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Austin

American Statesman MAY 16 2024

## 'Navigability' of the Rio Grande? 5th Circuit Court takes up Texas border buoys case

By John C. Moritz

The full 5th U.S. Circuit Court of Appeals heard conflicting accounts Wednesday on whether the section of the Rio Grande where the state of Texas installed a 1,000-foot barrier of floating buoys to deter unlawful crossings by migrants is “navigable” and therefore subject to federal authority.

In a hearing before the New Orleans-based appellate court, Lanora Pettit, deputy solicitor general for the Texas attorney general’s office, told the 27 judges that the narrow, shallow stretch of the international river near Eagle Pass is hardly fit to carry commercial vessels and has never been used to do so.

“Too many rocks and not enough water,” Pettit said during the hourlong hearing, which was carried by audioonly livestream.

Michael Gray, who is representing the federal government in the lawsuit filed against Texas and Gov. Greg Abbott in response to the buoys’ placement, said Pettit’s definition of navigability is too limited.

Whether commercial boats can traverse the river upstream and downstream is not the issue, Gray said. The question is whether vessels can get from one shore to the other. And since U.S. Border Patrol boats are constantly on the Rio Grande near where the buoys

have been anchored since July 2023 because of Abbott’s claims that the water barrier is needed to defend the state from an “invasion” of migrants crossing from Mexico, Gray said that proves the river is navigable. So does the commercial rafting and

canoeing business that operates in that area of the Rio Grande, he added.

“These all show that there’s sufficient water in the river for similar types of commerce,” Gray said.

The federal government’s lawsuit hinges on a section in the U.S. Rivers and Harbors Act of 1899 that says the U.S. Army Corps of Engineers must sign off on any plans to place a wharf, pier, boom breakwater, bulkhead, jetty or other structures in navigable waters.

The 5th Circuit is considering whether an order handed down last year by Senior U.S. Judge David Allan Ezra of the Western District of Texas requiring the buoys to be moved to the Texas shoreline should stand pending a trial on the merits of the lawsuit.

A three-judge panel of the 5th Circuit in December upheld Ezra’s ruling but the barriers have been allowed to remain in place pending a ruling by the full court. Chief Judge Priscilla Richman gave no indication Wednesday on when the court would rule on the matter.

Pettit argued that Gray’s definition of navigability would effectively take rivers and streams throughout the country from the traditional authority of the states and place them under federal jurisdiction. One of the judges, whose voice could not be identified from the audio stream, made what he acknowledged was an “absurd” but pointed comparison to “friends just ferrying in a small rowboat Girl Scout cookies” to sell would render any stream “navigable.”

Gray countered that the Rio Grande, as a river connecting Texas to Mexico, cannot

be likened to a small channel contained within the boundaries of a single state.

The buoys, which came with a price tag estimated at \$1 million, have emerged as more of a symbolic gesture than an actual deterrent to unlawful immigration. Because the barrier is less than one-quarter mile long and sits in normally shallow waters, news organizations have captured still images and video of migrants simply bypassing the chain to reach the Texas side of the river.

Still, they are part of Abbott’s \$11 billion border initiative called “Operation Lone Star,” which was launched just weeks after President Joe Biden moved into the White House and began rolling back many of the hard-line immigration policies former President Donald Trump ordered, namely Title 42 expulsions – a COVID-19 era measure that allowed the country to quickly expel migrants over public health concerns.

The buoys are not the only legal matter pending before the 5th Circuit involving the federal government challenging Texas’ actions to take an unprecedented role in immigration enforcement. Last month, a three-judge panel of the court put on hold a Texas law that would have authorized state and local law enforcement officers to arrest and deport people suspected of being in the United States without legal authorization.

The merits of the federal lawsuit filed in response to the state law enacted last year, known as Senate Bill 4, have not yet been fully litigated.

Austin

American Statesman MAY 16 2024

## Travis County voters may decide whether to approve a tax increase to pay for child care

By Keri Heath

Travis County voters in November may decide whether to raise the property tax rate by 2.5 cents per \$100 valuation to help fund early childhood education and after-school and summer programs for

children after county commissioners gave the measure an initial approval.

“When we invest in child care, the whole community benefits,” Travis

County Judge Andy Brown said at a news conference after the vote Tuesday.

**Continued on Next Page.**

## Cont. from “Travis County...”

“There are lower incarceration rates, lower health care costs and a better educated workforce.”

County leaders hope the funding proposal, which is estimated to generate \$76.8 million, could expand access to quality child care as parents statewide struggle to find affordable care that allows them to stay in the workforce.

Commissioners on Tuesday unanimously voted to preliminarily approve the proposed tax rate increase. The Commissioners Court will need to take a second vote to call an election on the proposal to put the measure in voters’ hands.

The proposed tax increase is expected to cost the average homeowner an additional \$10.20 per month, according to early county estimates.

Travis County has particular issues with child care accessibility, Brown said. Many waitlists for placement in a child care program extend to up to 24 months, he said.

Access to child care also helps children prepare for their own futures, said Precinct 1 Commissioner Jeff Travillion.

“If our kids aren’t trained to work in those places, what is the benefit of bringing Fortune 500 companies?” he said.

Travis County has a high need for early childhood care, Austin school board President Arati Singh said.

There are about as many families on the school district’s waitlist for early childhood care as there are students actually being served by those services, she said.

“High-quality early child care has just about the highest return on investment of anything you can do in public education,” Singh said. “Every dollar invested in early child care has about \$7, even up to \$14, of benefit down the road. This is a fiscally responsible investment.”

Commissioners expect to use the bulk of the new revenue, about \$35 million, to increase the number of open spots available at early childhood care facilities.

An additional \$11.4 million would go toward expanding the availability of after-school and summer care, according to county data.

Commissioners also hope to expand child care access during nontraditional hours for parents who work overnight shifts or on the weekend, and to improve the quality of early childhood care.

Child care access and affordability have long carried significant barriers for parents, but the COVID-19 pandemic exacerbated these problems with facilities closing statewide and many programs struggling to retain staff.

Eastern parts of Travis County are considered child care deserts, according to an analysis by nonprofit Children at Risk.

Swaths of the county’s eastern regions, particularly east of Texas 130, have 0 to 20 child care seats available per 100 children of working parents, according to the nonprofit.

Better access to child care will also help improve the region’s workforce retention, Brown said.

“It allows parents who want to return to the workforce to do so earlier, which benefits families and the economy overall,” Brown said.

## Fort Worth

Star Telegram MAY 16 2024

# Fort Worth joins other Texas cities, approves tax break for child care facilities

BY LINA RUIZ

Fort Worth is following cities such as Dallas, Denton and Austin by giving a full property-tax break to qualifying child care centers.

The Fort Worth City Council on Tuesday approved the tax exemption that will be applied starting this year toward 100% of a facility’s appraised value. The council’s vote was unanimous, with council member Chris Nettles recusing himself as an owner and operator of a child care facility.

The ordinance came forward after Proposition 2 was passed by almost 65% of Texas voters in November, granting local governments the option to provide the tax relief to a sector that’s struggled financially, especially during the COVID-19 pandemic.

Felicia Davis, owner of Ready Set Jump learning centers in east Fort Worth, told council members during public comment that “child care programs are the backbone, as you know, of our local economy” that provide safe and nurturing environments for children while their parents work or go to school. Davis said she’d utilize the money saved through the tax relief to take her pre-K students on field trips to places such as farms, where children can see where their nutritional food comes from.

“We are forced to make difficult choices between keeping prices low so that our parents can afford our services, or raising tuition so that we can invest in the quality of our programs and pay our staff what they deserve,” Davis said. “This property tax relief will finally give us some breathing room. Most importantly, it will help quality-rated centers that serve low-income children stay open, so that they can continue providing much-needed child care services to the family.”

Qualifying child care facilities must be part of Texas Rising Star, the state’s quality rating and improvement system for early childhood programs, and also have at least 20% of its enrolled

children receiving subsidized services through the Texas Workforce Commission. Under these requirements, there are 54 eligible child care programs in Fort Worth, out of about 338 total, that are able to utilize the exemption, according to Fort Worth officials. The city’s estimated revenue loss is \$200,000 to the general fund; its general fund budget for the 2023 fiscal year is \$915.3 million.

For the average child care provider, their savings would be more than \$3,600, according to city estimates. Both property owners and child care directors that are renting their space would benefit financially, but operators of child care homes on a property that already claims a homestead exemption would be ineligible to have the child care exemption.

Carlanda Reeves, who operates child care home Carlanda’s Heavenly Care, also spoke during public comment and described operators like her as “overworked and underpaid.” She said she’d utilize the extra cash to provide transportation services to her families. Reeves was unaware that she’s unable to utilize the child care exemption on top of her homestead exemption until informed by the Star-Telegram after the council vote.

“It’s crucial that they provide the same benefits to home-based facilities,” She said. “We do the same thing but at a smaller level.”

Mayor Mattie Parker thanked the child care providers who attended the meeting and hoped the tax exemption would serve as a nod of appreciation for their work.

“It’s not easy to be a Texas Rising Star child care facility, that means you’re high quality and aspire to do that over and over again every single year, for that we’re incredibly grateful. Each of you are an integral part of the economic development of this community to make sure we have high-quality early childhood education for all kids across the city of Fort Worth.”

## Dallas

Morning News MAY 16 2024

# Texas is among the most food-insecure states, national study shows

BY LEAH WATERS

Texas ranks among the nation's most food-insecure states after pandemic-era programs expired and record-high inflation drove up food prices, according to a national study released Wednesday by Feeding America, the nation's largest hunger-relief organization.

At its annual Mayor Day event on Wednesday, the North Texas Food Bank unveiled the latest insights from the Map the Meal Gap study of 2022 data, which revealed a stark reality for the Lone Star State.

The North Texas Food Bank — a partner food bank of Feeding America — sources, purchases, packages and distributes food through its 500 partners across 13 counties in the region.

Texas grapples with a food insecurity rate of 16.4%, up from 13.7% in 2021. Food insecurity is a result of economic inequality, where households do not earn enough money to regularly afford basic food needs, leading to skipped meals and hungry bellies, according to Feeding America.

Following decades of booming population growth, Texas now has the largest number of food-insecure residents — more than 4.9 million people — surpassing California for the first time.

One out of three food-insecure Texans is a child.

“We typically see families with children being disproportionately affected because they have more mouths to feed,” said Trisha Cunningham, the North Texas Food Bank's president and CEO.

The latest Map the Meal Gap study, which provides local-level estimates of food insecurity and food costs, confirmed much of what North Texas' hunger fighters already knew, according to Cunningham.

A hunger crisis is worsening, she said.

“Texas boasts of being bigger in so many aspects that leading the nation in

food insecurity is not a badge of honor that we should proudly wear in Texas,” Cunningham said.

The North Texas Food Bank's region, which includes 13 counties, has the fourth largest number of food-insecure residents in the nation, behind Los Angeles, New York City and Houston.

North Texans have tried their best to endure a perfect storm of rising inflation and drops in income and government support, Cunningham said.

“We know that neighbors in every ZIP code had to make those difficult choices every day,” she said. “Do they buy groceries, or do they pay for child care or gas? Their standard of living didn't change. What changed was the cost of the basic needs that ate up any kind of buffer that they had. And now they're having to make choices that they've never had to make before.”

Despite a robust food network, the North Texas region still fights to fill a gap of 146 million meals annually, according to the study.

More than half of the North Texas Food Bank's food-insecure population lives in Dallas County, followed by Collin County at 17%, Denton County at 15% and the remaining 10 counties making up 16%.

### Racial disparities

Understanding where families facing hunger live is critical to the food bank's work to ensure they have access to food, said Erica Yaeger, the food bank's chief external affairs officer.

The food bank uses the Feeding America data along with a Hunger Action Map, a comprehensive report developed in partnership with Bain Consulting, to look at regional demographic information and work with its partners to distribute food in ZIP codes with high unmet needs.

In Dallas County, 20% of the people facing hunger reside in 10 South Dallas

and southern Dallas ZIP codes. Last year, the food bank provided about 20 million meals to residents living in those 10 ZIP codes through 160 feeding programs and partners.

In North Texas, the percentage of Black and Hispanic families facing insecurity increased the most compared with white, non-Hispanic households.

About 28% of Black North Texans were food insecure, up from 22% the previous year. About 20% of Hispanic residents were food insecure, a jump from 14%. About 9% of white, non-Hispanic residents in North Texas were food-insecure, up slightly from 7% in 2021.

### Impact in North Texas

The North Texas Food Bank's network has been a steady lifeline to support hungry families over the years, Cunningham said.

