

ENTERED

October 26, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

A.C., C.P., T.T., T.M., T.B., R.P.,
and C.W., by and through their
next friends and guardians,

Plaintiffs,

CIVIL ACTION NO. H-21-3466

VS.

MAGNOLIA INDEPENDENT
SCHOOL DISTRICT,

Defendant.

TEMPORARY RESTRAINING ORDER

The plaintiffs’ motion for a temporary restraining order is granted as to A.C., C.P., T.T., and T.M, for the reasons stated in detail on the record in the hearing held on October 25, 2021, after hearing the arguments of counsel, and considering the motion, response, reply, the record evidence the parties submitted, and the applicable law.

The court finds that the plaintiffs established a substantial likelihood of success in showing that the Magnolia Independent School District’s gender-based policy on hair length violates the plaintiffs’ rights under the Equal Protection Clause of the Fourteenth Amendment and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.* The School District has failed to show that the facially disparate standards for hair length are sufficiently justified by the reasons the District proffered. The court finds that plaintiffs A.C., C.P., T.T., and T.M. will face irreparable harm in the absence of immediate relief from the harsh discipline they received from the School District, which resulted in their inability to attend public school and a deprivation of the benefits of, and access to, a public education.

The court also finds that the balance of equities favors permitting plaintiffs A.C., C.P., T.T., and T.M. to return to school promptly, without facing discipline for hair longer than the District policy permits.

The court also finds that the record shows no likelihood of harm to the School District if the temporary restraining order is not granted, given the District's acknowledgment that allowing students to have hair longer than the policy permits has not disrupted or disturbed the classroom or other educational or extracurricular offerings and experiences.

Finally, the court finds that the public interest is served by issuing this temporary restraining order, to allow children who have been unable to attend school to be able to return promptly without the threat of imminent discipline based on the length of their hair.

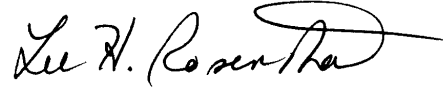
The court orders that: (1) the Magnolia Independent School District is enjoined from enforcing its gender-based hair-length policy against plaintiffs A.C., C.P., T.T., and T.M; and (2) the Magnolia Independent School District is enjoined from taking disciplinary action against plaintiffs A.C., C.P., T.T., and T.M for violating the gender-based hair-length policy, including from enforcing disciplinary sanctions that were previously imposed.

The court denies the temporary restraining order at this time as to plaintiffs T.B., R.P., and C.W., without prejudice to their ability to seek a temporary restraining order or a preliminary or permanent injunction if or when their hair length exceeds the School District's policy and they face disciplinary consequences because of their hair length.

This order applies to the following who receive actual notice of it by personal service or otherwise: the Magnolia Independent School District; the Magnolia Independent School District's officers, agents, servants, employees, and attorneys; and other persons who are in active concert or participation with the Magnolia Independent School District or its officers, agents, servants,

employees, and attorneys, under Federal Rule of Civil Procedure 65(d). This order will remain in effect until the conclusion of the preliminary injunction hearing in this matter, which the parties agreed to hold on November 10, 2021, at 2:00 p.m., or until otherwise ordered. No bond is required.

SIGNED on October 26, 2021, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", with a large, stylized flourish extending to the right.

Lee H. Rosenthal
Chief United States District Judge