

Petitioner

IN THE DISTRICT COURT

Matthew Mucker

TARRANT COUNTY, TEXAS

Respondents

Charles Randklev

John Birt

Joni Shaw Smith

Micah Young

Chelsea Kelly

Chris Coker

Heather Washington

### **PETITION FOR INJUNCTION**

Pro se petitioner MATTHEW MUCKER comes before the court in suit against the Keller Independent School District Board of Trustees, and KISD Board of Trustee members Charles Randklev, John Birt, Joni Shaw Smith, Micah Young, Chelsea Kelly, Chris Coker, and Heather Washington (collectively, "KISD Board," "the board," "boardmembers" or similar).

#### **Service of Respondents**

Respondents may be served at the Keller ISD Administration building, 350 Keller Parkway, Keller TX, or wherever they may be found.

#### **Authority**

Petitioner brings this suit under Texas Government Code Title 5 Chapter 551, Open Meetings. In particular, section 551.142(a) says:

An interested person, including a member of the news media, may bring an action by mandamus or injunction to stop, prevent, or reverse a violation or threatened violation of this chapter by members of a governmental body.

Petitioner is unable to find a definition of "interested person" in this section of Texas Law. Petitioner is a homeowner in (and thus pays property taxes to) Keller ISD, is a registered voter in a precinct within the

boundaries of Keller ISD, and has three children who attend Keller ISD schools. Petitioner believes that he qualifies as an “interested person” for one, some, or all of the above reasons.

Respondents collectively fall under the definition of “governmental body” by the definition in 551.001(3)(E) which explicitly lists a school district board of trustees as a governmental body.

## **Jurisdiction**

This court has jurisdiction to hear this pro se case as filing and process service fees are more than \$500, and jurisdiction in original mandamus and original injunction proceedings lies in the district court. (Martin v. Victoria Indep. Sch. Dist., 972 S.W.2d 815, 818)

## **Background**

Keller ISD is an independent school district in Tarrant County. KISD serves more than 34,000 students in Colleyville, Fort Worth, Haltom City, Hurst, North Richland Hills, Southlake, Watauga, Westlake, and Keller. The entire city of Keller lies within KISD boundaries. Only a portion of each of the other cities is within the boundaries of KISD.

Keller ISD’s governing body is composed of seven Trustees elected by the voters for three-year terms of office. KISD’s Trustees are elected at large; KISD has no single-member districts. Five of the seven current board members live within the city limits of Keller.

On January 7, Fort Worth City Council member Charles Lauersdorf made a public Facebook post referring to “rumors of the Keller ISD split” and confessed to knowing little about the rumored plan.

On Jan. 8, KISD board member Chelsea Kelly said in Facebook post, “There's been talk in the community about the board discussing splitting Keller ISD to create two school districts. Unfortunately, this rumor is true. The board has only had one closed-session meeting about it, and this was the first time I heard about it.”

Also on Jan. 8, KISD board member Joni Shaw Smith posted on Facebook “The rumor is true. On December 19, a plan to detach a portion of Keller ISD and form a new school district was revealed by President Randklev, Vice-President John Birt and Trustee Micah Young. To say that Trustee Kelly and I were blindsided and shocked is an understatement. An action like this carries significant implications for our community, our schools, and most importantly, our students. As a board member, I must express my concern that this proposal has not been part of any long-range plan previously discussed by the Board. To our knowledge there has been no reliance of district input of the realities of this being able to happen in the timeline being requested. I have not even seen a resolution to even have input for myself and my constituents. Furthermore, as a parent and resident, I am concerned that no public discussions or community engagement have taken place regarding this matter.”

On Thursday, January 9, 2025, the *Fort Worth Star-Telegram* published a story online (which appeared in the Jan. 10 print edition) titled, “Keller school district considers split, prompting concerns from parents, officials.” In this article, reporters Elizabeth Campbell, Harrison Mantas, and Cody Copeland write that Fort Worth Mayor Mattie Parker and City Council Member Charlie Lauersdorf were made aware that

“Keller school trustees are eyeing a possible plan to split the district in two.” In the article, Lauersdorf declined to reveal his source for this information, saying instead, “Apparently, it looks like Keller ISD’s strategy is a strategy of ambiguity...” The article further states that, should the KISD Board proceed with a plan to split the district into two school districts, the Tarrant County Commissioner’s Court must approve it. At the time, Court Commissioners Alisa Simmons and Manny Ramirez (the only two commissioners who responded to the *Star-Telegram*’s inquiry) said they were “unaware of the initiative to split Keller ISD into two.”

