

**IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
EFFINGHAM COUNTY, ILLINOIS**

BOARD OF EDUCATION OF THE RED
HILL CUSD 10, BOARD OF EDUCATION)
OF THE COWDEN-HERRICK COMMUNITY)
UNIT SCHOOL DISTRICT 3A, BOARD OF)
EDUCATION OF THE BEECHER CITY)
CUSD 20)

Plaintiffs,

v.

ILLINOIS STATE BOARD OF EDUCATION)
and DR. CARMEN I. AYALA, in Her Official)
Capacity as State Superintendent of Education)

Defendants.

Case No. 21-MR-_____

**PLAINTIFF’S EMERGENCY MOTION FOR ENTRY OF A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

NOW COMES the Plaintiff, BOARD OF EDUCATION OF THE RED HILL CUSD 10 (“Red Hill”), BOARD OF EDUCATION OF THE COWDEN-HERRICK COMMUNITY UNIT SCHOOL DISTRICT 3A (“Cowden-Herrick”), BOARD OF EDUCATION OF THE BEECHER CITY CUSD 20 (“Beecher City”), (collectively referred to as the “Districts”), by and through their attorneys Thomas G. DeVore, and the Silver Lake Group, Ltd., and pursuant to 735 ILCS 5/11-101 and 5/11-102, moves this Court for entry of a Temporary Restraining Order and Preliminary Injunction against the Defendants, ILLINOIS STATE BOARD OF EDUCATION (hereinafter referred to as “ISBE”), and DR. CARMEN I. AYALA (hereinafter referred to as “Ayala”) in her official capacity, and hereby plead:

1. The Districts have a right to not have their recognition status altered unless the same is expressly authorized by law.

2. Because of being on probation, Cowden-Herrick and Beecher City are suffering continuing harm in their ability to access the benefits of recognition status such as access to funding as well as athletic opportunities for their students.

3. As for Red Hill, Ayala has proclaimed she will reduce their recognition level back to “on probation”, through the same procedural and substantive process being complained of herein, should Red Hill once again refuse to follow the mandate of the Governor regarding mask wearing.

4. Additionally, ISBE is going so far as to disallow Cowden-Herrick and Beecher City to exercise their clear right to an administrative appeal until such time as status has been lowered all the way to “non-recognized.”

5. The Districts all have clear ascertainable procedural and substantive rights under Illinois law in need of protection by this Court.

6. The Districts will continue suffer irreparable harm if the injunction is not granted, in that the benefits of being fully recognized, which include students being allowed to participate in IHSA sanctioned, as well as state funding being protected from impairment, are at risk.

7. There is no adequate remedy at law to correct Ayala and ISBE’s violation of procedural and substantive due process as required under Illinois law.

8. The Districts have shown a reasonably likelihood that ISBE and Ayala are violating procedural and substantive due process in regard to the Districts recognition status to force compliance with an executive order.

WHEREFORE, the Districts pray that this Court enter an order:

a) Find the Districts have a right to not have their recognition status lowered unless the same is accomplished as provided under Illinois law and Title 23 of the Illinois Administrative Code;

b) Find the Districts will continue to suffer irreparable harm if the injunction is not granted in the benefits of being a fully recognized district have, and will continue, to been taken away from them unless they comply with these mandates of Ayala and ISBE;

c) Find the Districts have no adequate remedy at law to protect them from procedural and substantive violations by Ayala and ISBE;

d) Find the Districts have shown a reasonable likelihood of success that Ayala and ISBE are violating the procedural and substantive due process rights of the Districts as provided under Illinois law;

e) Entering an injunction which reinstates Cowden-Herrick and Beecher City to fully recognized status instanter;

f) Entering an injunction which enjoins Ayala from altering the recognition status of the Districts except as authorized during the annual compliance provisions of 23 Ill. Admin. Code § 1.20(a).

g) Entering an injunction which enjoins Ayala and ISBE from altering the recognition status of the Districts solely due to their failure to comply with executive order 2021-18.

h) Entering an injunction which stays any administrative proceedings in regard to these matters.

Respectfully submitted,

/s/ Thomas G. DeVore
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Silver Lake Group, Ltd.
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Greenville, IL 62246
Telephone - 618-664-9439
tom@silverlakelaw.com

VERIFICATION

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief, if any, and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Date: October 01, 2021

By: /s/ Seth Schuler
Cowden-Herrick CUSD 3A, authorized agent
Mr. Seth Schuler, Superintendent

VERIFICATION

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief, if any, and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Date: October 01, 2021

By: /s/ Phil Lark
Beecher City CUSD 20, authorized agent
Mr. Phil Lark, Superintendent

VERIFICATION

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief, if any, and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Date: October 01, 2021

By: /s/ Jakie Walker
Red Hill CUSD 10 , authorized agent
Mr. Jakie Walker, Superintendent

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