

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

FILED

OCT 06 2021

ARL
CLERK OF THE CIRCUIT COURT
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)

Case No. 21-MR-146

Plaintiffs,)

v.)

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

Defendants.)

TEMPORARY RESTRAINING ORDER

THIS CAUSE COMES ON TO BE HEARD for ruling on Plaintiffs, 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, (collectively referred to as the "Districts") Emergency Motion for Issuance of a Temporary Restraining Order. The Districts seek temporary and permanent injunctive relief regarding their recognition status having been lowered to on probation by Defendants, ILLINOIS STATE BOARD OF EDUCATION ("ISBE") and DR. CARMEN I. AYALA, as State Superintendent of Education ("Superintendent"), (hereafter collectively referred to as "Defendants".) The Court having considered the pleadings, arguments of counsel, applicable statutory authority and supporting case law, and being otherwise fully advised in the premises, hereby FINDS and ORDERS as follows:

LEGAL STANDARD

A temporary restraining order ("TRO") is a drastic, emergency remedy which may issue only in exceptional circumstances and for a brief duration. *Abdulhafedh v. Secretary of State*, 161 Ill. App. 3d 413, 416 (2nd Dist. 1987). The purpose of a TRO is to allow the circuit court to preserve the status quo pending a hearing to determine whether it should grant a preliminary injunction *Id.* The status quo which will be preserved is the last actual, peaceful, non-contested status which preceded the pending controversy.' *Deisenroth v. Dodge* (1953), 350 Ill. App. 20, 111 N.E.2d 575.) The plaintiff is not required to make out a case which would entitle him to judgment at trial; rather, he only needs to show that he raises a "fair question" about the existence of his right and that the court should preserve the status quo until the case can be decided on the merits. *Citizens Utilities Co. v. O'Connor*, 116 Ill. App. 3d 369, 378 (2nd Dist. 1983). When seeking injunctive relief under the common law, the party seeking a preliminary injunction or TRO must establish facts demonstrating the traditional equitable elements that: (1) it has a protected right; (2) it will suffer irreparable harm if injunctive relief is not granted; (3) its remedy at law is inadequate; and (4) there is a likelihood of success on the merits. *County of Du Page v. Gavrilos*, 359 Ill. App. 3d 629, 634 (2nd Dist. 2005). If these elements are met, then the court must balance the hardships and consider the public interests involved. *Rodrigue Ceda Makindu v. Ill. High Sch. Ass'n*, 2015 IL App (2d) 141201, ¶131.

IT IS ORDERED:

A. The Districts request for an emergency temporary restraining order is hereby granted.

B. Beecher City and Cowden-Herrick's recognition status is hereby restored to "fully recognized" instanter until such time as the Court has held a preliminary injunction hearing and ruled on the District's request for a preliminary injunction.

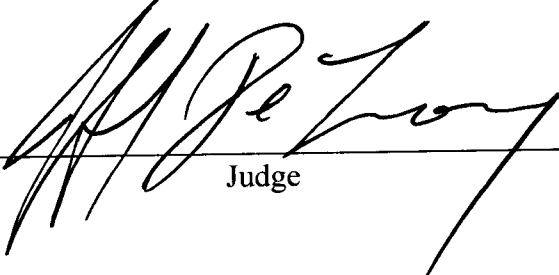
C. The State Superintendent is hereby enjoined from altering the recognition status of the Districts except as authorized during the annual compliance provisions of 23 Ill. Adm. Code §1.20(a).

D. ISBE is hereby enjoined from altering the recognition status of the Districts absent full compliance with the School Code and the Admin Code as well as full compliance with 105 ILCS 2-3.25(b) and any promulgated rules setting forth an appeal process for a change in recognition level.

D. Bond is waived as good cause has been shown.

E. This case is continued to _____ November 8, 2021 _____, at _____ 1pm _____, for a preliminary hearing.

ENTERED THIS 6th day of October, 2021



Judge