“Amid these struggles, there shines a beacon of hope,” she said. “Through the dedication of generous supporters and steadfast partnerships, the North Texas Food Bank delivered a record 144 million meals in fiscal year 2023, a testament to the power of collective compassion and action in the face of adversity.”

The food bank's strategic plan addresses the increased need by partnering with over 500 food pantries and organizations, like its redistribution partners Crossroads Community Services in South Dallas and Sharing Life Community Outreach in Mesquite. The North Texas Food Bank provides access to about 400,000 meals each day.

“We see a clear picture of food insecurity not just in Dallas County, but also in Rockwall and Kaufman counties,” said Teresa Jackson, CEO of Sharing Life. “These are our communities, where our friends and neighbors struggle to put food on the table every single day.”

## Dallas

Morning News MAY 16 2024

# In North Texas, it's tale of 2 booms, data says

BY LEAH WATERS AND JOSÉ ADRIANO

Rapid growth in Texas' suburbs has sparked a population boom adding millions more homes, according to data released Thursday by the U.S. Census Bureau.

As Texas' population soared, the Lone Star State's housing stock exploded, driven by significant gains in Collin and Rockwall counties.

North Texas' Celina topped the list of fastest-growing cities in the nation with a population of 20,000 or more. The town's population grew by 26.6%, more than 53 times that of the nation's growth rate of 0.5%.

What's “driving the demand is the builders,” said Jaime Resendiz, a real estate agent with over seven years of experience in North Texas.

“The reason [is] you have a lot of the big builders,” he said. “You have Island Homes. You have Lennar [and] Bloomfield. You have these mega-builders where they'll build master-planned communities in these cities.”

The census released details about cities' demographics after updating its population estimates for counties in March. The information revealed eight of the 15 fastest-growing cities (of over 20,000 inhabitants) in 2023 are in Texas. Five of them are in Collin County.

While Dallas remained the ninth-largest city with about 1.3 million residents, Fort Worth, with 978,000 residents, surpassed San Jose, Calif., to become the nation's 12th-most populous city.

“There's growth on the south side of the Dallas-Fort Worth metroplex, but the north just blows it out of the water,” Resendiz said.

Meanwhile, San Antonio added more people — about 22,000 — than any other city in 2023, reclaiming its No. 1 spot on the list of gainers and pushing it close to 1.5 million residents.

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## Cont. from “In North Texas...”

Cities in the South grew the fastest in every category measured, according to the census. Cities with a population of 50,000 or more grew by 1%. Smaller cities — from 10,000 to 49,000 residents — grew about 1.5% year over year.

“The population growth across the South in 2023 was driven by significant numeric and percentage gains among its cities,” said Crystal Delbé, a statistician in the Census Bureau’s population division.

Amid growth in the South, other fast-growing cities saw their rates of population change slow down.

For example, population growth in Georgetown, near Austin, slowed from 14.6% in 2022 to 10.6% in 2023. Population growth in Kyle, south of Austin, decreased by nearly 2 percentage points to 9.0% in 2023.

New York City remained the nation’s largest city as of July 2023, with about 8.2 million people, followed by Los Angeles, which reached nearly 4 million residents. Chicago ranked third in the country with

2.6 million residents, followed by Houston’s 2.3 million residents.

The nation’s housing stock — totaling about 145.3 million homes — grew by 1.1%, or 1.6 million units, between July 2022 and July 2023, according to the data.

Texas’ 12.4 million housing units trailed California’s 14.8 million units, as Harris, Travis and Collin counties were three of the top five U.S. counties that led in housing unit gains.

Between July 2022 and 2023, Harris County added 36,000 homes, Travis County added 24,000 and Collin County added 18,000.

Tarrant County, meanwhile, added 17,000 units, ranking eighth in the nation.

Unlike Dallas County’s most developed land, communities in Collin County like Celina, Princeton, Prosper and Anna have more untapped — and likely cheaper — land that allows for more rapid development, said Ashley Brundage, the CEO of Dallas Habitat for Humanity.

“It’s great that we’re seeing a lot of supply that’s getting added into Collin County,” Brundage said. “However, the supply that’s getting added is pretty far

north and is in large family homes and not always at the affordable level of what we need to see happening in the inner city to help keep our workforce housed here.”

Adding a variety of types of housing for sale and rent for households of all incomes within Dallas’ city limits is a necessary part of development to a growing region, Brundage said.

“When we’re seeing costs go up as high as what we’ve seen — and people’s salaries and incomes have not been increasing at that same level — families are having to make hard decisions now between whether they pay for rent or they pay for food,” Brundage said.

North Texas has grappled with an increase in families who visit food pantries to offset their household expenses in order to make rent, she said.

Following decades of booming population growth, Texas now has the largest number of food-insecure residents — more than 4.9 million people — surpassing California for the first time, according to a Feeding America study released Wednesday. One out of three food-insecure Texans is a child.

## Houston

Chronicle MAY 16 2024

# HISD community demands Mike Miles' resignation over report on charter school financials

By Megan Menchaca

Houston ISD community members are calling for an investigation into state-appointed Superintendent Mike Miles’ spending practices after reports that Third Future Schools — the charter school network he founded — moved funds from Texas public charter schools to Colorado campuses while Miles was CEO of the network.

Spectrum News reported Monday that Third Future Schools charged its Texas schools fees, which fed into a general fund that, in part, subsidized one of its schools in Colorado before it closed. A 2022 audit also reported that Third Future Schools Texas had run a deficit due to debts to “other TFS network schools and to TFS corporate.”

The outrage over the charter network’s practices comes as HISD, like several other Texas school districts, is making significant budget cuts for the upcoming school year. Miles has said HISD is facing an estimated \$450 million gap in funding next year and almost every department in the district will have to cut positions.

“Teachers, students and their families deserve better and in response we are demanding the immediate resignation of Mike Miles and the immediate exit of the TEA from HISD,” Jackie Anderson, the president of HISD’s largest teachers’ union, said in a statement Tuesday in response to Spectrum News’ report.

Late Tuesday, Miles vehemently denied the reports, telling “friends, partners and board members” in an email that the story “badly misunderstands, or worse, intentionally misrepresents the financial practices of Third Future Schools.

“While I have not worked at the Third Future Schools network for more than a year, I find the piece irresponsibly inaccurate, and I cannot let this kind of misinformation go uncorrected,” Miles wrote.

The Spectrum report cites recordings of TFS corporate board and investor meetings, as well as the charter network’s financial records. The Houston Chronicle’s review of the documents confirmed that TFS Texas had sent funds to Colorado campuses, which a charter school finance expert said is generally permitted by state law.

Miles wrote that Third Future Schools “was always a responsible steward of every public dollar received” and that school finances were approved by local school boards and partner districts. He acknowledged that Texas schools paid “administrative fees” to the central Third Future office, which is headquartered in Colorado, to provide networkwide supports in areas, including finance and human resources, but said that such payments are common practice for charter networks.

“Spectrum News either intentionally or, through gross incompetence, mischaracterized these common place financial arrangements between charter schools and the charter management organizations that support them,” Miles wrote.

Neither Spectrum nor the reporter who wrote the story, Brett Shipp, who covered Miles during his tenure as Dallas ISD superintendent, immediately responded to requests for comment.

Miles told the Chronicle earlier Tuesday that while he hadn’t served as CEO of Third Future Schools in more than a year,

the board and superintendent were conscious to ensure that Texas dollars stayed in Texas and Colorado dollars stayed in Colorado while he was leading the organization.

“Third Future Schools have been very careful, and they’ve always passed their audits easily,” Miles said. “They do audits in Texas. They do audits in Colorado. ... So they’re a good organization. They’re very careful about not commingling funds. They follow the law very carefully, and anything else is just to be dismissed out of hand.”

Miles founded Third Future Schools, a Colorado-based network of public charter schools, in 2016 and served as the organization’s CEO until he left to work as HISD’s state-appointed superintendent in June. Miles opened Third Future Schools’ first school in Colorado — the Academy Of Advanced Learning — in August 2017, and the second — Coperni 3 — in 2019.

The network also took over operations of Monarch Classical School of the Arts, a K-8 charter school, in December 2018 after the school experienced lower-than-projected enrollment and revenue in its first year run by a different organization, according to the Denver Gazette. Third Future Schools renamed the campus to Coperni 2.

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## Cont. from “HISD Community...”

Third Future Schools began partnering with public school districts in Texas to oversee existing schools in 2020, when it began running Midland ISD’s Sam Houston Collegiate Preparatory Elementary School at the district’s request due to the school’s failure to meet state standards for multiple years and to prevent the state takeover of the district.

During Miles’ tenure, Third Future Schools Texas also began overseeing Ector County ISD’s Ector College Prep Middle School in 2021 and Austin ISD’s Mendez Middle School in 2022. Third Future Schools now runs eight campuses in Texas — all of which were surrendered by six different public school districts.

### **Did Third Future Schools charge its Texas schools fees to subsidize a school in Colorado?**

When combined, Third Future Schools’s three Colorado campuses saw enrollment growth every year until the 2022-23 academic year, according to Colorado Department of Education data. All three schools saw declining enrollment that year, including Coperni 2, which saw enrollment drop from 213 to 185 students.

Renea Ostermiller, the then-chief financial officer for Third Future Schools, said during an investors call for Coperni 2 on June 13, that the charter network had been supplementing the campus due to low enrollment in the previous academic year through a general fund made up, in part, by fees it charged to other schools in the network, according to Spectrum News.

About a week later, the Third Future Schools corporate board voted to close Coperni 2 and merge the school with Coperni 3, noting that the charter network had been subsidizing the school with approximately \$500,000 for the previous two years, according to board minutes.

Miles, who was no longer serving as CEO, did not make the decision to close Coperni 2 but recommended that the board do so, as subsidizing the school had become “untenable.” Third Future Schools paid Miles around \$40,000 last year to serve as a consultant to the charter network, according to invoices obtained by the Chronicle.

“We have to subsidize it to the tune of maybe \$500,000 per year if it only has 180 kids or so,” Miles said during the meeting, according to a recording published by Spectrum News. “So I think the time is right to do what the administration is asking to do.”

### **Did Ector College Prep send two \$1 million checks to Third Future Schools in Colorado?**

Spectrum News reported that Third Future Schools’ Ector College Prep sent two checks for more than \$1 million to Aurora, Colo. However, neither Third Future Schools nor Ector College Prep sent the

two checks, according to a Chronicle’s review of the documents.

Ector ISD, a public school district, sent both checks, which were addressed to Third Future Schools Texas’ Ector College Prep and sent to the charter network’s corporate headquarters in Colorado.

At the time, Third Future Schools Texas was managing Ector College Prep at Ector ISD’s request. In total, Ector ISD has sent Third Future Schools at least \$19.6 million, including the two checks, since the charter organization began running one of its campuses in 2021, according to records provided to the Chronicle.

Ector ISD said in a statement that the district was the pass-through for state funding from the Texas Education Agency to TFS, and it was required to send checks to Third Future Schools’ headquarters in Colorado for TFS to operate Ector College Prep.

### **Did either of Third Future Schools’ other two campuses in Colorado report receiving any funds from Texas?**

The Academy of Advanced Learning, one of Third Future Schools’ two campuses in Colorado, reported that it provided “professional services” for about \$2.6 million to the Third Future Schools Texas network, and that Third Future Schools Texas owed it \$2 million as of June 2022, according to the 2022 audit.

The school’s audit in the following year reported that Third Future Schools Texas owed it \$2.4 million for “professional services” provided during the 2023 fiscal year. Coperni 3 also reported that Third Future Schools Texas owed it \$78,000 for “professional services” and \$1,145 for payments made on their behalf during the 2022 year, according to its audit.

Both campuses did not directly report receiving any funds from Third Future Schools Texas in audits before the 2022 fiscal year.

### **Is Third Future Schools Texas in debt to other Third Future Schools campuses?**

According to Third Future Schools Texas’ audit for the 2023 fiscal year, it was running a nearly \$2.7 million deficit due to “liabilities to other TFS network schools and to TFS corporate,” although the exact nature of these liabilities is unknown. The network ran a \$1.4 million deficit in the 2022 year, which the previous audit did not attribute to debts to TFS schools.

The deficit in 2023 appears to have grown largely because Third Future Schools Texas went from spending zero on instructional supplies to \$1.14 million, and Sam Houston Collegiate Prep spent about \$1 million more on instruction and \$874,000 more on administration costs compared with the previous year, according to the Chronicle’s analysis of the audits.

Third Future Schools’ spokesperson did not respond to a request for comment over why Third Future Schools Texas was

in debt to other network campuses or the nature of the “professional services” its Colorado schools provided.

