

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

State of Texas,

*Plaintiff,*

v.

No. 2:24-cv-00086-Z

The United States of America et al.,

*Defendants.*

**DECLARATION OF MICHAEL MEYER**

1. My name is Michael Meyer. I am over 18 years of age, of sound mind, and capable of making this declaration. I have personal knowledge of the facts stated herein.
2. I am the Deputy Commissioner of Finance at the Texas Education Agency (TEA). I have held this position since June 2018.
3. Educational programs and activities in Texas are funded through TEA. *See* Tex. Educ. Code § 7.021; § 7.031.
4. In the 2023 Fiscal Year, approximately \$9.4 billion in federal funds were distributed to Texas public schools for educational programs and activities in Texas through TEA, including but not limited to: ongoing programs funded under the Elementary and Secondary Education Act, the Individuals with Disabilities Education Act, and the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V), and temporary programs funded through the Elementary and Secondary School Emergency Relief Fund via the Coronavirus Response and Relief Supplemental Appropriations Act, and the American Rescue Plan Act.
5. The information above reflects only the federal funds received by Texas public schools through TEA. In Fiscal Year 2023, public schools in Texas received another approximately \$4.8 billion in federal funding, including about \$0.4 billion received directly from the federal government and about \$4.4 billion distributed through entities other than TEA. In addition, public schools received approximately \$26.8 billion in state funding in Fiscal Year 2023.
6. Almost all Texas public schools receive federal funds that are distributed by TEA. Additionally, the Texas School for the Blind and Visually Impaired (“TSBVI”) and the Texas School for the Deaf (“TSD”), directly operated by the State of Texas, receive federal funds distributed by TEA.

7. To receive federal funds, a public school, TSBVI, or TSD must provide assurance of compliance with applicable federal statutes and rules. If a recipient is found to be in non-compliance by the federal entity that awarded the funds, the recipient may be subject to enforcement action such as repayment of funds or loss of future funding.
8. The loss of federal funds would require Texas's public schools to either eliminate certain educational services offered using federal funds or find funding from another source.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 10<sup>th</sup> day of May, 2024, in Austin, Texas.



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MICHAEL MEYER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

STATE OF TEXAS,

*Plaintiff,*

v.

THE UNITED STATES OF  
AMERICA; MIGUEL CARDONA, in  
his official capacity as Secretary of  
Education; UNITED STATES  
DEPARTMENT OF  
EDUCATION; CATHERINE  
LHAMON, in her official capacity as  
Assistant Secretary for Civil Rights,  
Department of Education;  
RANDOLPH WILLS, in his official  
capacity as Deputy Assistant Secretary  
for Enforcement, Department of  
Education,

*Defendants.*

Case No. 2:24-cv-00086-Z

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**Declaration of Peter L. Bailey**

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Pursuant to 28 U.S.C. § 1746, I, Peter L. Bailey, duly affirm under penalty of perjury as follows:

1. I am over 18 years of age, have personal knowledge of the matters set forth herein, and am competent to make this Declaration.
2. My name is Peter L. Bailey, and I serve as Superintendent of the Texas School for the Deaf (TSD).
3. TSD is a state agency, located in Austin Texas, that provides comprehensive educational services to persons who are 21 years of age or younger, who are deaf or hard of

hearing, and who may have one or more other disabilities. TSD serves over 500 deaf or hard of hearing students from over 50 counties from around the state of Texas. TSD maintains a residential setting (dorms) for students who live outside of the Austin area. Living quarters in these residential settings are maintained on the basis of sex.

4. TSD provides athletic programs for students to participate in extracurricular activities. Athletic teams are organized on the basis of sex. TSD currently maintains separate locker room facilities for males and females.

