throat (not caused by seasonal allergies)
- Cough (for students with chronic cough due to allergies or asthma, a change in their cough from baseline)
- Difficulty breathing (for students with asthma, a change from their baseline breathing)
- Diarrhea or vomiting
- New onset of severe headache, especially with a fever
- Loss of taste or smell
- Congestion or runny nose

RISD staff and students should not attend school in-person if they or their parent identifies new development of any of the symptoms above. Parents should contact their child's school and report that their child is sick. The school nurse may ask some additional questions to help determine when it is safe for the child to return to school. Students with COVID-19 like symptoms will be excluded from school for 10

days unless they can provide a negative rapid antigen result, or a negative PCR result,

a medical note clearing the student to return to school, or an alternative diagnosis by a Medical Provider that is submitted to Health Services. Please note that a negative home test cannot be accepted because the specimen cannot be verified. Staff will communicate with their direct supervisor and Health Services to determine next steps.

Students who are feeling ill during the school day will be evaluated by the campus nurse who will consult the parent/guardian to determine if they need to be seen by a medical provider.

Screening Program for COVID-19 On Campus

RISD Campus Nurses are prepared to administer voluntary and consented COVID-19 rapid testing for individual staff and students pending delivery of supplies and directives from the Texas Education Agency.

Positive Case Processing and Quarantine Protocols

RISD Health Services will process positive case reports during regular school days/business days from 8 a.m. – 2 p.m. Any information submitted after 2 p.m. or during the weekend will be processed the following business day. Positive case reports will be processed as follows:

- When a student or staff member has tested positive, the parent or staff member will be asked to provide a copy of the PCR or antigen test results to

Health Services.

- Once the results have been reviewed, Health Services will interview the parent regarding when symptoms began and confirm the dates the student attended school.
- Parents of all students in the positive student's classroom/activities will be notified by email (through Focus) that a person in their classroom/activity has tested positive, potentially exposing other students.
- Parents who receive a potential exposure notification should closely monitor their child for symptoms for 14 days and not send their child to school if experiencing any symptoms.
- If a student who was potentially exposed begins to experience symptoms, that student will be required to quarantine under CDC guidelines.
- If a student who was potentially exposed is not experiencing symptoms, parents may choose, but are not required, to quarantine the student as a preventative measure.
- Any unvaccinated student/ staff member who has a positive person within their household, will be required to quarantine under CDC guidelines.
- Students in athletics/fine arts may have additional UIL guidelines to follow and may receive further instructions from their coach and campus nurse.
- A student with a positive rapid test can be overturned by a negative PCR that is taken within 24 hours of the original rapid test.

Return to Campus from Quarantine

- The CDC recommended quarantine period for exposed people is 14 days.
- Students or staff may choose to return from the 14-day quarantine early if they:

- Take a Rapid Antigen or PCR test on days five, six or seven from their last

exposure and return on day eight with a negative result. Please note that a negative home test cannot be accepted because the specimen cannot be verified.

- Return on day 11, if no symptoms are present during the first 10 days.
- Return on day 15, if no symptoms are present the entire 14 days.

COVID Positive

RISD students and staff who test positive for COVID-19 will not be able to attend in-person school activities and are encouraged to stay home in isolation under CDC guidelines. People who test positive should complete 10 days of isolation counted from the day their symptoms began or 10 days after they tested positive, if they did not experience any symptoms. Campus nurses and RISD Health Services will help staff, parents, and students determine when it is safe to return to campus.

Note: If you believe your child has an existing medical condition that may prevent them from attending school, reach out to our Special Student Services Coordinator, Jessica Garrett for homebound criteria information. Parents needing additional information regarding counselor support or other questions please use the following elementary and secondary hotline available for parents during normal school hours.

Elementary/Secondary Support Hotline: 469-593-0480

RISD Travel Protocols 2021-2022 (for first grading period)

Overnight student travel will be limited at this time. **RISD will reevaluate these guidelines at the beginning of each 9 week grading period**, taking into account the spread of the Covid-19 virus.

- Non-essential overnight student travel will not be permitted at this time, including, but not limited to, elementary camps, and events that are not UIL or required competitions.
- Essential overnight student travel should be limited to no further than 300 miles from RISD.
 - This ensures that parents/guardians can get to their child quickly if needed if COVID-related issues arise.
- If a child becomes symptomatic, a parent/guardian will be expected to come immediately and pick their child up.
- No air travel allowed at this time.
- Students will sleep one person to a bed.
- Trip insurance is strongly encouraged for all students.
- These guidelines are subject to change pending local health guidance and district protocols.