### **Is it illegal or uncommon for charter schools to pay fees to larger charter organizations or to pay outside entities for services?**

Chapter 45 of the Texas Education Code states that public schools, including charter schools, can use state funds that are “not designated for a specific purpose” for any other purposes “necessary in the conduct of the public schools determined by the board of trustees.”

Toni Templeton, a senior research scientist at the University of Houston Education Research Center, said this language gives school boards broad flexibility to approve spending funds on nearly anything they determine is necessary for the benefit of the students, including purchasing services from other institutions and paying management or network fees.

“It’s not uncommon for (state) funds to go out of state,” said Templeton, the former director of data services for the Texas Charter Schools Association “I can understand how in the context of this particular conversation, people can be concerned, but no, it’s not an uncommon occurrence.”

Templeton said the local public school boards in Texas are responsible for approving contracts with organizations like Third Future Schools under what’s known as “1882 partnerships,” that designate how and where state funds can flow, which is then submitted to the TEA.

The TEA said in a statement Tuesday that it was aware of Spectrum’s report and was reviewing the matter.

### **Were the two Colorado campuses that received funds from Third Future Schools Texas for “professional services” in need of cash?**

The Academy of Advanced Learning and Coperni 3’s annual audits appear to show the campuses have major financial deficits, but the audits state that is because federal pension reporting requirements have significantly distorted the financial statements. Excluding those, both Colorado schools have generally had positive fund balances and net assets since at least the 2019 fiscal year, according to Chronicle’s review of the audits.

The Academy of Advanced Learning had nearly \$3 million in net assets the 2022 fiscal year, after excluding long-term pension reporting requirements, but it had to report a deficit of more than \$6.6 million, according to the audit. The school’s 2023 audit reports it had a deficit of \$1,881,507 but it didn’t outline the financial impact of the pension liabilities on the deficit.

Coperni 3’s 2022 audit reported that the school had a deficit of more than \$832,000, but excluding the pension requirements, it had total net assets of about \$1.8 million in the 2022 fiscal year. The school reported a \$114,281 increase to its fund balance in the following fiscal year.

Houston

Chronicle MAY 16 2024

## 5 takeaways from the preliminary report into the Houston Police Department's suspended cases scandal

By Matt deGrood

The independent panel reviewing the ongoing Houston Police Department scandal over suspended cases identified an interim police chief as the one who ordered the creation of the "SL" lack of personnel code and made a wide range of recommendations to avoid similar systemwide failures in the future.

The preliminary report, shared with City Council on Wednesday morning, said that Martha Montalvo, who served as the department's acting chief for a few months in 2016, approved the implementation of the code throughout the department and added that the special victims division began using it immediately. In the first six months of 2016, the report says, the division suspended 550 cases involving sex offenses due to lack of personnel.

The report, ordered by Mayor John Whitmire, recommended the Houston Police Department should standardize reporting procedures and put departmentwide directives in writing to prevent another scandal from happening in the future.

It also provided revised numbers on how many total incident reports were suspended using the internal code — going from 264,000 to 268,920 — with around 9,167 from the special victims division, or sexual assault incident reports.

"I still find it so mind-boggling and unacceptable that for 10 years, no stakeholder, no active officers, no employees, no administration, no one brought this to our attention," Whitmire said.

The report, which focused on the incident reports suspended in the special victims division, confirmed many of the Chronicle's recent findings — the code was borne out of discussions that started in 2014 about cases that were not being investigated because of a lack of personnel and proliferated in use in the years since because of inconsistent division policy, bad data reporting and no oversight from above on what was happening on a divisional level.

"We learned early on, due to lapses in technology, the divisions could become undated and lead to the problems we see today," said Christina Nowak, a committee member and the deputy inspector general of the Office of Policing Reform and Accountability for the City of Houston.

The committee recommended the special victims division partner with the Houston Area Women's Center and victims services to conduct better outreach in sexual assault cases. It also recommended, with the implementation of a new records management system in 2025, the department standardize the options employees have on recording results.

Council Member Tiffany Thomas said that former Police Chief Troy Finner would have been a leader in implementing the report's recommendations.

"I can't help to imagine that if Finner was still our chief that all of these recommendations would have been adopted," Thomas said.

Houston

Chronicle MAY 16 2024

## 'Leadership disaster': Humble ISD superintendent placed on leave in wake of mounting legal fees

By Elizabeth Sander

Humble ISD trustees placed Superintendent Elizabeth Fagen on paid administrative leave Tuesday in a split vote, just a month after details surfaced of a costly Title IX investigation involving her husband, who recently resigned as the district's athletic director.

The board voted 4-2 to approve putting Fagen on leave, with trustee Marques Holmes abstaining. Once she left the room, the board voted 6-0 to name Deputy Superintendent Roger Brown as interim superintendent. The board did not discuss the motion to place Fagen on leave or the decision to tap Brown as the interim, but, after the meeting, the board president said Fagen was placed on leave due to "a personnel matter."

Trustee Robert Sitton, who voted against the motion, expressed frustration.

"I'm still confused on this one," Sitton said. "I thought we were all on the same page and then we get blindsided with the same exact agenda item this month."

Fagen, 50, has been at the helm of the 48,000-student district in northwest Harris County since 2016. She earns \$338,756 a year. Previously, Fagen served as superintendent in Arizona's Tucson Unified School District and Colorado's Douglas County School District for eight years combined.

She recently married former Humble ISD Athletic Director Troy Kite, who retired as the district released findings of a Title IX report that alleged he fostered a "locker room" atmosphere in the district's athletic department.

Giana Ortiz, an independent attorney for The Ortiz Law Firm, recommended in her report in February that Humble ISD terminate Kite for creating a hostile work environment and violating Title IX, which protects people from discrimination based on sex in programs that receive federal funding.

Just days after Kite's retirement was accepted by the board, Fagen was announced as a finalist for a superintendent job in Reno, Nev., a job she applied to in February. The Washoe County School District announced a different lone finalist on Tuesday, hours before the board meeting where she was placed on administrative leave.

Fagen and the board have been under intense scrutiny over the past year, as legal fees to pay for outside counsel have approached \$1 million for one of the multiple firms used by the district over the year.

In the May update for the 2023-2024 vendor spreadsheet, the annual expenditure for retaining Walsh, Gallegos, Kyle, Robinson and Ralson P.C. amounted to

\$900,000. The board voted 6-1, with Sitton opposed, to approve those fees Tuesday, along with other general expenditures, which a representative from the firm said would pay for all the invoices up until Tuesday.

Billy Beattie, chief financial officer of Humble ISD, said the district has made two fund balance transfers, the district's finite savings account, to afford the legal fees at the meeting Tuesday, in response to a question from Holmes.

"It does bother me that we've spent darn near \$1 million on legal fees," Holmes said at the meeting Tuesday, while defending his vote against releasing the Title IX report last month, citing that he didn't want information to be released without context.

"We have so many lawsuits. I'm trying to make sure that there aren't any more," Holmes said.

Keith Lapeze, attorney for Kite, filed a suit in January alleging that Board President Robert Scarfo and other board members, violated the open meetings act by engaging outside legal counsel without voting on the item in open session.

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### Cont. from “Leadership...”

On top of the legal fees, the district also continued to pay Kite’s salary from May 2023 until this April. Kite earns an annual salary of \$169,960, according to online transparency data.

Community members have been airing their frustrations at board meetings, and even the district’s general counsel, Thomas Neumann, spoke out about outside counsel at a December special meeting when he was placed on paid leave by the board. At the April 9 meeting, Holmes asked that a vote on ending Neumann’s leave of absence be taken at the May 14 meeting, but the item was not placed on the agenda.

When Sitton asked why the item had not been placed on the agenda, Scarfo said that “counsel” advised that the item not be put on the agenda, but did not specify

whether that was district counsel or outside counsel.

“Our kids deserve better than this situation you have put us into,” community member Justin Laurie told the board and administration Tuesday, asking the public to stand up against board members who “clung to the shadows of secrecy” by voting against the release of Kite’s Title IX investigation. Laurie called the situation a “leadership disaster.”

Some community members called for Fagen to resign, while others called for board members to step down. Some have even called for both, as controversy has swept through the district. In addition to multiple Title IX complaints, the district is also facing Texas Education Agency complaints, grievances and lawsuits.

“This school district has been the laughingstock of Texas and the greater Houston area, leaving us to wonder what

BS is next. Considering multiple lawsuits, I would say a lot more,” speaker Summer Merryman told the board.

“I used to be proud that I’m from the school, but now I’m embarrassed,” said student Isabelle Fleenor. “Maybe instead of spending time arguing about dumb things like the \$1.2 million that you spent on investigations to protect board members and administrators, you could spend the time and money protecting the students of this district.”

Brown, who has worked at Humble ISD since 2014, was first hired as the associate superintendent of support services, taking on his current role in 2017. Prior to that, he was the assistant superintendent of operations in Norman Public Schools in Oklahoma.

He did not make a public comment regarding his appointment.

## San Antonio

Express-News MAY 16 2024

# New ‘AlamoU’ programs expanding four-year degree options at Alamo Colleges

By Scott Huddleston

Joannette Casias is 41, a mother of eight, and pursuing a bachelor’s degree at Palo Alto College through a new Alamo Colleges program that helps connect students with high-wage careers.

Having grown up fatherless in a “hard neighborhood with little means,” Casias found redemption through the “familia” at Palo Alto. She began attending classes at the South Side campus in the fall of 2022, working toward a two-year associate’s degree in business, then recently learned about the college district’s new “AlamoU” initiative.

By 2026, the first-generation college student hopes to earn a bachelor’s of applied technology in operations management.

“Really, the sky’s the limit for me. There’s so many ideas I have,” said Casias, who had her first child at 16.

She had worked for years in restaurants, hotels and offices, got her GED and took courses in professional development, “trying to find my way, with no direction.” Now she’s closing in on a four-degree at a community college campus that’s affordable and less intimidating than a university setting.

Through changes in state law approved by the Legislature in 2017 and 2021, the district has begun offering bachelor’s degrees in high-demand fields, starting with a nursing program at San Antonio College that launched in 2021.

The AlamoU campaign, which is working to expand those offerings, is “a strategic response to the burgeoning demands in key economic sectors,” district Chancellor Mike Flores said at a recent celebration of the new programs.

Turning lives around and breaking cycles of poverty is crucial to the Alamo Colleges’ mission of “empowering our diverse communities for success,” he said.

“We at Alamo have recognized the evolving landscape of workforce requirements across the community and have taken proactive steps to equip our students with the necessary skills to excel in high-wage, high-demand fields,” Flores said.

Tuition and fees for 12 semester hours in the bachelor’s programs are expected to range from \$1,370 to \$4,370 this fall. The new programs typically start with cohorts of 50 to 100 students but that’s expected to grow. Over a lifetime, a graduate with a bachelor’s degree typically earns more than 80% more than one with a high school diploma, Flores said.

Jasmine Carrington-Brannon will graduate this month, earning a bachelor’s in nursing from SAC, whose 57-year-old nursing program is the largest in San Antonio with 300 to 400 students each semester.

She hopes to land a job with the Veterans Administration, and is counting on her degree to help forge a career path wherever she goes.

“Being a military spouse, I need to be prepared, if I have to move to a different

state or anywhere, to be able to work with that community,” Carrington-Brannon said.

St. Philip’s College is adding a bachelor of applied technology degree in cybersecurity in the fall, and Northwest Vista College plans to offer a similar degree in cloud computing, following approval by the Southern Association of Colleges and Schools Commission on Colleges. A fifth bachelor’s program is being developed at Northeast Lakeview College.

Casias credits Joseph Coppola, the chair of career and technical education programs at Palo Alto, with inspiring and challenging her to reach beyond her own expectations. He told her about the new degree program while it was in the planning stage.

“I think I was limiting myself because of my background, and he would speak about the potential I had, not just in the skills I already brought forward, but the skills I was developing, and how quickly I was able to catch on,” she said.

Having raised four children, Casias remarried in 2016 into a “beautiful blended family” with four more. She and her husband have talked about forming a carpet cleaning and restoration business. But she’s networking, expanding her credentials and will “allow this road to take me where it leads.”

“We live in a world where you have to be adaptable,” Casias said.

# From a pandemic to protests, UT Austin president pleases GOP lawmakers while angering some students

By Megan Menchaca

Jay Hartzell was just a year into his new role leading the University of Texas at Austin when he faced one of his first real political tests: an order from Gov. Greg Abbott prohibiting government entities from mandating face masks.

