

Dallas Independent School District,	§	
ED TURNER, in his official capacity as Board Trustee for the Dallas Independent School District,	§	
<i>Defendants.</i>	§	193 RD JUDICIAL DISTRICT

AGREED ORDER ON RULE 202 PETITION

ON THIS DAY, the Court considered the pleadings, and the agreement of the parties as indicated by signatures below.

Background

This cause is a petition under Texas Rule of Civil Procedure 202 brought by the State of Texas seeking depositions regarding potential ultra vires claims related to the requirements under Texas Education Code Section 33.0834. The State of Texas sought court approval to take depositions of the Dallas Independent School District (“Dallas ISD” or the “District”) employees and officials named as Defendants in the petition. Shortly after being served, counsel for Dallas ISD informed the Attorney General that Defendant Mahoganie Gaston has been terminated from Dallas ISD.

Agreement

Defendants JOE CARREON, in his official capacity as President and Trustee for the Dallas ISD, BEN MACKEY, in his official capacity as First Vice President and Trustee for Dallas ISD, MAXIE JOHNSON, in his official capacity as Second Vice President and Trustee for Dallas ISD, CAMILE D. WHITE, in her official capacity as Board Secretary and Trustee for Dallas ISD, LANCE CURRIE, in his official capacity as Board Trustee for Dallas ISD, SARAH WEINBERG, in her official capacity as

Board Trustee for Dallas ISD, DAN MICCICHE, in his official capacity as Board Trustee for Dallas ISD, JOYCE FOREMAN, in her official capacity as Board Trustee for Dallas ISD, and ED TURNER, in his official capacity as Board Trustee for Dallas ISD (collectively the “Board”), acting as a body corporate, have established District-wide policies requiring compliance with Texas Education Code Section 33.0834. *See* Board Policy FM (Legal) (issued November 19, 2023).

Further, Defendant DR. STEPHANIE S. ELIZALDE, in her official capacity as Superintendent of Dallas ISD, is obligated by Texas Education Code Section 11.1512(a) to “ensure the implementation of the policies created by the [B]oard,” including FM (Legal), which, by reference to Section 33.0834 of the Texas Education Code, prohibits a student from competing in interscholastic athletic competitions designated for the opposite biological sex, subject to the specific exception outlined in Section 33.0834(b) regarding female students competing in interscholastic athletic competitions designated for male students if a corresponding interscholastic athletic competition for female students is not offered or available.

In light of the foregoing factual recitations, policies, and legal obligations, the parties agree, therefore, that the likely benefit of allowing the petitioner to take the requested depositions to investigate potential ultra vires claims has been decreased, making such depositions unnecessary at this time. Without admitting any wrongdoing or liability concerning the subject of the State’s petition, Defendant DR. STEPHANIE S. ELIZALDE agrees, and it is therefore, **ORDERED** that Defendant DR. STEPHANIE S. ELIZALDE, in her official capacity as Superintendent of Dallas

ISD, shall, consistent with her obligations under Texas Education Code Section 11.1512(a), ensure that all employees and staff of Dallas ISD are provided notice of and are directed to comply with Section 33.0834 of the Texas Education Code, prohibiting a student from competing in interscholastic athletic competitions designated for the opposite biological sex subject to the exception provided for by Section 33.0834(b), and are further prohibited from counseling parents or students on circumventing this statute. Specifically, consistent with ensuring said compliance, DR. STEPHANIE S. ELIZALDE, in her official capacity as Superintendent of Dallas ISD, within fourteen business days of the execution of this Order, will cause to be issued a District-wide communication to all employees and staff stating: (1) the requirements set out in Section 33.0834 of the Texas Education Code and Board Policy FM (Legal); (2) that all employees and staff of Dallas ISD are to comply with this statute; (3) that employees and staff of Dallas ISD are prohibited from counseling parents or students on efforts to circumvent this statute; and (4) that employees and staff of Dallas ISD should direct all inquiries concerning compliance with this statute to an administration-level point of contact designated by DR. STEPHANIE S. ELIZALDE, who has received instruction on compliance with this statute and has been prohibited from counseling parents or students on efforts to circumvent this statute.

It is **FURTHER ORDERED** that all parties shall be responsible for their own costs and that no attorney fees shall be assessed in this matter. All other relief prayed for by any party but not herein expressly given is denied. This order disposes of all

parties and all claims in this petition without prejudice and, therefore, is final.

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Signed on this ____ day of _____ 2025.


JUDGE PRESIDING

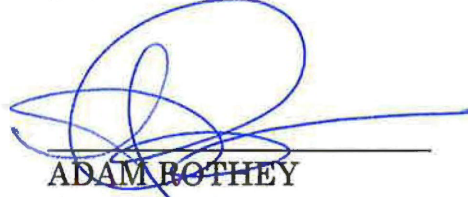
Agreed as to Form and Substance:

/s/ Steven Ogle

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Catherine Hughes on behalf of Steven Ogle
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Associated Case Party: STATE OF TEXAS

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Ernest Garcia		ernest.garcia@oag.texas.gov	4/7/2025 3:21:42 PM	SENT
Catherine Hughes		catherine.hughes@oag.texas.gov	4/7/2025 3:21:42 PM	SENT
Steven Ogle		Steven.Ogle@oag.texas.gov	4/7/2025 3:21:42 PM	SENT

Associated Case Party: DR. STEPHANIES.ELIZALDE

Name	BarNumber	Email	TimestampSubmitted	Status
Kenneth Rothey	24051274	arothey@thompsonhorton.com	4/7/2025 3:21:42 PM	SENT