Field trips during the school day are allowable if COVID protocols can be followed. Outdoor trips are encouraged. Large indoor gatherings should be avoided.

Resources

- [Center for Disease Control and Prevention – CDC](#)
- [Coronavirus Self-Checker – CDC](#)
- [2021 COVID-19 Cumulative Cases by Zip Code as of Sept 3](#)
- [TEA Coronavirus \(COVID-19\) Support and Guidance](#)
- [Dallas County Health and Human Services](#)
- [Keeping Kids Safe: An Evidence-Based Guide by Dr. Katelyn Jetelina](#)
- [Vaccines.gov](#)

Provide Feedback

Please access our Let's Talk Platform to share feedback, comments, and questions about The Blueprint: RISD's Back To School Plan – 2021-2022.

Provide Feedback

TRANSLATE

Select Language ▼

FOLLOW RISD



QUICK LINKS

[risd.org](https://www.risd.org)

CONTACT US

400 S. Greenville Ave.
Richardson, TX 75081

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to webmaster@risd.org.



90°

TRENDING Cowboys Tonight Rebound: Recipe Oak Cliff COVID-19 Testing COVID-19 Tra...

RICHARDSON ISD

Richardson ISD Keeps Mask Mandate; Rising Cases at 7 Campuses Cause Concern

By **Maria Guerrero** • Published September 3, 2021 • Updated on September 3, 2021 at 10:26 pm



The Justice Department is suing Texas over a new state law that bans most abortions, arguing that it was enacted “in open defiance of the Constitution.”

School leaders and health experts in Richardson agree, students are best served in school.



But what happens when the spread of COVID-19 is out of control?

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The rapid increase of cases at [one school in the district led officials to quarantine and close an entire campus for 10 days.](#)

The superintendent called an emergency school board meeting to discuss the issue.

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Despite some opposition, RISD board members voted Friday to keep the district’s mask mandate and safety protocols in place, including contact tracing.

Parents arrived at Brentfield Elementary School on Friday to pick up their child’s virtual lesson plan for next week. Students on this campus will return to virtual learning for 10 days, beginning Tuesday.

On Thursday, the district closed Brentfield and canceled Friday classes after reporting 29 COVID-19 cases.

Since the start of the school year, the school has reported 41 cases in all, 29 in just the past 10 days.

District leaders said they called Dallas County health officials to report concerns last week regarding a sudden rise in cases among Brentfield students in second, fifth and sixth grade.

The district, in consultation with health experts, determined its current mitigation strategies were not stopping the spread.

COVID-19 cases and students instructed to quarantine after being in close contact with a COVID-positive classmate led to a 15% absentee rate at Brentfield.

1:43

COVID-19 Cases Causing Problems at North Texas School Districts

The board meeting discussed the closure, COVID-19 cases and held a vote on RISD's mask mandate and safety guidelines.

Superintendent Dr. Jeannie Stone told board members the district has been in constant contact with city and Dallas County health officials, who were in favor of closing the school in order to stop further spread of the virus.

Doctor David Bonnet called into the board meeting on Friday. He has been the city's health advisor for almost 27 years.

One woman who spoke during the public comment period asked the board, "if masks work so well, then why are you continuing to contact trace and now shutdown schools and move them to virtual learning?"

Dr. Bonnet said masks and contact tracing are vital in their fight.

“We’ve got to keep as many kids in school as we can,” he told the board. “Masking does not stop the virus, but it cuts down on the transmission so that we can keep the numbers down.

Bonnet later joined NBC 5 for an interview via Zoom.

“The purpose of the mask mandate is to slow the spread,” said Bonnett. “You’re not going to stop it with masks. A study out of Bangladesh said it was only a 10-20% decrease, but every little bit helps.”

RISD’s director of nursing also spoke during the emergency meeting and provided an update on the number of COVID-19 cases district-wide.

RISD had a total of 1,854 positive cases among students last school year, she said.

So far this year, “we have seen 537 student cases,” said Ashley Jones. “You can see that is a significant amount to push through in 13 days.”

Trustee Regina Harris asked Jones if she knows what’s behind the higher number of cases at Brentfield.

“Honestly, no,” responded Jones.

This particular campus was among the first to report a rise in cases, she said.

It’s possible it was simply able to spread very quickly, early on.

Jones also informed board members a sixth-grade student who is currently battling coronavirus in the ICU. The district could not confirm whether the student attends Brentfield, citing privacy laws.