It was May 2021, when COVID-19 vaccines were rolling out but not yet widely available. Hartzell, who had recently arrived from UT's business school, could comply and appease the Republican governor or side with students and university employees concerned about the virus' spread.

He chose Abbott.

"There are many examples in the history of the University where the University has tried to fight the Legislature, and it does not end well with respect to funding," UT Provost Sharon Wood, Hartzell's second in command, told UT faculty representatives in December 2021 about requiring masks and vaccines. "We're trying to thread the needle (and) do as much as we can to encourage safe practices."

After navigating the pandemic, racial justice protests, calls to replace a controversial school song and other major obstacles, Hartzell is entering his fifth year at the helm of the state's flagship public university as it faces deepening scrutiny from lawmakers over diversity initiatives and calls to crack down on liberal factions.

His recent actions have drawn praise from the state's GOP leaders and pushback from more and more UT students and faculty.

In response to the school's crackdown on student-led demonstrations against the war in Gaza, hundreds of UT faculty signed a letter of no confidence against Hartzell, who said he requested assistance from state troopers to prevent demonstrators from establishing encampments. Police arrested 136 attendees, largely for trespassing, although at least 57 had their charges dropped shortly afterward.

Meanwhile, alumni groups, dozens of Republican state lawmakers and the UT System Board of Regents — whose members are picked by Abbott — have all backed Hartzell. The university did not make Hartzell available for an interview for this story.

"We are blessed to be the flagship university of the great state of Texas and embrace the opportunity to serve a diverse and dynamic population," UT said in a statement. "While our challenges and opportunities may change, there is one true north: Every decision we make is in the best interest of our students and our world-class research, with the end goal of positively changing the world."

At a state Senate hearing on Tuesday, Republican lawmakers pressed university system leaders for details on how they've eliminated DEI programs on campus and said they responded appropriately to pro-Palestinian demonstrations.

Observers say Hartzell is in a difficult position balancing the needs of university students and employees with demands by state GOP leaders who control the budget and legislative agenda. UT received about 10% of its revenue, or \$432 million, from the state this year.

"In a place like UT, where you're right in the heart of the Legislature, you have to recognize that you're probably under more scrutiny than even other institutions in the state," said Jon McNaughtan, the interim chair of the department of Educational Psychology, Leadership, & Counseling at Texas Tech University.

"The way that you act not only impacts your institution, it impacts other institutions in the state," he added.

A longtime finance professor at UT, Hartzell took over as dean of the McCombs School of Business, one of the nation's top business schools, in 2016. During his tenure, he promoted some of the very DEI initiatives that state law now requires him to dismantle, such as creating a new position and committee devoted to fostering diversity and inclusion.

The UT System Board of Regents selected Hartzell as interim president in April 2020, two days after UT's former president publicly announced he was leaving. The regents later named Hartzell as the sole finalist for the permanent position in August 2020 without ever conducting a national search.

"We have observed Jay Hartzell's outstanding leadership for years," board chairman Kevin Eltife said at the time, calling Hartzell a leader nationally in business education and real estate finance. "There is no one better suited to lead the flagship campus."

## Scrutiny over DEI

Hartzell has spent much of the past semester overseeing the school's response to Senate Bill 17, which took effect Jan. 1 and prohibits public colleges and universities from establishing a DEI office or hiring employees to do DEI work. If universities fail to comply, they risk losing funds in the next state budget.

In response to the law, UT stopped funding certain programs, such as cultural graduation ceremonies for Latinx and Black students, and closed the Gender and Sexuality Center and Multicultural Engagement Center. The school also renamed its Division of Diversity and Community Engagement to the Division of Campus and Community Engagement.

Months later, after state Senate Education Committee chair Brandon Creighton sent a letter warning public university system regents that it was unacceptable for schools to "merely rename their offices or employee titles," Hartzell went a step further.

UT laid off 49 employees — many of them previously reassigned from DEI positions — and closed the DCCE. Hartzell

told faculty representatives the university did not conduct layoffs to comply further with SB17, but to help protect the long-term outlook of the institution, citing heightened scrutiny from lawmakers like Creighton.

"My role is to worry about the long-run future of the university, thinking about not only what had to happen by Jan. 1, but as this plays out over the coming months and years, how am I doing the best I can to mitigate what I believe and many others believe are real and imminent risks?" Hartzell said. "Those are risks that could, if left unchecked, affect the very basic way we run the university."

The decision angered several students and faculty, who argued the university was overreacting and jeopardizing the ability to recruit new students.

Corinne Floyd, the outgoing president of UT's Senate of College Councils, said Hartzell's decision not to openly defend the school's DEI programs made students feel like he prioritized lawmakers over them. But she's also not sure what he could have done differently — beyond more transparency — amid funding threats.

"I don't want to say that I have empathy, but I understand to a certain extent why things have gone the way that they have, because the threat of the next legislative session is huge," said Floyd, a 2024 UT graduate. "Politically, he's in a really tough spot, and I don't know that handling things differently would have had better results later on."

## Crackdown on protesters

The divide among UT community members and lawmakers over Hartzell's leadership only deepened after pro-Palestinian protests late last month.

Faced with student and faculty criticism over the arrests and the heavy police presence on campus, Hartzell defended his decision to call in law enforcement. In an op-ed in the Houston Chronicle, he said that protesters had threatened to disrupt teaching and openly vowed to break the university's rules, including a prohibition against camping.

"We also have a responsibility to keep the campus and its people safe, and to allow our teaching and research to continue," Hartzell wrote. "Our rules provide structure for this responsibility and set up conditions for the co-existence of protests, safety and education."

Still, nearly 20% of the university's faculty signed an open letter expressing "no confidence" in Hartzell, where they condemned the decisions to shut down the school's Division of Campus and Community Engagement and call state troopers to campus.

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### Cont. from “From a pandemic...”

Pauline Strong, president of the UT chapter of the American Association of University Professors, said while she recognizes the Legislature’s threats of cutting funding, she feels Hartzell’s response under the political pressure was too extreme. He needs to stand up to the Legislature and work to earn the trust back of the community, she said.

“Of course (Hartzell) has to be responsive to the Legislature and to the regents and to the governor,” said Strong, a UT professor of anthropology and women’s and gender studies. “That is absolutely a part of his job, but it seems like there should be a middle path in which he works to inform the Legislature about why the university is doing what it does and how it serves the people of the state of Texas.”

UT’s Faculty Council, the school’s official faculty organization, has not taken up a “no confidence” vote, but it passed a resolution this month condemning UT’s lack of communication about the demonstrations. The measure also called for amnesty for student protesters who were facing university discipline and public criteria for when Texas DPS would be called to campus.

UT alumni groups, GOP lawmakers and UT System’s leaders all spoke out against the no-confidence letter and backed Hartzell’s management of the pro-Palestinian protests at UT.

“I would say that the vote of no confidence, or of confidence, that matters the most is the vote of this board,” Eltife said during a recent Board of Regents meeting. “We will not allow our campuses to be disrupted by the few at the expense of others.”

Creighton, R-Conroe, applauded Hartzell for his decisive action to “preserve the right to free speech” and maintain a functioning campus. In a separate statement, more than 50 members of the Texas House signed a letter recommending the resignations of the 657 faculty who had signed the AAUP’s letter of no confidence and commending Hartzell for his outstanding leadership.

“Know that we stand with you as you work to protect the students and the University you hold dear,” the letter said. “While some of the University of Texas faculty have declared their lack of confidence in you, let us offer our perspective: We have no confidence in them.”

*Edward McKinley and Morgan Severson contributed to this report.*

## Dallas

Morning News MAY 16 2024

# Tarrant County jail deaths warrant transparency from sheriff

The Tarrant County Sheriff’s Office has attracted scrutiny in recent years for multiple deaths of inmates in its custody. Public concern over the number of deaths deepened because of a lack of transparency.

Last month, two inmates died within days of each other, prompting renewed calls for answers and for change in the Sheriff’s Office. Roderick Johnson, 42, died from drug poisoning on April 18, and Anthony Johnson, 31, died April 21 after an altercation in which jailers pepper-sprayed him. Little information has been released about Anthony Johnson’s death.

Answers have been hard to come by after inmate deaths. Sheriff Bill Waybourn should consider adopting information release guidelines as proposed by Republican County Commissioner Manny Ramirez, former president of the Fort Worth Police Officers Association, to improve transparency.

Ramirez recommends that the Sheriff’s Office set timelines for video release, next-of-kin notifications and media briefings. These standards would also include exceptions for when information cannot be released within the set times, Ramirez told us. He said he has asked for the matter to be considered by the Commissioners Court on May 21, though ultimately it’s Waybourn’s call whether to adopt a policy.

The Commissioners Court last week was scheduled to receive a briefing about incidents at the county jail, but no one from the Sheriff’s Office showed up, according to news reports.

More than 60 people have died while in custody of the Tarrant County Sheriff’s Office since 2017, according to a database of deaths that law enforcement agencies are required to report to the state.

Waybourn’s office said many of these deaths happen because of illness and are not preventable. If that’s the case, then the sheriff or a deputy should have made themselves available for a briefing to county commissioners.

As of now, the Sheriff’s Office doesn’t have a formal communication policy like the one being proposed, Ramirez said. Waybourn’s office said it complies with the state’s open-records law, which allows law enforcement agencies to withhold records in pending investigations.

We have previously raised concerns about the Tarrant County Sheriff’s Office and what appears to be a failure to keep inmates in the county jail safe. We did not get satisfactory responses to our questions.

Ramirez said he’s confident that the Sheriff’s Office would work with the Commissioner’s Court to adopt a new communication policy. Waybourn’s office didn’t say directly whether it would adopt new standards but told us it looks forward to considering new ways to improve the department’s communication.

State records show that the annual number of in-custody deaths under the Tarrant County Sheriff’s Office is on the decline after a peak of 17 in 2020. Not all deaths are preventable, but the department’s poor communication has done little to foster trust.

## San Antonio

Express-News MAY 16 2024

# 4-year-old child is latest victim in gun violence epidemic

In the video taken from a neighbor’s camera, the silver Infiniti Q50 pulls up to a house on the corner. Two armed men rush out of the car. From the house’s front yard and driveway, they open fire.

For eight seconds there is a jarring, heart-stopping thunder. We see the flash and smoke from the weapons as the shooters fire more than two dozen rounds from an AK-47 type of weapon before running back to the car. We hear the screeching tires as they peel out.

For those connected to this shooting on the Northeast Side last week, those eight seconds of gunfire will be heard and felt for a lifetime. Those eight seconds of gunfire stole a lifetime. A 4-year-old girl, whose name has yet to be released, was killed in the shooting.

This child, along with two other children, 7 and 8, were in the Northeast Side home with two adults when the attack occurred May 8. The other two children and the two adults also were shot.

Bexar County Sheriff Javier Salazar said that text messages exchanged before the shooting between one of the wounded and a suspect makes him believe the people in the house were the intended targets. The motive is, in many ways, immaterial because the tragedy is unjustifiable. A 4-year-old child has been killed and two children have been wounded.

**Continued on Next Page.**

## Cont. from “4-year-old...”

In a city as large as San Antonio, this tragedy can be lost in a sea of other news stories, including other episodes of gun violence. But as a community, we should never be so consumed by other matters, so numb to daily violence, that the death of a child doesn't inspire us to pause, remember and demand action to prevent more similar deaths.

The nation has rallied around efforts to prevent child drownings, enforce seat belt laws and stop child abuse. It can rally around reducing and preventing the leading cause of death for children and youth: firearms.

Once again a child has been shot to death in the United States, and once again we can say with certainty that her death will not inspire federal or state reforms. It will not change the hearts and minds of those who oppose commonsense gun reforms, even though the majority of Americans polled yearn for essential changes such as universal background checks, red-flag laws and even assault weapons bans.

But legislative change didn't happen after Sandy Hook in December 2012 when 20 children and six adults were murdered in school, and it didn't happen after Uvalde, two years ago next week, when 19 children and two teachers were murdered in school.

Since 2020, guns have been responsible for more deaths of children and youth ages 1 to 17 in this nation than any other injury

or illness. The child firearm mortality rate has doubled from 1.8 deaths per 100,000 in 2013 to 3.7 in 2021.

But unlike other periods in our history when the leading causes of death were disease, water or motor vehicles, there is a surplus of excuses and a deficit of urgency by state and federal lawmakers to disarm this threat.

After Uvalde, the Texas Legislature did nothing to address the crisis. Congress did pass the first major gun safety bill in 30 years with the Bipartisan Safer Communities Act. But these reforms were modest.