5. TSD receives significant federal funds necessary to maintain critical services for its deaf and hard of hearing students and to provide statewide outreach services to families of deaf and hard of hearing children who do not attend TSD’s Austin campus. Because TSD receives federal funding, TSD is subject to the requirements of Title IX. If any program or activity at TSD is determined to not be in compliance with the requirements of Title IX, the U.S. Department of Education may terminate federal funding to TSD. TSD’s current federal funding sources for Fiscal Year 2024 include:

Program	Federal Grant Source / Name	FY 24 Federal Funds
School Nutrition	US Dept of Agriculture: School Breakfast Program	\$ 29,968.00
School Nutrition	US Dept of Agriculture: School Lunch Program	\$ 130,531.00
Statewide Outreach	US Dept of Education: IDEA-B Discretionary	\$ 394,579.00
Early Childhood Education	US Dept of Education: Special Education Consolidated (State) ECI	\$ 6,003.00
Classroom Instruction	US Dept of Education: IDEA-B Formula	\$ 293,472.00
Classroom Instruction	US Dept of Education: IDEA-B Preschool	\$ 18,388.00
Statewide Outreach	Dept of State Health Services: Early Hearing Detection	\$ 222,643.00
Career & Technical Education	US Dept of Education: Carl Perkins	\$ 45,017.00
Classroom Instruction	US Dept of Education: Title I, Part A	\$ 97,444.00
Classroom Instruction	US Dept of Education: Title II, Part A	\$ 13,690.00
Classroom Instruction	US Dept of Education: Title IV, Part A	\$ 10,000.00
	<b>Texas School for the Deaf Total Federal Funds</b>	\$ 1,261,735.00

6. Loss of federal funding would require TSD to eliminate certain education, nutritional, and outreach services provided to deaf and hard of hearing students, their families, and support professionals. Alternate funding sources would need to be identified to replace federal education funding, including those provided by the Carl D. Perkins Act, the Elementary

and Secondary Education Act (ESEA), and the Individuals with Disabilities Education Act (IDEA).

7. Approximately 60% of TSD students receive free or reduced nutritional services. Loss of federal funds would increase risk of food insecurity, potentially decrease classroom attendance, and result in additional learning loss.

8. TSD will incur costs to comply with a federal rule implementing Title IX. These costs will include updating policies and training materials that reflect policies inconsistent with such a rule and incurring additional training costs for Title IX Coordinators, administrators, and other staff. The amount of time dedicated to Title IX training increases in a year in which the U.S. Department of Education adopts significant changes to Title IX regulations. Because the U.S. Department of Education has finalized new Title IX regulations, published at 89 Fed. Reg. 33,474 (Apr. 29, 2024), with an effective date of August 1, 2024, TSD will incur greater time and costs associated with Title IX training and other compliance this year than in a year in which the U.S. Department of Education did not revise its Title IX rules. Because recipients must comply with these new regulations before the next school year begins, TSD's training and other compliance costs will be incurred this summer before the effective date.

9. I declare under penalty of perjury that the foregoing is true and correct.



Peter L. Bailey

Dated: May 10, 2024

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

State of Texas,

*Plaintiff,*

v.

The United States of America et al.,

*Defendants.*

No. 2:24-cv-00086-Z

**DECLARATION OF SARAH KEYTON**

Pursuant to 28 U.S.C § 1746, I, Sarah Keyton, duly affirm under penalty of perjury as follows:

1. I am over 18 years of age, have personal knowledge of the matters set forth herein, and am competent to make this declaration.

2. My name is Sarah Keyton, and I serve as the Deputy Commissioner of Administration of the Texas Higher Education Coordinating Board. I have served in this capacity since December 2023, and prior to that, I served as the Associate Commissioner of Administration. My responsibilities for the Texas Higher Education Coordinating Board include oversight of the agency divisions responsible for budget preparation and funding analysis.

3. The Texas Higher Education Coordinating Board was created in 1965 by the Texas Legislature to provide leadership, guidance, expertise, and resources to improve the efficiency and

quality of higher education in Texas. The Coordinating Board provides oversight, for 148 public colleges, universities, and health-related institutions serving almost 1.4 million students in Texas.

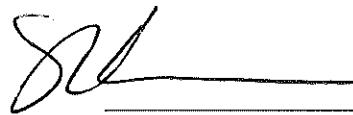
4. All of Texas' public institutions of higher education receive federal funds and are subject to the requirements of Title IX.

5. The Texas Higher Education Coordinating Board is a state educational agency covered by Title IX.

6. If any educational program or activity at one of Texas' public institutions of higher education is determined not to be in compliance with the requirements of Title IX, that could threaten the entity's ability to receive federal funding.