On January 10, an online article later appearing in the Jan. 12 print edition titled “Keller school board now plans to keep public out of a meeting to discuss proposed split” authored by reporter Cody Copeland reported that KISD Board President Charles Randklev announced that a specially called board meeting would be an executive session closed to the public. He is quoted as saying, “An idea of this magnitude requires significant legal analysis therefore we will have these discussions internally as a board....”

An article appearing on the front page of the print edition of the *Star-Telegram* on Jan. 15 titled, “Lawyers: Board’s discussion to split district likely broke law” quotes Bill Aleshire, an Austin based attorney with the Freedom of Information Foundation of Texas saying, “Because of the special interest to the public in whether or not to split the district, they’re required to be specific in their meeting notice anytime they discuss that topic,” in support of his opinion that the discussion of Dec. 19 mentioned in the Facebook posts of trustees Shaw Smith and Kelly was a violation of the Texas Open Meetings Act (“TOMA”). Fort Worth attorney Ken Sparks, who served as County and District Attorney in Colorado County, and advised that county’s Commissioners Court on the Open Meetings Act for over a decade, is quoted in this article concurring with Mr. Aleshire’s opinion. Aleshire is later quoted saying, “I’m amazed to hear they have an attorney with the blatant violations of the Open Meetings Act that are occurring.”

On Jan. 14, WFAA published a story on their website titled “Keller ISD board’s private discussion about district split was violation of law, lawyer says” which quotes attorney Bill Aleshire making statement substantially similar to those the *Star-Telegram* quoted.

Petitioner believes, based on this and other evidence, that a majority of the Keller ISD Board of Trustees intended to conspire with each other to craft a plan outside of public view in violation of TOMA that would partition Keller ISD into two school districts. Petitioner believes the original plan of the board was to vote on and pass such a resolution at a Special Meeting of the Board of Trustees on January 16, and to take advantage of ambiguities in the Texas Education Code section 13.051 to convince the Tarrant County Court of Commissioners to approve the partition of the district without putting the issue on a ballot to be voted on by the citizens of the school district. Petitioner believes that this plan was derailed when rumors of this plan became public knowledge through disclosure by Charles Lauersdorf on January 7.

### **Civil Remedies**

Petitioner fears that, without this court’s oversight and civil sanction, respondents are likely to continue to meet under circumstances that violate TOMA and harm the public, and that such actions would be a “threatened violation” for which 551.142(a) permits this court to issue an injunction.

## **Petitioner's Plea**

Petitioner asserts that the proposed division of Keller Independent School District (KISD) into two separate districts—a matter of profound public significance impacting thousands of students, parents, teachers, administrators, and voters—must be conducted transparently and in full compliance with the Texas Open Meetings Act (TOMA). Such a consequential decision demands open deliberation, meaningful public engagement, and careful evaluation of community feedback to ensure the interests of all stakeholders are adequately considered.

Petitioner has substantial reason to believe, based on media reports, publicly available statements by KISD board members, and other evidence, that respondents have likely violated TOMA by engaging in discussions and planning for the proposed partition outside the public eye and bypassing a public vote by constituents via direct resolution to the Tarrant County Court of Commissioners in order to fast track a division. Petitioner further contends that unless restrained, respondents are likely to continue conducting improper meetings in violation of TOMA, undermining the public's right to open government, constituents' ability to vote in a public election in deciding a partition, and eroding trust in the decision-making process.

Given the imminent and irreparable harm that would result from allowing the school board to move forward with plans formed in violation of TOMA, petitioner respectfully requests that this Court issue an injunction pursuant to Texas Government Code § 551.142(a). Specifically, petitioner seeks to enjoin respondents from convening in any manner that violates TOMA and urges the Court to impose all appropriate legal sanctions to ensure compliance.

## **Injunction Relief**

Petitioner asks the court to grant reasonable monetary damages to petitioner for costs, fees, expenses and interest necessary to preserve and protect his rights and the rights of the public in this case.

Respectfully submitted,

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