While mass shootings spotlight the epidemic of gun violence, especially when children are the victims, we should have the attitude that there is no such thing as a routine shooting, especially one involving a child. The number of victims may vary in each shooting, but each loss of life carries equal magnitude.

Whatever the motive behind last week's shooting, we know the perpetrators shouldn't have had access to killing machines. Semi-automatic weapons that can tear so quickly through houses, bodies and lives should never be easily available.

We will learn more about this shooting, the victims and the suspects. But never forget a child was killed in San Antonio on May 8.

She was 4 years old.

She was part of our city.

And a part of our city died with her.

## Dallas

Morning News MAY 16 2024

# Background checks for gun sales actually work, just look at the data

BY PHILIP COURTNEY HOGAN

In 2021 Texans purchased more than 1.6 million guns. Texans with guns killed 4,616 people in the same year. We lead the nation in gun deaths. In fact, we kill 1,000 more people than second-place California. Can we keep our guns and change the statistics?

A 2017 study by Northeastern University and the Harvard School of Public Health found that 22% of recent gun transfers were done without a background check, nationwide. Nine percent of these were reported as transfers from gifts or inheritances. That leaves 13% of gun sales having no background check. If the same ratios apply to Texas gun sales the 13% then 208,000 guns were sold with no background check. And 4,616 people died.

Does this matter? There is near universal agreement that certain people, those who have been convicted of a felony, with domestic abuse issues and with mental health issues, should not be allowed to purchase a gun. We have an open-door system in Texas that needs serious adjustment. Consider the facts.

Researchers from the Boston University School of Public Health, Harvard T.H. Chan School of Public Health and Boston Children's Hospital, found in 2019 that universal background checks were associated with a 14.9% reduction in overall homicides. Another 2014 study by Johns Hopkins Center for Gun Policy and Research found in 2007 that after Missouri re-

pealed the requirement for universal background checks, there was a 16% percent increase in homicides.

Currently, there are 21 states that require universal background checks, beyond federal law. Of those, 19 also have implemented red flag laws. Red Flag Laws help take away weapons from people whom a judge has determined are a danger to either themselves or others. Are these two laws working?

I prepared a calculation of the number of gun deaths that occurred in those states with background checks and compared it to the population and found that the gun death rate was 11 per 100,000. Applying the same analysis on the 29 states that do not have universal background checks and of which all but one had no red flag laws, their gun death rate was 18 per 100,000.

The 30 states without universal background checks and red flag laws have a gun death rate 63% higher than the 20 states that do require universal background checks and red flag laws. Assuming that these same death rates were able to be achieved in the 30 states that currently do not have these laws it could mean the saving of 12,250 lives, cutting our nation's gun deaths by 25%.

One of the arguments against universal background checks is the claim that criminals will always find guns. That is true, but does it mean we do nothing? Or do we stand up when there is credible data for reasonable remedy?

While I was researching this article, *The Dallas Morning News* reported five men had been arrested for allegedly trafficking more than 100 military-grade firearms to a Mexican drug cartel in Nuevo Laredo, Mexico. The weapons include “FNH SCAR rifles, Barrett .50 caliber rifles, FNH M294S rifles and M1919 rifles.”

Court documents allege that the men would acquire guns from unlicensed dealers of firearms, or from federal firearm licensees, where straw purchasers would make false representations to secure the firearms. Transactions like these increase the dangers for both Mexicans and Texans. Universal background check laws will not by themselves solve this type of problem, but certainly, it can make it harder for these weapons to be acquired from non-licensed gun sellers. And these requirements can be part of the solution.

I believe one of our government's primary responsibilities is to protect its citizens. Protect the weak from the strong and especially to protect its citizens from being killed by other citizens. When the government does nothing because it might make it harder to purchase a gun, then the government is ignoring its primary duty to protect its citizens. The state of Texas needs to decide if it cares more for its residents or its gun owners.

*Philip Courtney Hogan is a Dallas CPA and a founding member of Americans for Common Sense Gun Laws.*

## Dallas

Morning News MAY 16 2024

# Texas gun owners advocate for safety

BY SHANNON FLORES

I've been a proud gun owner for most of my life, taking my first hunter safety course as a teen. I was born and raised in Texas. And I'm a strong believer in gun safety. These things aren't contradictory, like the extremists at the National Rifle Association want you to believe — instead, they go hand in hand.

The NRA is, after all, an organization that is flailing through membership declines and corruption trials. It needs the money, and it believes that Texas is a reliable safe space — thanks in large part to the political leaders, including Gov. Greg Abbott, who are friendly to their absolutist beliefs. Not surprisingly, the NRA thinks returning to Dallas this week for its annual convention is a good idea.

But the NRA is wrong.

Texans — gun owners and nonowners alike — are fed up with the NRA's extreme views. We're tired of watching gun deaths skyrocket. We're sick of being scared anytime we head to the mall or send our kids off to school. We've witnessed tragedy after tragedy tear apart our state.

Gun deaths have risen nearly 44% since Abbott took office, and it's no surprise: In the last decade, he's done nothing but weaken Texas gun laws. In 2021, he repealed Texas's concealed carry permitting law. This effectively lets anyone who wants to carry a loaded gun to do so without a background check or training.

Just two years ago, mere days after 19 students and two adults were murdered at an elementary school in Uvalde, the NRA hosted its annual convention just a few hours away.

But things have changed. In 2022, the University of Texas at Austin found that a majority of Texans thought we needed stricter

gun laws. Right now, more than 100 people in this country die every day from gun violence. Texans recognize that blindly increasing the number of guns carried in public — while eliminating training and safety requirements — endangers everyone.

I used to be a public school teacher and spent 14 years helping manage lockdown drills for our students. I have three kids, all under 12 years old, who have experienced lockdowns and drills since they started school. The trauma inflicted on everyone involved is immeasurable, and it's becoming too normal.

Now, I spend my time talking to gun owners who want to get involved in the fight to end gun violence. With Giffords Gun Owners for Safety, I help organize gun owners in support of gun safety, advocate for responsible practices and fight back against the gun lobby's fearmongering.

Giffords is also taking it a step further and launching its new state program in Texas. With a dedicated team on the ground, we're here to make sure the gun lobby doesn't have free rein in one of the largest states in the country, and pass the kind of laws that we know Texans support.

The NRA hasn't represented the majority of gun owners for a long time. The organization that claims to be the defenders of our freedoms isn't fighting for our freedom at all — it's just focused on its profits and political allies.

As Texans, we have a right to feel safe. We know how to protect our families and what will make a difference in our communities.

*Shannon Flores leads the Giffords Gun Owners for Safety initiative and lives in Katy, Texas.*

## San Antonio

Express-News MAY 16 2024

# Vouchers for religious schools violate separation of church and state

By Eric Lane

Since his reelection, Texas Gov. Greg Abbott has disproportionately made private, religious school vouchers his top legislative priority, spending more political capital on vouchers than on any other issue.

Now, Abbott is campaigning to get pro-voucher politicians elected to replace Republicans who voted against this policy — with many of these races set to be decided in this month's runoff elections. Abbott seems to have forgotten the cornerstone of our religious freedoms, particularly liberty of conscience: the separation of church and state.

The opening words of the First Amendment, often referred to as the First Freedom, clearly state that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

The 14th Amendment and the Supreme Court decision in *Everson v. Board of Education* (1947) held that the establishment clause applied to state laws and local ordinances.

Let's be clear: Without the separation of church and state, there is no religious freedom.

Taxpayer money supporting private religious schools is in complete violation of the Founding Fathers' intent.

Abbott's argument for parental "choice" in education may sound alluring, but it is much like the Sirens of ancient Greece, whose enchanting song led sailors to their doom. Beneath this enticing facade lies a potential threat to the very fabric of our public education system.

Public schools educate about 90% of all American students, according to the National Center for Education Statistics. The balance attend private schools, which are often religious, or are home-schooled.

When we analyze the so-called "choice" offered to parents if they receive vouchers, we discover it is mostly between a public

education and a private religious education — not much of a choice unless Abbott means you can attend a Catholic or Protestant school. But this runs smack dab into the First Amendment's church and state separation issue.

The U.S. Constitution is a secular document. It does not mention a god or a supernatural being.

One of the two places religion is mentioned in the Constitution is in Article VI, the "no religious test" clause. It prohibits religious tests for holding political office. The other place is the first 16 words of the First Amendment.

For the first time in human history, a constitution protected individual liberty of conscience, the foundation of true religious freedom.

The American experience shows that a secular society is a free society.

Let's not fool ourselves. If school vouchers are legalized in Texas, public schools, already precariously underfunded, will deteriorate. Every private religious school student with a voucher will pull money from the public school system.

The opposite must happen to improve the public school system: More money must go in rather than come out.

Americans are entitled to believe whatever their conscience dictates, but they cannot force their religious beliefs on other Americans, nor have those beliefs paid for with taxpayer money.

The stricter the separation of church and state, the greater liberty of conscience and religious freedom exist in the nation.

We should ask every Texas politician, "Do you support or oppose church and state separation?" Then when you vote, consider their answer.

*Eric Lane is the past president of the San Antonio Chapter of Americans United for Separation of Church & State. These views are his own. He can be reached at [eflane@swbell.net](mailto:eflane@swbell.net).*

# About 150 people testify at Texas Senate hearing on SB 17, college free speech. Here's why

By Lily Kepner

About 7:30 a.m. Tuesday, a small group of University of Texas students, staff and community members gathered in front of the warmly lit UT Tower. Unlike many other recent gatherings on campus, the group wasn't carrying signs, it wasn't chanting, and those in attendance weren't all from the same organizations.

But they were all set on the same mission: to march to the Texas Capitol ahead of the long-awaited 9 a.m. Senate Education Subcommittee hearing on Senate Bill 17, antisemitism on college campuses and free speech, to express to lawmakers their experiences with what's happening at their institutions.

"It's being used in ways that I think even the legislators didn't expect,"

Anne Lewis, a UT professor who was at the Tower with the Texas State Employees Union's executive board, said about SB 17, a bill that went into effect in January and banned diversity, equity and inclusion offices and initiatives at all Texas public universities and colleges.

"On the ground here, of course, they don't see what happens when they enforce these things," Lewis added.

More than 200 people signed up to give public testimony at the Senate subcommittee hearing, and 148 people did. The majority spoke about SB 17's consequences, but many also discussed their concern with the massive police response to the pro-Palestinian protests held at UT over the past few weeks and their worries over free speech.

The testimony was a stark difference from the subcommittee's agenda – which included invited panelists, including a Jewish UT student and a representative from the Anti-Defamation League, both of whom spoke about how the pro-Palestinian protests had antisemitic qualities and were threatening to Jewish students, and university chancellors who affirmed their full commitment to enforcing SB 17.

In his opening remarks and in a statement sent after the hearing, Sen. Brandon Creighton, R-Conroe, who authored SB 17 and chairs the subcommittee, connected the pro-Palestinian protests – which in part called on universities to divest from Israeli weapons manufacturers – to the activism seen across the country in the summer of 2020 after George Floyd, a Black man who was murdered by a white cop in Philadelphia, when demonstrators advocated for more equity and improvements to DEI resources on campus. He said Texas would not stand to be told what to do.

"The rise of DEI and the actions of outside agitators are both examples of small groups of individuals who believe they can control Texas higher education and force institutions to bend to their demands," Creighton said. "But we will not tolerate this in Texas."

Creighton also said he supports equality and a merit-based system in higher education, and is "encouraged" by creative programs that reach "students that reflect the diversity of our state."

## Texas university students, staff testify to Senate panel on SB 17?

Several UT staff members who had complied with SB 17, but had formerly worked in DEI positions and suddenly lost their jobs April 2, also gave public testimony of their losses to the subcommittee, as did several people who were arrested at the UT protests, some crying and explaining how difficult it was to return to campus.

One person, who spoke in the last hour of the 11-hour hearing, asked Creighton why no Palestinian or Pro-Palestinian person involved in the protests was invited to speak at the earlier panel about campus free speech. The subcommittee was not required to answer questions from those participating in the public comment portion of the hearing, and Creighton did not respond to the speaker.

"There was no representation from those who have really been impacted by these anti-free speech movements, which really has been the Palestinian community and their allies on campus," said Noor Saleh, a UT Law School student and a member of the new group Parents for Peace, who did not testify but attended the hearing and spoke to the American-Statesman. She said the panel felt "one-sided," which felt "irresponsible."

Saleh said it is devastating to hear about antisemitism at the protests, but she said it does not reflect the broader movement. At UT, she said, organizers "have been very clear that we do not endorse, nor do we support any sort of antisemitic behavior."

Several Jewish individuals who are supportive of the protests also testified about the "weaponization" of antisemitism to suppress anti-Israel speech.