7. The loss of federal funds to Texas' public institutions of higher education could require these institutions to either eliminate certain educational services currently offered using federal funds or require them to seek new funding to pay for those programs or activities.

8. I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to be 'SK', is written over a horizontal line. Below the line is another horizontal line, likely a placeholder for a printed name.

Sarah Keyton

Dated: May 10, 2024.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

State of Texas,

*Plaintiff,*

v.

No. 2:24-cv-00086-Z

The United States of America et al.,

*Defendants.*

**Declaration of Rick Olshak**

1. My name is Richard T. Olshak. I am over the age of 18 and fully competent in all respects to make this declaration.

2. I have personal knowledge of the facts stated in this declaration, and all of these facts are true and correct.

3. I am currently employed by The Texas University A&M System (Texas A&M System) as Director of Title IX and Student Conduct and Compliance.

4. As Director of Title IX, I am responsible for implementing Title IX for the 11 universities and 8 state agencies that comprise the Texas A&M System.

5. I have reviewed the Title IX regulations issued by the Department of Education on April 29, 2024, *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*. 89 Fed. Reg. 33, 474 (Apr. 29, 2024), and it is my opinion that the implementation of these regulations will increase the workload of the Texas A&M System Title IX Office and the Title IX Offices of the component universities and agencies of the Texas A&M System. Below is a list of administrative burdens brought by the new federal regulations as they apply to the universities and agencies that operate under the umbrella of the Texas A&M System.

a. The anticipation of a much heavier caseload by lowering the threshold on what



constitutes sex-based harassment;

- b. Expanded jurisdiction to off-campus behaviors for Title IX cases;
- c. Expanded responsibilities for mitigating the effects of sex-based discrimination and harassment directed at third parties on our property/at our events;
- d. The requirement for employees to refer every student they identify as pregnant to the Title IX Coordinator;
- e. Requiring annual training for employees;
- f. Expanded jurisdiction to include behaviors taking place outside of the United States; and
- g. The requirement to maintain two different complaint resolution processes in perpetuity for incidents that take place before August 1, 2024, and those on or after that date.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of May, 2024.



Richard T. Olshak  
Director, Title IX Compliance

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

State of Texas, et al.,

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Case No. 2:24-cv-00086-Z

**DECLARATION OF DANIEL A. BONEVAC**

I, Daniel A. Bonevac, declare as follows:

1. I am over 18 years old and fully competent to make this declaration.
2. I have personal knowledge of the facts stated in this declaration, and all of these facts are true and correct.
3. I am a named plaintiff in this litigation.
4. I am a professor of philosophy of the University of Texas at Austin. The University of Texas at Austin is subject to Title IX and its prohibition on “sex” discrimination. As a professor at UT-Austin, I am also subject to the requirements of Title IX in my capacity as an educator and scholar.
5. I have no intention of complying with the Biden Administration’s recently announced Title IX edict, which has nothing to do with “sex” discrimination and represents nothing more than an attempt to force every educator in the United States to conform to a highly contentious interpretation of gender ideology and abortion rights.
6. The new Title IX rule purports to define “discrimination on the basis of sex” to include “discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.” *See* 34 C.F.R. § 106.10.

7. The new Title IX rule also purports to define “pregnancy or related conditions” to include abortion. *See* 34 C.F.R. § 106.2 (“Pregnancy or related conditions means . . . Pregnancy, childbirth, termination of pregnancy, or lactation”). It requires professors to accommodate student absences from class to obtain abortions—including illegal abortions and purely elective abortions that are not medically required. *See* 34 C.F.R. § 106.40(b)(3)(ii)(C); 34 C.F.R. § 106.40(b)(3)(iv); *see also* 34 C.F.R. § 106.40(b)(6)(vi)(4) (“[A] recipient must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions”).

