

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DAVID CABALLERO, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:17-CV-752-LG-RHW

CAREY WRIGHT, MISSISSIPPI STATE
SUPERINTENDENT OF EDUCATION, ET AL.

DEFENDANTS

ANSWER AND DEFENSES

Defendants Carey Wright, Mississippi State Superintendent of Education, Rosemary Aultman, Chair of the State Board of Education, and Heather Westerfield, Chair of the State Commission on School Accreditation (collectively “defendants”) file this their Answer and Defenses to the Plaintiffs’ “Emergency Petition for Temporary and Permanent Injunction and Complaint for Relief under 42 U.S.C. § 1983” [Dkt. 1] (“complaint”) and state:

ANSWER

Defendants respond to the allegations in the complaint, paragraph-by-paragraph:

1. Denied as stated. Defendants admit only the constitutional and statutory provisions referenced in paragraph 1 speak for themselves. Any remaining allegations in paragraph 1 are denied.

2. Denied.

I. JURISDICTION AND VENUE

3. Denied as stated. Defendants admit only that the statutory provisions referenced in paragraph 3 speak for themselves. Any remaining allegations in paragraph 3

are denied, and defendants specifically deny that the Court has subject matter jurisdiction over any of the plaintiffs' claims.

4. Denied as stated. Defendants admit only that the statutory provisions referenced in paragraph 4 speak for themselves. Any remaining allegations in paragraph 4 are denied.

5. Denied.

6. Denied as stated. Defendants admit only the statutory provisions referenced in paragraph 6 speak for themselves. Any remaining allegations in paragraph 6 are denied.

II. PARTIES

7. Admitted, upon information and belief.

8. Admitted.

9. Admitted.

10. Admitted.

III. FACTUAL ALLEGATIONS

11. Denied as stated. Defendants admit only that since 1996, state officials have taken actions prescribed by Mississippi school accreditation and other laws approximately nineteen times. Any remaining allegations in paragraph 11 are denied.

12. Denied as stated. Defendants admit only they are MDE officials and their powers, duties, and authority are prescribed by Mississippi law. Any remaining allegations in paragraph 12 are denied.

13. Denied as stated. Defendants admit only state officials' past actions prescribed by Mississippi school accreditation laws, and mentioned in paragraph 13 were taken pursuant to Mississippi law. Any remaining allegations in paragraph 13 are denied.

14. Denied as stated. Defendants admit only that the proceedings mentioned in paragraph 14 were prescribed by, and occurred pursuant to, Mississippi's school accreditation laws. Any remaining allegations in paragraph 14 are denied.

The allegations contained in plaintiffs' unnumbered heading on page 4 of the complaint are denied.

15. Denied as stated. Defendants admit only the Jackson Public School District ("JPS") is currently involved in ongoing proceedings prescribed by Mississippi's school accreditation and other laws, which speak for themselves. Any remaining allegations in paragraph 15 are denied.

16. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 16 are denied.

17. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 17 are denied.

18. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 18 are denied.

19. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 19 are denied.

20. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 20 are denied.

21. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 21 are denied.

22. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 22 are denied.

23. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 23 are denied.

24. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 24 are denied.

25. Denied as stated. Defendants admit only that Mississippi's school accreditation and other laws speak for themselves. Any remaining allegations in paragraph 25 are denied.

26. Denied as stated. Defendants admit only that the Leflore County school district official vaguely referenced in paragraph 26 has acted in accordance with Mississippi's school accreditation and other laws, which speak for themselves. Any remaining allegations in paragraph 26 are denied.

27. Denied.

The allegations contained in plaintiffs' unnumbered heading on page 5 of the complaint are denied.

28. Denied.

29. Denied as stated. Defendants admit only that the statute quoted in paragraph 29 speaks for itself. Any remaining allegations in paragraph 29 are denied.

30. Denied as stated. Defendants admit only that the statute quoted in paragraph 30 speaks for itself. Any remaining allegations in paragraph 30 are denied.

31. Denied as stated. Defendants admit only that the statute quoted in paragraph 31 speaks for itself. Any remaining allegations in paragraph 31 are denied.