Sam Law, a UT graduate student, said in his testimony that he has not faced antisemitism at the protests. He said one of the most impactful moments for him over the past month was attending a Shabbat service on the South Lawn with Palestinian, Muslim, Christian and Jewish students praying for the people in Gaza, where more than 34,000 people have been reportedly killed as Israel continues bombarding the region in response to a deadly Oct. 7 attack on the Jewish state by Hamas, a militant Palestinian group. Many students, professors, staff members and alums spoke about how SB 17 has been used in ways the law did not intend, such as affecting their ability to get grants or student support programs at UT like the Monarch Program, which helped immigrant students and those without documentation as well as confusing the grant application process for professors.

"Everything we told y'all we were scared of has happened," said Izabella de la Garza, a UT alum involved in Texas Students for DEI who testified against SB 17 at the Legislature last year when she was a senior.

Alicia Moreno, a UT Austin staff member and UT alum who was laid off April 2, called on lawmakers to further clarify SB 17 to prevent overcompliance by universities and the unnecessary closing of programs, like those at UT.

"The bill has caused our students to feel unwanted and unsupported," Moreno said in her written testimony. "It has taken away our centers, programs, and necessary critical services."

## How will SB 17 testimony be considered?

Creighton thanked everyone who spoke for their testimony and said the hearing "will lay the groundwork" for the next legislative session, set to begin in January. He expressed gratitude that he is able to hear from everyone, and other committee members thanked him for holding the hearing.

But Maria Unda and Jenna Doane, both of whom have doctorates in education policy from UT and marched from the Tower to the Capitol and stayed all day to testify about SB 17's far-reaching effects, said they don't know if the subcommittee will listen. Unda and Doane have studied diversity within UT, and said they believe SB 17 will hurt recruitment and graduation rates. Doane also said there is a connection between SB 17 and the reaction to the protests in its impact on free speech.

"I think a lot of this centers around the suppression of freedom of speech, of academic freedom," Doane told the Statesman. "Now, faculty, staff are extremely afraid to share just about anything that they might get reported or fired for."

Unda said her hope is that grassroots organizing will give power to student voices and bring awareness to what's going on.

Kamyia Gibbs, who just finished her fourth year at UT, drove from Houston to the Capitol for the hearing. She said she wished the lawmakers had asked more questions of the students to help improve SB 17.

Sandra Isiguzo, who just graduated in neuroscience from UT, said she thinks the hearing date being held after UT's commencement ceremony, made it more difficult for people to testify.

"At the student level, (SB 17) is just a mess," Isiguzo said. "Because this bill is so vague that people are just closing things and not supporting students because they don't want to get in trouble."

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Cont. from “About 150..”

Isiguzo attended Black Graduation, a UT cultural graduation that previously was funded by the university but now is paid for with money raised by students due to

SB 17, which she said was incredibly emotional.

“The messaging is that they don’t want us here,” Isiguzo said.

Saleh said she went to law school to connect marginalized communities to lawmakers. Yesterday, she said, the significant

public testimony felt like an embodiment of that goal.

“To see that happen yesterday was incredible,” Saleh said, adding that she wants lawmakers to know that students will not stop advocating and organizing for what they believe in.

Austin

American Statesman MAY 16 2024

## How involved was APD in the UT pro-Palestinian protests? Here's what officials say

By Ella McCarthy

After a push from some Austin City Council members, Austin Police Department officials briefed the city’s governing body Tuesday about the department’s involvement in actions against the pro-Palestinian protests at the University of Texas, explaining details about arrests, mutual aid agreements and who signed off on the involvement.

Arrests were made by UT police at the April 24 and 29 protests where people were calling for the university’s divestment from Israel and the end to the Israel-Hamas war.

UT’s police department called on Austin police through a mutual aid agreement – an agreement commonly used between law enforcement agencies to assist one another. Austin police took people to jail and helped put people into custody who were already placed under arrest by UT police.

Texas Department of Public Safety troopers were also involved in breaking up some of the protests.

### Did Austin police make any arrests at the UT protests?

Austin police officials told the City Council on Tuesday that all the protest arrests were made by UT police. The people whom Austin police took into custody had

already been placed under arrest by the UT police, the council was told.

Previously, the Travis County sheriff’s office said the Austin Police Department was the arresting agency on four of the 79 arrests made in relation to the April 29 protest. Spokesperson Kristen Dark told the American-Statesman on Tuesday that Austin police officers are listed as the agency that booked four people into jail in relation to the protest.

However, as university officials filed the charging documents in those four cases, they were technically arrested by the UT police.

### What is law enforcement mutual aid?

As it relates to the Austin Police Department, a mutual aid agreement allows Austin police to assist other agencies or call upon other law enforcement agencies for additional resources.

“This is so routine and so frequent that agencies assist one another, it’s outlined in our policy,” Assistant Police Chief Eric Fitzgerald told the City Council on Tuesday.

Austin police have a “memorandum of understanding” with the UT police, Fitzgerald said. Additionally, state law gives

Austin police concurrent jurisdiction on the UT Austin campus.

“The city of Austin is liable for our officers and their actions,” City Attorney Anne Morgan said Tuesday in response to a question from Council Member José “Chito” Vela. “The MOU (memorandum of understanding) says that ... we’re responsible for workers comp, for liability, those kinds of things.”

### Who signed off on Austin police involvement?

Interim Police Chief Robin Henderson ultimately signed off on sending officers to campus, Austin police officials said Tuesday.

The request was made from the university police chief to Henderson. Assistant Police Chief Lee Rogers was the “duty chief that day,” he told the City Council on Tuesday.

When speaking about mutual assistance agreements, Fitzgerald said, “If 911 call responses are going to be impacted, that information will be relayed to city leadership.” He did not say whether or not that occurred.

Dallas

Morning News MAY 16 2024

## Group could get big payday

BY EVERTON BAILEY JR.

The National Rifle Association could receive up to \$1 million in state and local money as an incentive for holding its annual meeting in Dallas this week, state records show.

According to the Texas Economic Development and Tourism Department, Visit Dallas applied in January for state aid to help bring the NRA meeting to the city’s Kay Bailey Hutchison Convention Center. The city contracts with Visit Dallas to serve as its tourism and visitors bureau.

The state initially estimates it will pay the NRA around \$862,000 and Visit Dallas estimates it will pay almost \$138,000, state records show. The funding is part of the state’s event trust funds program that accepts applications from cities, counties and authorized nonprofits to get financial aid to attract events to Texas.

The state requires local contributions match state funding at a rate of \$1 for every \$6.25 the state puts in.

The final tally in incentives could change based on the state’s calculation of economic impact. The governor’s office determines the final amount, which is then given as a reimbursement. The final payout could be less than \$1 million if the economic impact of the convention is less than expected.

The state and Houston initially estimated they would pay the NRA \$470,000 when the annual meeting was in Houston in 2022, around \$405,000 was slated to come from the state, according to event trust fund program online data. Ultimately, the total paid was \$320,000, according to the state program.

The convention was last in Dallas in 2018. *The Dallas Morning News* reported

that year that Visit Dallas used hotel room rental tax money paid to the city’s Tourism Public Improvement District to cover around \$387,000 in the NRA’s convention center rental costs.

Craig Davis, Visit Dallas’ president and CEO, said he couldn’t yet determine how much the NRA would be receiving this year because part of the amount paid from the Tourism Public Improvement District was based on how much money is spent on hotel room rentals during the convention.

Continued on Next Page.

## Cont. from “Group could...”

“The NRA, because of their size, qualify for an incentive opportunity that is based upon the materialization of the amount of bedroom business that they bring in after the fact,” Davis said. “After we do an audit of their actual pickup, then we do give them a lump sum payment.” As many as 75,000 people are expected to turn out at the gathering that starts with a soft opening Thursday. The exhibit floor is open Friday through Sunday. Former President Donald Trump, who is in the midst of running for election and a criminal trial, is scheduled to give the keynote speech.

### Firearms allowed

Concealed carry of guns will be allowed during most of the convention, said Nick Perrine, an NRA spokesman. People will not be allowed to carry firearms while attending Trump’s speech, he said.

“It’s Secret Service rules that no firearms or weapons be permitted at that time,” Perrine said.

Convention center officials declined to say whether they are granting the NRA any exemptions to typical rules for the city-owned convention center.

Rosa Fleming, director of the city’s convention and event services, referred questions about the building’s firearms policy to management firm Oak View Group, which the city contracts to run the facility. Liz Chreene, an OVG spokeswoman, told *The News* to “please direct all inquiries to” the NRA.

Convention center policies listed online do not cite specific rules that cover firearms.

“The KBHCCD follows all applicable state and local laws regarding weapons in the facility,” according to the convention center’s website.

Ariel Wallace, a city spokeswoman told *The News* on Wednesday that open and concealed carry of handguns are allowed at public city facilities except municipal courts and during city meetings. For instance, people are not allowed to attend Dallas City Council meetings with firearms.

“All city buildings are public buildings and allow open/conceal carry,” Wallace said. “Restrictions will not occur at city facilities, with the exception of municipal courts or a city facility that is hosting an open meeting.”

She also said open and concealed carry is not allowed in areas in city-owned buildings not open to the public.

State lawmakers passed a law in 2021 no longer requiring Texans to have a permit or training to carry a handgun in a public place. The law allows people to carry a handgun in a holster without a permit openly or concealed. But state law also allows open carry of firearms to be banned in hospitals, churches and government buildings with open meetings.

### Last time here

Davis said 87,000 people attended the NRA’s convention over three days in May 2018, leading to an estimated \$25.6 million

in spending from conventiongoers and a total economic impact of \$40.6 million. He estimated the turnout this year to be closer to between 60,000 to 75,000 and said it would be one of the larger conventions held in the city.

Since 2013, Dallas has been one of six cities in the NRA’s rotation to hold its annual convention. The others have been Atlanta, Houston, Indianapolis, Louisville and Nashville. The convention was canceled in 2020 and 2021 because of the coronavirus pandemic.

“What makes it attractive to Dallas is that they bring good business with them,” Davis said. “They bring a lot of spending through hotel stays and usage of restaurants.”

Trump and then-Vice President Mike Pence spoke at the 2018 convention. The gathering drew public criticism from then-Dallas Mayor Pro Tem Dwaine Caraway, who said he felt it was inappropriate for the city to host the annual meeting after 17 people were killed in a school shooting in Parkland, Fla., that February.

“Obviously folks have a First Amendment right to express their views, the same as our membership will be doing over those three days, gathering and using their First Amendment rights to celebrate freedom and the Second Amendment,” he said.

Perrine said there will be an estimated 14 acres of display space for guns, gear and other exhibits. Firearms and ammunition will not be sold on site, he said.

## Dallas

Morning News MAY 16 2024

# Buoys’ future may hinge on how ‘navigable’ water is

BY KEVIN MCGILL - THE ASSOCIATED PRESS

The future of a barrier of giant buoys that Gov. Greg Abbott placed in the Rio Grande last year to deter migrant traffic may turn on whether a rocky, shallow stretch of the border river can be considered “navigable” and whether immigration sometimes constitutes a hostile invasion.

The full 17-member 5th U.S. Circuit Court of Appeals heard arguments on the issues in New Orleans on Wednesday, the latest courtroom debate in multiple legal disputes over border control between Democratic President Joe Biden and the Republican governor. The judges did not indicate when they would rule.

Part of the hearing touched on Texas’ claim that the barrier is authorized constitutionally as a means of defending against an invasion.

“Are you saying that federal law overcomes the constitutional right of the state?” Judge Edith Jones asked Justice Department attorney Michael Gray.

She later added: “Under what circumstances can the United States thwart that attempt at self-defense?”

In response to questions from Jones and Judge James Ho, Gray argued that a governor cannot get around federal law simply by claiming an invasion. “Their argument is, once they say invasion ‘We can do anything we want for as long as we want.’ We don’t think that’s right,” Gray said.

But much of the hearing dealt with whether the administration was correct that the Rio Grande is subject to federal regulation as a navigable waterway.

Texas says the stretch of river is rocky and shallow — describing it as “ankle deep” in one filing.

“For most of its length and much of its storied history, the Rio Grande has been little more than a creek with an excellent publicist,” Lanora Pettit, with Texas attorney general’s office said.

The Biden administration has pointed to past ferry traffic in the area, the use of the area by vessels with the U.S. Coast Guard and the International Boundary and Water Commission and the possibility of future projects to make the stretch better suited for commercial traffic.

The state installed the orange, wrecking ball-sized buoys last July. The barrier stretches about 1,000 feet along the international border with Mexico between the Texas border city of Eagle Pass and Piedras Negras, Coahuila.