8. There are at least four ways in which I will not comply with the Biden Administration’s Title IX rule.

9. First. I will not honor any student’s demands to be addressed by the singular pronoun “they”—regardless of whether those demands come from a biological man or a biological woman, and regardless of whether the person making those demands identifies with a gender that matches or departs from his biologically assigned sex. “They” is a plural pronoun, and it is ungrammatical to use a plural pronoun to refer to a single person. I will not violate the rules of grammar or make a fool of myself to accommodate a student’s delusional beliefs. Nor will I honor demands to use other “made-up” pronouns that are not a standard part of the English language. This is not “sex” discrimination of any sort, even under *Bostock v. Clayton County*, 590 U.S. 644 (2020), because I will enforce this policy equally against male and female students. *See id.* at 660 (“Take an employer who fires a female employee for tardiness or incompetence or simply supporting the wrong sports team. Assuming the employer would not have tolerated the same trait in a man, Title VII stands silent.”).

10. Second. I will not knowingly permit my teaching assistants to engage in cross-dressing while teaching my classes or interacting with my students. My teaching assistants—both male and female—must wear professional attire while on the job,

and I will not allow a male teaching assistant to wear a dress or high heels or any type of drag attire while working for me. Although I am not opposed to hiring a cross-dresser or transvestite as a teaching assistant, they must refrain from this behavior while on the job and when interacting with my students in any way.

11. Third. I will not knowingly treat an absence from class to obtain an illegal abortion or a purely elective abortion as an excused absence. The law of Texas has outlawed and criminalized abortion in all circumstances unless the mother's life is in danger. *See* Tex. Health & Safety Code § 170A.002(a). And federal law imposes criminal liability on any person who obtains abortion drugs through the mail, or from an express company or common carrier or through an interactive computer service—including pregnant women who obtain these pills for use in a self-managed abortion. *See* 18 U.S.C. § 1461–1462. I will not accommodate or become complicit in these crimes by excusing a student's absence from class if that student skips class to obtain an illegal abortion in Texas, or to perform a self-managed abortion with illegally obtained abortion drugs.

12. Nor will I knowingly excuse a student's absence from class if that student leaves the state to obtain a purely elective abortion. I will certainly accommodate students who are seeking medically necessary abortions in response to a pregnancy that threatens the student's life or health. But I will not accommodate a purely elective abortion that serves only to kill an unborn child that was conceived through an act of voluntary and consensual sexual intercourse. Pregnancy is not a disease, and elective abortions are not "health care" or "medical treatment" of any sort. They are purely elective procedures, and I will not accommodate an act of violence against the most vulnerable and defenseless members of the human family.

13. Fourth. I expect my teaching assistants to obey and respect the laws of Texas and the laws of the United States, so I will not knowingly hire a teaching assistant who has violated the abortion laws of Texas or the federal-law prohibitions on the

shipment or receipt of abortion pills and abortion-related paraphernalia. *See* 18 U.S.C. § 1461–1462. The Title IX rule purports to ban “discrimination” against *anyone* who has had an abortion, even if the abortion was illegal and even if the woman violated or aided or abetted violations of 18 U.S.C. § 1461–1462 to obtain the abortion. But I do not hire criminals or lawbreakers to serve as teaching assistants, and I will not comply with this concocted non-discrimination rule.

I declare under penalty of perjury that the facts stated in this declaration are true and correct.

Dated: 5/13/2024

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*Daniel A. Bonevac*  
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DANIEL A. BONEVAC

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

State of Texas, et al.,

Plaintiffs,

v.

United States of America, et al.,

Defendants.

Case No. 2:24-cv-00086-Z

**DECLARATION OF JOHN HATFIELD**

I, John Hatfield, declare as follows:

1. I am over 18 years old and fully competent to make this declaration.
2. I have personal knowledge of the facts stated in this declaration, and all of these facts are true and correct.
3. I am a named plaintiff in this litigation.
4. I am the Century Club Professor of Finance at the McCombs School of Business of the University of Texas at Austin. The University of Texas at Austin is subject to Title IX and its prohibition on “sex” discrimination. As a professor at UT-Austin, I am also subject to the requirements of Title IX in my capacity as an educator and scholar.
5. I have no intention of complying with the Biden Administration’s recently announced Title IX edict, which has nothing to do with “sex” discrimination and represents nothing more than an attempt to force every educator in the United States to conform to a highly contentious interpretation of gender ideology and abortion rights.

6. The new Title IX rule purports to define “discrimination on the basis of sex” to include “discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.” *See* 34 C.F.R. § 106.10.