32. Denied as stated. Defendants admit only that the statute quoted in paragraph 32 speaks for itself. Any remaining allegations in paragraph 32 are denied.

33. Denied as stated. Defendants admit only that the statute quoted in paragraph 33 speaks for itself. Any remaining allegations in paragraph 33 are denied.

34. Denied as stated. Defendants admit only that since 1996, state officials have taken actions prescribed by Mississippi school accreditation and other laws approximately

nineteen times and some school districts required more than one action. Any remaining allegations in paragraph 34 are denied.

35. Denied.

36. Denied as stated. Defendants admit only that the official school district rankings and grades mentioned in paragraph 36 speak for themselves. Any remaining allegations in paragraph 36 are denied.

37. Denied.

38. Denied as stated. Defendants admit only that since 1996, state officials have taken actions prescribed by Mississippi school accreditation and other laws approximately nineteen times, and of those school districts requiring such actions, fourteen such school districts exist today. Any remaining allegations in paragraph 38 are denied.

39. Denied as stated. Defendants admit only that the official school district rankings and grades mentioned in paragraph 39 speak for themselves. Any remaining allegations in paragraph 39 are denied.

40. Denied as stated. Defendants admit only that the official school district rankings and grades mentioned in paragraph 40 speak for themselves. Any remaining allegations in paragraph 40 are denied.

41. Denied as stated. Defendants admit only that the official school district rankings and grades, and numbers of enrolled students mentioned in paragraph 41 and its subparts, as well as the official state documents (if any) used to generate the allegations in

paragraph 41 and its subparts, speak for themselves. Any remaining allegations in paragraph 41 and its subparts are denied.

42. Denied.

43. Denied.

44. Denied as stated. Defendants admit only that JPS currently has a reported enrollment of approximately 27,000 students and its reported student enrollment is currently the second largest reported student enrollment among public school districts in Mississippi. Any remaining allegations in paragraph 44 are denied.

45. Denied as stated. Defendants admit only that prior to this year, no Mississippi public school district with the number of students reported as currently enrolled in JPS has required state officials to take actions similar to those currently involved in the currently ongoing proceedings regarding JPS prescribed by Mississippi's school accreditation and other laws, which speak for themselves. Any remaining allegations in paragraph 45 are denied.

46. Denied as stated. Defendants admit only that the official school district grades, and the number of reportedly enrolled students in the Holmes County school district when state officials were required to take actions prescribed by Mississippi's school accreditation and other laws regarding that district speak for themselves. Any remaining allegations in paragraph 46 are denied.

47. Denied as stated. Defendants admit only that the reported numbers of currently enrolled students in the Holmes County school district and JPS speak for themselves. Any remaining allegations in paragraph 47 are denied.

48. Denied.

49. Denied as stated. Defendants admit only that the current and past official rankings and/or grades for individual schools within JPS, and elsewhere, speak for themselves. Any remaining allegations in paragraph 49 are denied.

50. Denied as stated. Defendants admit only that the current and past official rankings and/or grades for individual schools within JPS speak for themselves. Any remaining allegations in paragraph 50 and its footnote are denied.

51. Denied.

The allegations contained in plaintiffs' unnumbered heading on page 14 of the complaint are denied.

52. Denied as stated. Defendants admit only that state and federal laws prescribing what property and liberty interests qualify as constitutionally-protected speak for themselves. Any remaining allegations in paragraph 52 are denied.

53. Denied as stated. Defendants admit only that the statute quoted in paragraph 53 and its footnote speaks for itself. Any remaining allegations in paragraph 53 and its footnote are denied.

54. Denied.

55. Denied as stated. Defendants admit only that state officials' discretion and considerations in accreditation proceedings are prescribed by Mississippi laws, which speak for themselves. Any remaining allegations in paragraph 55 are denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied as stated. Defendants admit only that the Mississippi accreditation and other laws governing the ongoing proceedings regarding JPS speak for themselves.