When it comes to Brentfield’s 15% absentee rate and the subsequent decision to shut down, Jones said the same action would have been recommended had it been flu cases that caused a 15% absentee rate.

As for the high numbers across the district, Jones told board members some schools have reported cases of defiant parents.

“Parents are binding together and not testing on purpose,” she said. “They don’t want to let us know that they’re positive. We’re also getting feedback that they’re sending their kids, symptomatic. We know this. Some by just not knowing, because sometimes it does present as allergies and then some intentionally because they can’t not miss school or because the parent doesn’t really perceive it as a threat. So, this is the environment that we are starting out school with.”

Brentfield is not the only school considered a ‘hotspot for COVID-19 spread’ right now.

Jones said they are concerned about seven campuses, including Bowie and Richardson Heights Elementary Schools.

Both Brentfield and Bowie are located in the city of Dallas and are in close proximity to each other.

Bowie is reporting 23 active cases of COVID-19, including five cases added today, said Jones.

If cases continue to increase, it is possible this and other schools may be temporarily closed.

Dr. Bonnet told board members another overarching goal is to keep local hospitals from being overwhelmed with patients, both COVID-19 and not.

When asked about the increasing number of school closures around the state, Texas Classroom Teacher's Association staff attorney Julie Leahy said the start of the school year has been a difficult and stressful time for their members.

While she said teachers remain concerned for their health and their students' health, closures provide a challenge in making up for the substantial loss sustained over the last 18 months.

“That requires a pivot from both the teacher and the students. It is an interruption in instruction and it’s disruptive. But at the same time, I think a lot of teachers recognize that it’s necessary to keep kids healthy,” said Leahy.

As of yesterday, 12 people had to wait for a bed at Richardson Methodist, he announced.

“If the numbers continue to climb, we’re going to have to start backing off elective cases again and that means someone with a bad knee, a bad hip is not going to be able to get that taken care of,” he said.

Bonnet also told RISD he predicts the coming two to three months will be the ‘wild wild west’ for school districts grappling with coronavirus cases.

“I think we’re going to see big numbers,” he said. “I think probably between the 2020-2021 school year, most kids in school under the age of 12 are going to get COVID-19.”

Board members voted 7-0 to maintain a mask mandate and safety guidelines.

RISD will take up the issue again at its next meeting on October 4.

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WHAT DO YOU THINK?



Broadly speaking, do you think student- and parent-led protests against mask mandates at public schools will largely be effective or ineffective in the long run?

- Very effective
- Somewhat effective
- Somewhat ineffective
- Very ineffective
- Other / No opinion

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KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2021

VIA EMAIL

Dr. Jeannie Stone
Superintendent, Richardson ISD
400 S. Greenville Ave.
Richardson, TX 75081
jeannie.stone@risd.org

Dear Dr. Stone:

You recently enacted a local policy mandating that students and faculty wear face masks at schools in your district. Your actions exceeded your authority as restricted by Governor Abbott's Executive Order GA-38, which states that "[n]o governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering[.]"¹

The Governor's executive orders "have the force and effect of law" and supersede local regulations.² Courts have previously agreed.³ My office has taken legal action in multiple cases across the state to defend the rule of law by ensuring the Governor's valid and enforceable orders are followed.

You are advised that two days ago the Texas Supreme Court issued two orders staying temporary restraining orders issued by trial courts in Dallas and Bexar counties that sought to enjoin the Governor from asserting his authority to preempt local face-mask mandates.⁴ These orders are a preview of what is to come. We are confident that any attempt to obtain a similar

¹ See Executive Order GA-38, issued July 29, 2021, available at: https://gov.texas.gov/uploads/files/press/EO-GA-38_continued_response_to_the_COVID-19_disaster_IMAGE_07-29-2021.pdf.

² See, e.g., Tex. Gov't Code §§ 418.011–.012.

³ See, e.g., *State v. El Paso Cty.*, 618 S.W.3d 812 (Tex. App.–El Paso 2020, no pet.).

⁴ <https://www.txcourts.gov/supreme/orders-opinions/2021/august/august-15-2021.aspx>



temporary restraining order in your jurisdiction will inevitably be stayed by the Texas Supreme Court and that any subsequent relief ordered by a trial court will ultimately be reversed.⁵

The Supreme Court has spoken. Local orders purporting to enjoin the Governor's authority may not be enforced while the Court considers the underlying merits of these cases. My office will pursue further legal action, including any available injunctive relief, costs and attorney's fees, penalties, and sanctions—including contempt of court—available at law against any local jurisdiction and its employees that persist in enforcing local mask mandates in violation of GA-38 and any applicable court order.