7. The new Title IX rule also purports to define “pregnancy or related conditions” to include abortion. *See* 34 C.F.R. § 106.2 (“Pregnancy or related conditions means . . . Pregnancy, childbirth, termination of pregnancy, or lactation”). It requires professors to accommodate student absences from class to obtain abortions—including illegal abortions and purely elective abortions that are not medically required. *See* 34 C.F.R. § 106.40(b)(3)(ii)(C); 34 C.F.R. § 106.40(b)(3)(iv); *see also* 34 C.F.R. § 106.40(b)(6)(vi)(4) (“[A] recipient must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions”).

8. There are at least four ways in which I will not comply with the Biden Administration’s Title IX rule.

9. First, I will not honor any student’s demands to be addressed by the singular pronoun “they”—regardless of whether those demands come from a biological man or a biological woman, and regardless of whether the person making those demands identifies with a gender that matches or departs from his biologically assigned sex. “They” is a plural pronoun, and it is ungrammatical to use a plural pronoun to refer to a single person. I will not violate the rules of grammar or compromise my educational mission to accommodate a student’s delusional beliefs. Nor will I honor demands to use other “made-up” pronouns that are not a standard part of the English language. This is not “sex” discrimination of any sort, even under *Bostock v. Clayton County*, 590 U.S. 644 (2020), because I will enforce this policy equally against male and female students. *See id.* at 660 (“Take an employer who fires a female employee for tardiness or incompetence or simply supporting the wrong sports team. Assuming

the employer would not have tolerated the same trait in a man, Title VII stands silent.”).

10. Second. I will not knowingly permit my teaching assistants to engage in cross-dressing while teaching my classes or interacting with my students. My teaching assistants—both male and female—must wear appropriate attire while on the job, and I will not allow a male teaching assistant to wear a dress or high heels or any type of drag attire while working for me. Although I am not opposed to hiring a cross-dresser or transvestite as a teaching assistant, they must refrain from this behavior while on the job and when interacting with my students in any way.

11. Third. I will not knowingly treat an absence from class to obtain an illegal abortion or a purely elective abortion as an excused absence. The law of Texas has outlawed and criminalized abortion in all circumstances unless the mother’s life is in danger. *See* Tex. Health & Safety Code § 170A.002(a). And federal law imposes criminal liability on any person who obtains abortion drugs through the mail, or from an express company or common carrier or through an interactive computer service—including pregnant women who obtain these pills for use in a self-managed abortion. *See* 18 U.S.C. § 1461–1462. I will not accommodate or become complicit in these crimes by excusing a student’s absence from class if that student skips class to obtain an illegal abortion in Texas, or to perform a self-managed abortion with illegally obtained abortion drugs.

12. Nor will I knowingly excuse a student’s absence from class if that student leaves the state to obtain a purely elective abortion. I will certainly accommodate students who are seeking medically necessary abortions in response to a pregnancy that threatens the student’s life or health. But I will not accommodate a purely elective abortion that serves only to kill an unborn child that was conceived through an act of voluntary and consensual sexual intercourse. Pregnancy is not a disease, and elective abortions are not “health care” or “medical treatment” of any sort. They are purely



elective procedures, and I will not accommodate an act of violence against the most vulnerable and defenseless members of the human family.

13. Fourth. I expect my teaching assistants to obey and respect the laws of Texas and the laws of the United States, so I will not knowingly hire a teaching assistant who has violated the abortion laws of Texas or the federal-law prohibitions on the shipment or receipt of abortion pills and abortion-related paraphernalia. *See* 18 U.S.C. § 1461–1462. The Title IX rule purports to ban “discrimination” against *anyone* who has had an abortion, even if the abortion was illegal and even if the woman violated or aided or abetted violations of 18 U.S.C. § 1461–1462 to obtain the abortion. But I do not hire criminals or lawbreakers to serve as teaching assistants, and I will not comply with this concocted non-discrimination rule.

I declare under penalty of perjury that the facts stated in this declaration are true and correct.

Dated: 5/13/2024

DocuSigned by:  
  
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\_\_\_\_\_  
JOHN HATFIELD