61. Denied as stated. Defendants admit only that the statute quoted in paragraph 61 speaks for itself. Any remaining allegations in paragraph 61 are denied.

62. Denied as stated. Defendants admit only that the statute quoted in paragraph 62 speaks for itself. Any remaining allegations in paragraph 62 are denied.

63. Denied as stated. Defendants admit only that the Mississippi accreditation and other laws governing the ongoing proceeding regarding JPS speak for themselves. Any remaining allegations in paragraph 63 are denied.

64. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 64 are denied.

65. Denied as stated. Defendants admit only that state and federal laws prescribing what rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 65 are denied.

66. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 66 are denied.

67. Denied as stated. Defendants admit only that state and federal laws prescribing what rights or interests plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 67 are denied.

68. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 68 are denied.

69. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 69 are denied.

70. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 70 are denied.

71. Denied as stated. Defendants admit only that the current and past official rankings and/or grades for individual schools within JPS, the statute quoted in paragraph 71,

and the official “MDE audits” referenced in paragraph 71, speak for themselves. Any remaining allegations in paragraph 71 are denied.

72. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 72 are denied.

73. Denied as stated. Defendants admit only that the statute quoted in paragraph 73 speaks for itself. Any remaining allegations in paragraph 73 are denied.

74. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 74 are denied.

75. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 75 are denied.

76. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 76 are denied.

77. Denied as stated. Defendants admit only that state officials’ duties and authority regarding JPS employees’ future employment, if any, is defined state and federal laws which speak for themselves. Any remaining allegations in paragraph 77 are denied.

78. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 78 are denied.

79. Denied as stated. Defendants admit only that the official “JPS Corrective Action Plan” referenced in paragraph 79 speaks for itself. Any remaining allegations in paragraph 79 are denied.

80. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 80 are denied.

81. Denied as stated. Defendants admit only that state and federal laws prescribing plaintiffs’ relationship with the “JPS School Board,” if any, and the state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 81 are denied.

82. Denied as stated. Defendants admit only that state and federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 82 are denied.

83. Denied as stated. Defendants admit only that the Mississippi accreditation and other laws governing the ongoing proceeding regarding JPS, and the state and federal laws prescribing what constitutional rights or interests plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 83 are denied.

84. Denied as stated. Defendants admit only that the Mississippi accreditation and other laws governing the ongoing proceeding regarding JPS, and the state and federal laws prescribing what constitutional rights or interests plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 84 are denied.

85. Denied as stated. Defendants admit only that the Mississippi accreditation and other laws governing the ongoing proceeding regarding JPS, and the state and federal laws prescribing what constitutional rights or interests plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 85 are denied.

86. Denied as stated. Defendants admit only that the Mississippi accreditation and other laws governing the ongoing proceeding regarding JPS, and the state and federal laws prescribing what constitutional rights or interests plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 86 are denied.

87. Denied.

The allegations contained in plaintiffs' unnumbered heading on page 19 of the complaint are denied.

88. Denied as stated. Defendants admit only that the official audit report for JPS's April 2016 audit speaks for itself. Any remaining allegations in paragraph 88 are denied.

89. Denied as stated. Defendants admit only that the official audit report for JPS's April 2016 audit and the audit procedures, if any, applicable to JPS's April 2016 audit speak for themselves. Any remaining allegations in paragraph 89 are denied.

90. Denied as stated. Defendants admit only that the audit procedures, if any, applicable to JPS's April 2016 audit speak for themselves. Any remaining allegations in paragraph 90 are denied.

91. Denied as stated. Defendants admit only that the official audit report for JPS's April 2016 audit and the audit procedures, if any, applicable to JPS's April 2016 audit speak for themselves. Any remaining allegations in paragraph 91 are denied.

92. Denied as stated. Defendants admit only that the official audit report for JPS's April 2016 audit speaks for itself. Any remaining allegations in paragraph 92 are denied.

93. Denied as stated. Defendants admit only that the audit procedures, if any, applicable to JPS's April 2016 audit, or any other JPS audit(s), speak for themselves, and a copy of JPS's official April 2016 audit report has been available to the public and widely disseminated since its official release. Any remaining allegations in paragraph 93 are denied.