I request your acknowledgement by 5 p.m. Tuesday, August 17, that in light of the Court's rulings, you will rescind your local policy requiring masks in public schools or, alternatively, not enforce it pending the Supreme Court's disposition of the cases before it involving this issue. Otherwise, you will face legal action taken by my office to enforce the Governor's order and protect the rule of law.

For Texas,



KEN PAXTON
Attorney General of Texas

⁵ *Veigel v. Tex. Boll Weevil Eradication Foundation*, 549 S.W.3d 193, 202–03 (Tex. App.—Austin 2018, no pet.) (acknowledging that lower courts “are not free to mold Texas law as we see fit but must instead follow the precedents of the Texas Supreme Court”).



OFFICE OF THE GENERAL COUNSEL
RICHARDSON INDEPENDENT SCHOOL DISTRICT
Where all students learn, grow and succeed

August 17, 2021

Via Email

Hon. Ken Paxton
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

Dear General Paxton:

Your letter to Dr. Jeannie Stone, Superintendent of the Richardson Independent School District (RISD or the District), was referred to me for response. I represent the District. Kindly refer future communications to the attention of the undersigned.

We find your letter confusing and unwarranted. Your letter accuses Dr. Stone of acting in an unlawful manner when she used her professional judgment and discretion to implement a mask mandate to protect students, employees, and visitors in RISD. Dr. Stone's action not only was lawful but also was entirely reasonable in the light of the surging COVID-19 infections in the area. Other local school districts have issued similar mask requirements.

RISD is watching closely the rapidly changing legal landscape concerning the masking issue. You refer to the Orders of the Texas Supreme Court from August 15 in the actions involving Dallas and Bexar Counties regarding the respective county judges' challenges to Executive Order GA-38. The Supreme Court's Orders that stayed those matters did not apply to school districts. Indeed, neither RISD nor any other school district was a party in either proceeding.

Surprisingly, you fail to acknowledge the order from another court that does allow Dr. Stone's action. Specifically, I reference the temporary restraining order from Judge Soifer in the matter of *The Southern Center for Child Advocacy v. Greg Abbott, in his official capacity as Governor of Texas*, Cause No. D-1-GN-21-033792, 53rd Judicial District, Travis County, Texas (SCCA TRO). The SCCA TRO temporarily restrains and enjoins Governor Abbott and his agents "from enforcing the portions of Executive Order GA-38 regarding face coverings against Texas independent school district." Similarly, in *La Joya Independent School District, et al. v. Greg Abbott, in his official capacity as Governor of Texas*, Cause No. D-1-GN-21-003897, in the 353rd Judicial District, Travis



Hon. Ken Paxton

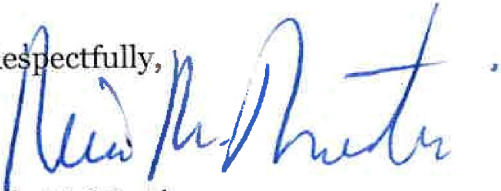
August 17, 2021

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County, Texas, the court entered an Order Granting Temporary Restraining Order and Request for Judicial Notice (the LaJoya TRO). The LaJoya TRO also temporarily enjoined and restrained Governor Abbott from enforcing GA-38 related to face coverings against public schools in Travis County. When Dr. Stone announced the mask requirement for RISD, she did so in reliance on the SCCA TRO, which remains in effect. Even more important, the Texas Supreme Court already has denied the letter request you filed on August 16, 2021, seeking, *inter alia*, to apply the emergency relief that the Texas Supreme Court granted in the Dallas and Bexar county actions to the SCCA TRO and the La Joya TRO.

The SCCA TRO specifically enjoins the Governor from enforcing provisions of GA-38 regarding face coverings against public school districts. RISD reasonably and in good faith believes that the prohibition in GA-38 concerning mask mandates currently is not enforceable against it or other school districts. RISD is not violating any court order or other applicable order as you accuse and there is no basis to warrant your threatened pursuit of legal actions including sanctions and contempt of court. As it always has, RISD will comply with any applicable orders. If there is additional information about which you believe the District should be aware, please forward it to me so we may properly consider it.

Respectfully,



Mia M. Martin
General Counsel

c: Dr. Jeannie Stone
RISD Board of Trustees

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