In December, a divided panel of the 5th U.S. Circuit Court of Appeals had sided with a federal district judge in Texas who said the buoys must be moved. But the panel’s 2-1 ruling after was vacated in January when a majority of the conservative-dominated court’s 17 active judges voted to rehear the case. An 18th judge who is on part-time senior status and was on the three-member panel also participated with the full court Wednesday.

The Biden administration also is fighting for the right to cut razor-wire fencing at the border and for access to a city park at the border that the state fenced off.

And a decision is pending from a 5th Circuit panel on whether to allow Texas to enforce a law that allows any Texas law enforcement officer to arrest people suspected of entering the country illegally.

## Houston

Chronicle MAY 16 2024

# Judge orders redo of Harris County 2022 judicial election, appeal expected

By Jen Rice

A visiting judge from Bexar County on Wednesday ordered a new election in Harris County's November 2022 180th District Court judicial race that Republican candidate Tami Pierce lost by just 449 votes to Democratic Judge DaSean Jones.

Jones is expected to appeal the ruling, his attorney, Oliver Brown, said.

In the wake of the 2022 election, 21 Republican candidates for county offices filed lawsuits challenging the results. Though Judge David Peeples previously upheld the results in all of the other cases, he has ruled that the true outcome of the Pierce-Jones race could not be determined given its significantly narrower margin.

"The court has found that 1,430 illegal votes were cast in the race for the 180th District Court and that it is not realistic or feasible to determine which candidate received those votes," Peeples wrote.

Harris County Republican Party Chair Cindy Siegel called the ruling "monumental" in a statement on Wednesday.

"Judge Peeples's decision to order a new election confirms what the Harris County GOP has been saying since 2022: The previous election administrations' handling of our elections was beyond negligent, resulting in voters' confidence in our elections being damaged," Siegel said.

But Mike Doyle, the Harris County Democratic Party chair, defended the results of the election.

"There's no justification for redos and redos just because election deniers aren't happy with the results of Harris County," Doyle said.

Erin Lunceford, who lost the 189th District Court race to Democrat Judge Tamika Craft by 2,743 votes, was the first to go to trial in August 2023.

Peeples ruled that while he found "many mistakes and violations of the Election Code," there were not enough votes in doubt to justify ordering a new election in Lunceford's race.

Though Lunceford's case initially relied heavily on a ballot paper shortage on Election Day that her attorneys said had prevented voters from casting ballots, the argument expanded as volunteers with the Harris County GOP conducted what amounted to their own audit of the election. Ultimately, they presented the judge with records they argued showed that thousands of ballots cast in the November 2022 election should not have been counted for numerous reasons, including that they were missing required information or cast by voters who resided outside out of the county.

In his ruling in the Lunceford case, Peeples agreed with much of their findings. After reviewing the GOP's arguments, Peeples determined that "a total of 2,041 illegal votes" had been cast, while up to 850 votes had not been cast due to the ballot paper shortage. Since not all of those 2,891 "affected votes" would have been cast in the judicial race in question, Peeples concluded the outcome of the race with a 2,743-vote margin was not in doubt.

Months later, Pierce's case was the last to go before the judge. It was set on a separate, delayed track when Jones filed a motion meant to deter meritless lawsuits.

In his ruling on Wednesday, Peeples admonished Jones and his attorney for filing that motion.

"This court held a hearing on Jones's... motion to dismiss, denied the motion, and sanctioned Jones and his attorney because

the motion was frivolous and calculated to delay the election contest," Peeples wrote.

Pierce's attorney, Paul Simpson, credited the volunteers with the Harris County GOP for compiling "voluminous, detailed evidence" that "revealed many problems" with the election.

"The court also ordered that opponent DaSean Jones owes Ms. Pierce over \$65,000 in attorney's fees due to his frivolous actions that have so long delayed this case," Simpson said in a statement. "We hope judge Jones will not further delay justice by appealing but, instead, face Harris County voters in a new election when ordered by the court."

In his ruling, Peeples noted that much of the evidence presented by Pierce's team was the same as what he reviewed in the Lunceford case.

In Pierce's case, Peeples ruled that 606 voters clearly lived outside of Harris County and another 146 voters likely shouldn't have counted because their residences were located in nearby city and didn't specify their county. He determined those 752 votes "were not lawful and should not be counted."

Adding to the tally, Peeples found another 231 votes did not include sufficient address information to determine if they should be counted, 40 mail-in ballots lacked a required signature and eight ballots weren't mailed on time. He also deemed six provisional ballots unlawful, along with 445 votes that did not meet requirements related to photo identification.

The judge's calculations also include the assumption that not everyone who cast ballots in November would have voted in this judicial race.

## San Antonio

Express-News MAY 16 2024

# Donald Trump returning to Texas for NRA convention and fundraising boost

By Jeremy Wallace

Former President Donald Trump is on his way back to Texas to deliver a keynote address to the embattled NRA and later attend a separate fundraiser with big oil executives to boost his lagging finances in the Lone Star State.

The NRA announced Trump and Gov. Greg Abbott would both address their members during its convention Saturday afternoon at the Kay Bailey Hutchison Convention Center in Dallas.

"He is uniquely qualified to address our members who know what it's like to stand for something, even when it's hard," said NRA interim Executive Vice President and CEO Andrew Arulanandam.

The convention is the first since a jury in Manhattan found the NRA's two top leaders liable for corruption and ordered them to repay \$6.4 million. Arulanandam's predecessor, Wayne LaPierre, who had been the face of the organization since 1991, resigned before the verdict.

Prosecutors alleged LaPierre billed the NRA more than \$11 million for private flights and spent more than \$500,000 on eight trips to the Bahamas over three years, among other charges. That trial hit as the New York Times reported earlier this year that both memberships and revenues are down for the NRA.

The NRA annual convention is back in Texas after being in Indiana last year. In

2022, Trump spoke to the convention when it was in Houston.

"The NRA and our millions of members around the country have President Trump's back, and we know he has ours," Arulanandam said.

But Trump is also looking for some help in Texas, where he has struggled to meet his fundraising pace from 2020. Through the first three months of this year, Trump had raised \$10.2 million from Texas donors. At the same point in 2020, Trump had raised \$20.1 million from Texas.

**Continued on Next Page.**

## Cont. from “Donald Trump...”

Trump plans to attend a private fundraiser next week in Dallas with top oil executives Harold Hamm of Oklahoma and Dallas’s Kelsey Warren, according to the Washington Post.

During much of the GOP primary, past Texas donors to Trump were hedging their bets and giving big donations to his top

challengers, Florida Gov. Ron DeSantis and former ambassador Nikki Haley. While Haley dropped out of the race in March, she raised \$5.8 million from Texas donors — her best state for fundraising during her shortened campaign. DeSantis raised almost \$3 million from Texas donors.

While Trump’s fundraising in Texas is behind his pace from 2020, he is still ahead

of President Joe Biden’s showing in the state. The Biden campaign has reported raising \$5.4 million from Texas donors for 2024, well ahead of his pace from four years ago. At this same point in 2020, Biden had raised just over \$3 million from Texas donors, according to Federal Election Commission records.

## San Antonio

Express-News MAY 16 2024

# Texas delegation urges Congress to withhold aid to Mexico over water treaty dispute

By Matthew Choi -- TEXAS TRIBUNE

WASHINGTON — Texans in Congress are threatening federal funds for Mexico, escalating a dispute over Mexico’s obligations to deliver water to the United States.

A bipartisan group of Texas lawmakers are demanding House and Senate appropriators withhold funds for the country until Mexico lives up to its end of a 1944 water treaty that requires it to send 1.75 million acre-feet to the U.S. every five years. Mexico has until October of next year to fulfill the requirement, but has more than 700,000 acre-feet left to deliver, according to the International Boundary and Water Commission (Acre-feet is the amount of water needed to fill 1 acre of land with 1 foot of water.)

The inconsistent deliveries from Mexico have exacerbated water shortages impacting South Texas farmers, the lawmakers say. The Rio Grande Valley Sugar Growers sugar mill had to close in February due to repeated water shortages after 50 years. It was the last sugar mill in Texas employing over 500 workers. Hidalgo County had to extend a drought disaster declaration in April.

“Farmers and ranchers across South Texas remain under continued financial strain and could suffer a similar fate as the sugar industry, should Mexico continue withholding water,” the lawmakers wrote in a Friday letter to House and Senate appropriators.

They continued: “As efforts at negotiating a reasonable compromise between our countries have failed to produce an amenable solution for our constituents, we urge you and your colleagues on the Appropriations Committee to withhold designated funds from Mexico until Mexico has agreed to provide more reliable and consistent water deliveries to the United States.”

Mexico asserts it is limited in its ability to deliver water due to drought conditions on its side of the border. It has technically not violated the terms of the treaty because it does not require water to be released in even intervals during the five-year period.

The lawmakers’ Friday letter does not specify what kind of federal funds to Mexico should be impacted. The U.S. government committed over \$138 million in assistance to Mexico in the last fiscal year.

Sens. John Cornyn and Ted Cruz and U.S. Reps. Monica De La Cruz, R-McAllen; Vicente Gonzalez, D-McAllen; Henry Cuellar, D-Laredo; Tony Gonzales, R-San Antonio; Nathaniel Moran, R-Tyler; Ronny Jackson, R-Amarillo; Jodey Arrington, R-Lubbock; and Keith Self, R-McKinney all signed on. Cuellar and Gonzales are both on the House Appropriations Committee.

Texans on the border have been highlighting the water treaty in Congress and with the White House for months.

Cornyn has repeatedly pushed the point with Secretary of State Antony Blinken.

Cruz and Cornyn said in a February statement that “The U.S. must use every diplomatic tool at its disposal to ensure Mexico’s compliance. We will continue to look for ways to support South Texas’s agriculture community, which is suffering from a lack of water.”

There is only so much Congress can do to enforce a treaty already on the books. The State Department is largely responsible for negotiating more water to be released.

Gov. Greg Abbott has similarly pushed the issue. Officials from the Texas Commission on Environmental Quality negotiated with the Mexican government in 2020 along with the Trump administration to push Mexico to release its water before the end of the last five-year cycle.

Mexico has also had its own complaints about the treaty. The country’s government has said Abbott’s use of floating buoys to deter migrants from crossing the Rio Grande violated the terms of the treaty because the buoys were potentially on the Mexican side of the river.

Mexico and the United States ratified the 1944 treaty to equitably distribute water from the Rio Grande and to cooperate in managing its flow.

*The Texas Tribune is a nonprofit, nonpartisan media organization that informs Texans about public policy, politics, government and statewide issues.*

## San Antonio

Express-News MAY 16 2024

# Barge hits bridge connecting Galveston and Pelican Island, causing partial collapse and oil spill

By Lekan Oyekanmi and Juan Lozano -- ASSOCIATED PRESS

GALVESTON — A barge slammed into a bridge pillar in Galveston on Wednesday, spilling oil into surrounding waters and closing the only road to a smaller and separate island that is home to a university, officials said. There were no immediate reports of injuries, although officials said one person on the barge was

knocked into the water and quickly rescued.

The bridge that leads to Pelican Island, north of Galveston, was struck by the barge around 9:50 a.m. when a tugboat backing out of Texas International Terminals, a fuel storage operator next to the bridge, lost control of two barges it was pushing, said

David Flores, a bridge superintendent with the Galveston County Navigation District.

“The current was very bad, and the tide was high. He lost it,” Flores said.

One of the barges hit the bridge and two telephone poles, he said.

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## Cont. from “Barge hits...”

The accident came weeks after a cargo ship crashed into a support column of the Francis Key Bridge in Baltimore on March 26, killing six construction workers.

The accident Wednesday knocked one man off the vessel and into the water, but he was quickly recovered and was not injured, said Galveston County Sheriff’s Office Maj. Ray Nolen.

The tugboat was pushing bunker barges, which are fuel barges for ships, Flores said. The accident resulted in oil spilling from the barge into the bay and crews were working to clean it up, he said. The barge, which is owned by Martin Petroleum, has a 30,000-gallon capacity, but it’s not clear how much leaked into the bay, said Galveston County spokesperson Spencer Lewis. He said about 6.5 miles of the waterway was shut down as a result of the spill.

Pelican Island, which is connected to Galveston by the bridge, is home to a large shipyard, Texas A&M University of Galveston, and Seawolf Park, a former immigration station that now attracts tourists to

its iconic fishing pier and decommissioned U.S. Navy vessels.