94. Denied as stated. Defendants admit only that the audit procedures, if any, applicable to JPS's April 2016 audit speak for themselves. Any remaining allegations in paragraph 94 are denied.

95. Denied as stated. Defendants admit only that the audit procedures, if any, applicable to JPS's April 2016 audit, and the state laws governing further proceedings as a result of the audit, speak for themselves. Any remaining allegations in paragraph 95 are denied.

96. Denied as stated. Defendants admit only that the audit procedures, if any, applicable to JPS's April 2016 audit, and the state laws governing further proceedings as a result of the audit, speak for themselves. Any remaining allegations in paragraph 96 are denied.

97. Denied as stated. Defendants admit only that the official "Corrective Action Plan" referenced in paragraph 97 speaks for itself. Any remaining allegations in paragraph 97 are denied.

98. Denied as stated. Defendants admit only that the audit procedures, if any, applicable to JPS's April 2016 audit, and the state laws governing further proceedings as a result of the audit, speak for themselves. Any remaining allegations in paragraph 98 are denied.

99. Denied as stated. Defendants admit only that JPS's official July 2017 audit report referenced in paragraph 99 speaks for itself. Any remaining allegations in paragraph 99 are denied.

100. Denied as stated. Defendants admit only that the audit procedures, if any, applicable to JPS's official July 2017 audit, and the state laws governing further proceedings as a result of the audit, speak for themselves, and a copy of JPS's official July 2017 audit report has been available to the public and widely disseminated since its official release. Any remaining allegations in paragraph 100 are denied.

101. Denied as stated. Defendants admit only that the audit procedures referenced in paragraph 101 speak for themselves. Any remaining allegations in paragraph 101 are denied.

102. Denied as stated. Defendants admit only that the audit procedures referenced in paragraph 102 speak for themselves. Any remaining allegations in paragraph 102 are denied.

103. Denied as stated. Defendants admit only that the audit procedures referenced in paragraph 103 speak for themselves. Any remaining allegations in paragraph 103 are denied.

104. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 104 are denied.

105. Denied as stated. Defendants admit only that the Commission on School Accreditation's proceeding regarding JPS on September 13, 2017 was conducted at 359 North West Street, Jackson, MS 39201. Any remaining allegations in paragraph 105 are denied.

106. Denied as stated. Defendants admit only that MDE's offices at 359 North West Street, Jackson, MS 39201 include a 2nd floor auditorium. Any remaining allegations in paragraph 106 are denied.

107. Denied as stated. Defendants admit only that the Commission on School Accreditation's proceeding regarding JPS on September 13, 2017 was conducted in a 4th floor

conference room at MDE's offices at 359 North West Street, Jackson, MS 39201. Any remaining allegations in paragraph 107 are denied.

108. Denied as stated. Defendants admit only that the Commission on School Accreditation's proceeding regarding JPS on September 13, 2017 was open to the public. Any remaining allegations in paragraph 108 are denied.

109. Denied as stated. Defendants admit only that the Commission on School Accreditation's proceeding regarding JPS on September 13, 2017 was open to the public. Any remaining allegations in paragraph 109 are denied.

110. Denied as stated. Defendants admit only that the Commission on School Accreditation's proceeding regarding JPS on September 13, 2017 was open to the public. Any remaining allegations in paragraph 110 are denied.

111. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 111 are denied.

112. Denied as stated. Defendants admit only that the Commission on School Accreditation's proceeding regarding JPS on September 13, 2017 was open to the public. Any remaining allegations in paragraph 112 are denied.

113. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 113 are denied.

114. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 114 are denied.

115. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 115 are denied.

116. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017, and the information presented at the proceeding speaks for itself. Any remaining allegations in paragraph 116 and its bullet-points are denied.

117. Denied as stated. Defendants admit only that JPS's official July 2017 audit report referenced in paragraph 117, and the information presented at the September 13, 2017 proceeding speaks for themselves. Any remaining allegations in paragraph 117 and its bullet-points are denied.

118. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017, and JPS's official July 2017 audit report referenced in paragraph 118 speaks for itself. Any remaining allegations in paragraph 118 are denied.

119. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017, and the Commission on School Accreditation considered all relevant

information in reaching its decision announced at the September 13, 2017 proceeding. Any remaining allegations in paragraph 119 are denied.

120. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 120 are denied.

121. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 121 are denied.

122. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 122 are denied.

123. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 123 are denied.

124. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 124 are denied.

125. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017. Any remaining allegations in paragraph 125 are denied.

126. Denied as stated. Defendants admit only that the Commission on School Accreditation held a proceeding regarding JPS which comported with all relevant laws on September 13, 2017, at the proceeding the Commission on School Accreditation announced its non-binding recommendation for the Governor to declare an extreme emergency situation exists with regard to JPS pursuant to Mississippi Code Section 37-17-6, and that statute speaks for itself. Any remaining allegations in paragraph 126 are denied.

127. Denied as stated. Defendants admit only that the State Board of Education held a proceeding regarding JPS which comported with all relevant laws on September 14, 2017. Any remaining allegations in paragraph 127 are denied.

128. Denied as stated. Defendants admit only that the statute quoted in paragraph 128 speaks for itself. Any remaining allegations in paragraph 128 are denied.

129. Denied as stated. Defendants admit only that the statute quoted in paragraph 129 speaks for itself. Any remaining allegations in paragraph 129 are denied.

130. Denied as stated. Defendants admit only that the State Board of Education held a proceeding regarding JPS which comported with all relevant laws on September 14, 2017, at the proceeding the State Board of Education announced its non-binding recommendation for the Governor to declare an extreme emergency situation exists with regard to JPS pursuant to Mississippi Code Section 37-17-6, and that statute speaks for itself. Any remaining allegations in paragraph 130 are denied.

131. Denied as stated. Defendants admit only that the state and federal laws mentioned in paragraph 131 speaks for themselves. Any remaining allegations in paragraph 131 are denied.

132. Denied as stated. Defendants admit only that JPS's official April 2016 and July 2017 audit reports referenced in paragraph 132 speak for themselves. Any remaining allegations in paragraph 132 are denied.

CAUSES OF ACTION

COUNT I: INJUNCTIVE RELIEF

The allegations contained in plaintiffs' unnumbered heading on page 28 of the complaint are denied.

133. Denied as stated. Defendants admit only that the federal rule quoted in paragraph 133 speaks for itself. Any remaining allegations in paragraph 133 are denied.

134. Denied.

135. Denied as stated. Defendants admit only that the statutory provisions of Mississippi Code Section 37-17-6 referenced in paragraph 135 and its bullet-points speak for themselves. Any remaining allegations in paragraph 135 and its bullet-points are denied.

136. Denied as stated. Defendants admit only that the statutory provisions of Mississippi Code Section 37-17-6 referenced in paragraph 136 speak for themselves. Any remaining allegations in paragraph 136 are denied.

137. Denied.

138. Denied.

139. Denied.

140. Denied.

141. Denied.

142. Denied.

143. Denied as stated. Defendants admit only that the judicial decision referenced in paragraph 143 speaks for itself. Any remaining allegations in paragraph 143 are denied.

144. Denied.

145. Denied as stated. Defendants admit only that state laws relevant to any proceedings and decisions under Mississippi Code Section 37-17-6 speak for themselves. Any remaining allegations in paragraph 145 are denied.

146. Denied.

147. Denied as stated. Defendants admit only that federal laws prescribing what constitutional rights plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 147 are denied.

148. Denied.

COUNT II: 42 U.S.C. § 1983

149. Defendants fully incorporate their responses to the previous paragraphs.

150. Denied.

151. Denied, including all subparts.

152. Denied.

153. Denied.

154. Denied.

155. Denied as stated. Defendants admit only that federal and state laws prescribing what constitutional rights or interests plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 155 are denied.

156. Denied as stated. Defendants admit only that federal and state laws prescribing what constitutional rights or interests plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 156 are denied.