Fire trucks drove over the bridge as workers and law enforcement officials looked at the remnants of the collapsed rail line. Aerial footage showed a large piece of broken concrete and debris from the railroad hanging off the side of the bridge and laying on the barge that officials said rammed into the passageway.

Flores said the rail line only serves as protection for the structure and has never been used.

A statement posted on the City of Galveston’s Facebook page said there were no reports of injuries and that the island is currently inaccessible to car traffic.

“Engineers from the Texas Department of Transportation are also enroute to inspect the roadway and determine if there is damage,” the statement said. “The bridge will remain closed until it is deemed safe to use.”

One business, Baywatch Dolphin Tours, said they were seeking the university’s approval to shuttle people off the island and were planning how to provide a

long-term service while bridge repairs are underway.

Opened in 1960, the Pelican Island Causeway Bridge was rated as “Poor” according to the Federal Highway Administration’s 2023 National Bridge Inventory released last June.

The overall rating of a bridge is based on whether the condition of any of its individual components — the deck, superstructure, substructure or culvert, if present — is rated poor or below.

In the case of the Pelican Island Causeway Bridge, inspectors rated the deck in “Satisfactory Condition,” the substructure in “Fair Condition” and the superstructure — or the component that absorbs the live traffic load — in “Poor Condition.”

The bridge has one main steel span that measures 164 feet, and federal data shows it was last inspected in December 2021. However, it’s unclear from the data if a state inspection took place after the Federal Highway Administration compiled the data.

The bridge had an average daily traffic figure of about 9,100, according to a 2011 estimate.

**Bryan**

**Eagle MAY 15 2024**

## **A&M Chancellor Sharp discusses impact of SB 17 during DEI subcommittee hearing**

By Kyle McClenagan

Texas A&M System Chancellor John Sharp presented a positive outlook for university recruitment Tuesday as he spoke to members of the state Senate Subcommittee on Higher Education about the implementation of Senate Bill 17 — which bans Diversity, Equity and Inclusion (DEI) initiatives from public institutions of higher education.

SB 17 was signed into law in June 2023 and required all universities to comply by Jan. 1. The new law prohibits all state public institutions of higher education from establishing or maintaining a DEI office, considering DEI during the hiring process for faculty, staff and contracted workers, and requiring faculty and staff to attend DEI training.

Across the A&M System’s 11 universities, there were a total of nine DEI offices. All have since been closed in compliance with SB 17, according to Sharp. Texas A&M University also has closed its LGBTQ pride center.

As a result of this systemwide restructuring, 27 full-time positions were dissolved with eight full-time employees being “separated” from the university system, Sharp said during the hearing.

“Across the A&M System, we only had 114 positions [dealing with DEI], but most were part-time,” he said. “They were student workers [or] we had where a professor might have 5% of his time or 10% of his time dedicated to it. ... Those are the folks that had any DEI duty whatsoever. That’s in a system of about 28,000 full-time employees. All full-time positions were elim-

inated by mid-October. The remaining positions were eliminated before Senate Bill 17 went into effect on Jan. 1.”

Sharp also said that resources once dedicated to DEI programs were being redirected to improving the System’s ability to recruit prospective students.

“I think DEI made us a little bit lazy; made bureaucrats a little bit lazy,” he said. “Because, all of a sudden, you put up a website and say this, that, and the other and Joe Blow walks in and OK we’re going to hire him. We devoted that money that we saved and some more, for instance at Texas A&M, to recruiting. [To] act like a football coach, to go in there and find the best [students] that are now going to Stanford, that are now going somewhere else, to make sure they know what the best opportunities are.”

So far, this new strategy of bringing awareness of Texas A&M to students outside of its normal sphere of influence has been effective, Sharp said.

“The result so far has been a double-digit increase in those kids that are applying to Texas A&M,” he said. “The problem is, a lot of kids out there don’t know and a lot of high schools don’t know what’s available — the places like UT and A&M. We’re frankly spending a lot of time, a lot of effort beefing up those efforts around the state.”

Sen. Brandon Creighton, R-Conroe, the committee chairman, asked Sharp directly if the A&M System was committed to terminating employees who purposefully chose to subvert SB 17. Sharp said employees would be fired in such cases.

“Willful violations of this law will result in somebody who probably needs to work someplace else,” he said. “It will absolutely not be tolerated.”

Creighton, a co-author of SB 17, said he was concerned whether or not university presidents would be wholeheartedly committed to the abandonment of DEI. He specifically mentioned comments made by Texas A&M President Mark Welsh III during his time as interim president.

“With President Welsh being sort of a recent, new hire as a president — you know where I might be heading with this — he’s published saying that he felt like he did not support SB 17,” Creighton said, speaking to Sharp. “He felt like it was the wrong direction. Coming from a DEI-related position, now to the position he is in ... how are we as far as President Welsh?”

According to a September 2023 article published by The Washington Post, Welsh said he did not think that SB 17 would change what A&M does to promote diversity. Before becoming interim president and president of Texas A&M, Welsh was Dean of the Bush School of Government and Public Service.

“I don’t believe its beneficial to where we are trying to go longterm as a society,” he told the Post. “I think the law was intended to just make sure that no particular group got the benefit of the doubt or preferential treatment from any other group. And we can do that. That just kind of makes common sense anyways.”

**Continued on Next Page.**

### Cont. from “A&M Chancellor...”

In response to Creighton’s concern with Welsh’s past comments, Sharp said he had full confidence in Welsh, who was officially appointed in late 2023.

“I guess I missed those comments,” Sharp said. “All of our presidents, we meet with them on a very regular basis, talk about this and all of them are following the

directions that I give them and that the board gives them. I don’t have any concerns with any of them. About half of our presidents were new so they weren’t indoctrinated in this [DEI] to begin with. I don’t have any concerns about [Welsh]. I have no doubt he is going to follow the law.”

University of Texas Systems Chancellor James Milliken was among those who spoke at the hearing and announced that its

nine academic and five health campuses alone had cut 300 full- and part-time positions. Those campuses combined also did away with more than 600 programs related to diversity, equity and inclusion training.

“You may not like the law, but it is the law,” Milliken said.

**Bryan**

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## **Sharp: A&M not enforcing new Title IX rules until adjudication of lawsuit**

By Alex Miller

Texas A&M Chancellor John Sharp reiterated Tuesday the A&M System won’t implement the Biden administration’s new Title IX regulations until a lawsuit filed by Texas Attorney General Ken Paxton receives a ruling.

Sharp’s comments came during a state Senate’s higher education subcommittee hearing in Austin.

Houston radio station KTRH 740 AM posted an article Monday with the headline “Woke Texas A&M Plans To Implement Biden’s Controversial Title IX Rewrite.” The article referred to a May 6 story from Texas Scorecard with the headline “Texas A&M to Implement Biden’s Controversial Title IX Rewrite.”

On May 7, A&M’s Office of General Counsel sent a memo that the A&M System won’t implement the new Title IX regulations until Paxton’s lawsuit receives a ruling.

“Can I have a little point of privilege correcting a tweet that was forwarded by KTRH today without bothering to check with us?” Sharp told the state Senate’s subcommittee members Tuesday. “And that was that the student newspaper [The Battalion] asked our Title IX director at Texas A&M, interviewed him [and] the Title IX director said, ‘We’re working really hard to implement the new Title IX regulations.’ And immediately thereafter, I sent a memo to all of the presidents saying, ‘We’re not doing that. We anticipate that the governor will say otherwise.’ And he did the next day. So, the problem is our good friends at [Texas] Scorecard wouldn’t print that part of it and only printed the first part of it.”

The U.S. Department of Education released new Title IX regulations on April 19 that protects all students and employees, including LGBTQ+ students, from sex-based harassment and discrimination at any educational program or institution that receives federal funds, including K-12 schools, colleges and universities. These new regulations are effective Aug. 1.

Paxton’s office announced April 29 that the Texas Attorney General had sued the Biden administration for unlawfully using Title IX to mandate “radical gender ideology” that he believes violates the Constitution and puts women in education institutions at risk.

On May 1, The Battalion posted an article with the headline, “A&M scrambles to meet compliance for new Title IX rules by August.” This prompted Texas Scorecard to aggregate comments on the matter from A&M’s Title IX director in its May 6 article. A&M’s OCG released its memo the next day.

On May 8, Gov. Greg Abbott sent a letter to all Texas public university systems, including Texas A&M, and community colleges on Wednesday with orders to ignore the Biden administration’s new Title IX regulations. Abbott’s letter came one day after the A&M memo was sent out.

In a statement the A&M System sent to all system universities on May 7, prior to Abbott’s letter, System officials said: “The recent updates to Title IX regulations will require extensive changes to our current operations, and our [Associate Vice President] of Title IX Compliance appropriately initiated steps toward the need to comply with a new federal regulation that goes into effect on Aug. 1. She worked with the Texas A&M System Title IX Compliance Office to begin this process. No changes have been made at this point — only efforts to begin preparing for the necessary changes. On May 7, Texas A&M University received guidance from the Texas A&M University System notifying us that both the regulations and the legal challenge filed by Attorney General Paxton are under review to determine the System’s course of action going forward, and additional information will be provided soon.”

Despite A&M’s memo affirming the System wouldn’t implement the new Title IX rules until Paxton’s lawsuit receives a ruling, Abbott shared a link to KTRH’s article to his personal X account on Monday night.

“If they do [implement the new Title IX rules], if they act contrary to state policy, they are jeopardizing state funding, including money from the PUF fund,” Abbott wrote in his social media post. “Bowling to the leftist agenda will reap consequences.”

The Eagle reached out to the governor’s office for comment but had not heard back before publication.

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## Pressure Builds for Supreme Court to Address Transgender Cases

BY JAN WOLFE AND LAURA KUSISTO

The national legal battle over transgender rights is escalating, making it difficult for the Supreme Court to avoid the hot-button social issue much longer.

A growing number of courts have weighed in on several contested issues, including transgender healthcare, medical procedures for minors, participation on school sports teams and limits on drag shows. Some courts have enshrined new rights for transgender individuals, while others have rejected claims for legal protections.

The roster of notable lower court rulings increased in April when a liberal-leaning U.S. appeals court in Richmond, Va., issued a pair of decisions in favor of transgender litigants. In one, the full court ruled 8-to-6 that state health plans in North Carolina and West Virginia violated the constitutional guarantee of equal protection by excluding coverage for surgical treatments for transgender patients. In the other, a three judge panel ruled 2-to-1 that West Virginia can't exclude a 13-year-old transgender girl from participating on her school's cross-country and track teams.

"One can only hope that the Supreme Court will take the opportunity with all deliberate speed to resolve these questions of national importance," Judge G. Steven Agee wrote in dissenting from the sports team ruling.

The Supreme Court handed down a blockbuster LGBTQ rights decision in

2020, *Bostock v. Clayton County*, that said the Civil Rights Act of 1964 prohibits workplace discrimination on the basis of sexual orientation or gender identity. The justices have said little about transgender rights since.

The high court has declined, for example, to review appeals from school districts seeking to maintain restroom policies that had been challenged by transgender students. The court in April allowed Idaho, for now, to broadly enforce a new state law banning treatments for transgender youth, but the justices didn't address the merits of the case, which is still being litigated in the lower courts.

Separately, the Supreme Court for two months has been sitting on several fully briefed appeals requesting its review of issues related to medical treatments for transgender minors. On seven previous occasions, the justices scheduled the appeals for discussion at their weekly private conference, only to postpone each time. They are now scheduled for the court's conference on Thursday, though the date could slip again.

One of the appeals comes from the Biden administration, involving a Justice Department challenge to a Tennessee law that bans gender-transition care, such as medications that can delay the onset of puberty and hormones that can cause physical changes such as the development of facial hair or breasts. A federal trial judge

blocked the law in June 2023, but then a Cincinnati-based U.S. appeals court stepped in and allowed it.

U.S. Solicitor General Elizabeth Prelogar said in the government's appeal that Supreme Court review was "urgently needed," especially in light of conflicting court rulings and a wave of laws similar to Tennessee's.

Jonathan Scruggs, a lawyer at Alliance Defending Freedom, a conservative Christian legal advocacy group, said it is only a matter of time before the high court takes up a case. "The challenge is just knowing which case and when," he said.

The legal battles follow several years in which transgender issues became a central concern in statehouses around the country. In addition to restricting medical treatments, Republican-controlled legislatures have limited discussions of gender identity in public schools, required people to play on sports teams matching their sex at birth and passed laws that critics say would restrict drag performances.

Advocates for the latter measures, adopted in states including Texas and Florida, say they are protecting children from inappropriate sexual themes and imagery. Judges have generally said these laws infringe free speech, but legal challenges remain pending.