157. Denied as stated. Defendants admit only that state laws prescribing what rights or interests plaintiffs possess, if any, speak for themselves. Any remaining allegations in paragraph 157 are denied.

158. Denied.

159. Denied.

160. Denied.

161. Denied as stated. Defendants admit only that the Mississippi Constitution speaks for itself. Any remaining allegations in paragraph 161 are denied.

162. Denied.

The allegations contained in plaintiffs' unnumbered heading on page 31 of the complaint are denied.

The allegations contained in plaintiffs' heading "A" on page 31 of the complaint are denied.

163. Denied as stated. Defendants admit only that the judicial decisions referenced and/or quoted in paragraph 163 and its footnote speak for themselves. Any remaining allegations in paragraph 163 and its footnote are denied.

164. Denied as stated. Defendants admit only the judicial decision quoted in paragraph 164 speaks for itself. Any remaining allegations in paragraph 164 are denied.

165. Denied as stated. Defendants admit only the judicial decision cited in paragraph 165 speaks for itself. Any remaining allegations in paragraph 165 are denied.

166. Denied as stated. Defendants admit only the judicial decision quoted in paragraph 166 speaks for itself. Any remaining allegations in paragraph 166 are denied.

The allegations contained in plaintiffs' heading "B" on page 32 of the complaint are denied.

167. Denied as stated. Defendants admit only the federal and Mississippi constitutional provisions referenced in paragraph 167 speak for themselves. Any remaining allegations in paragraph 167 are denied.

168. Denied as stated. Defendants admit only the judicial decision quoted in paragraph 168 speaks for itself. Any remaining allegations in paragraph 168 are denied.

169. Denied as stated. Defendants admit only the judicial decisions referenced in paragraph 169 speak for themselves. Any remaining allegations in paragraph 169 are denied.

170. Denied as stated. Defendants admit only the judicial decision referenced in paragraph 170 speaks for itself. Any remaining allegations in paragraph 170 are denied.

171. Denied as stated. Defendants admit only the judicial decisions quoted and/or referenced in paragraph 171 speak for themselves. Any remaining allegations in paragraph 171 are denied.

172. Denied as stated. Defendants admit only that the state laws apparently referenced in paragraph 172 speak for themselves. Any remaining allegations in paragraph 172 are denied.

173. Denied as stated. Defendants admit only that the statutes quoted in paragraph 173 speak for themselves. Any remaining allegations in paragraph 173 are denied.

174. Denied as stated. Defendants admit only the judicial decision quoted in paragraph 174 speaks for itself. Any remaining allegations in paragraph 174 are denied.

175. Denied as stated. Defendants admit only the judicial decision referenced in paragraph 175 speaks for itself. Any remaining allegations in paragraph 175 are denied.

The allegations contained in plaintiffs' heading "C" on page 34 of the complaint are denied.

176. Denied.

177. Denied.

178. Denied.

The allegations contained in plaintiffs' heading "D" on page 35 of the complaint are denied.

179. Denied.

180. Denied as stated. Defendants admit only the judicial decision quoted in paragraph 180 speaks for itself. Any remaining allegations contained in paragraph 180 are denied.

181. Denied as stated. Defendants admit only the judicial decision quoted in paragraph 181 speaks for itself. Any remaining allegations contained in paragraph 181 are denied.

182. Denied as stated. Defendants admit only the judicial decision quoted in paragraph 182 speaks for itself. Any remaining allegations contained in paragraph 182 are denied.

183. Denied as stated. Defendants admit only the judicial decision quoted in paragraph 183 speaks for itself. Any remaining allegations contained in paragraph 183 are denied.

184. Denied.

185. Denied.

186. Denied.

DECLARATORY JUDGMENT

187. Defendants fully incorporate their responses to the previous paragraphs herein.

188. Denied as stated. Defendants admit only that the statutes referenced in paragraph 188 speak for themselves. Any remaining allegations contained in paragraph 188 are denied.

189. Denied as stated. Defendants admit only that the statute quoted in paragraph 189 speaks for itself. Any remaining allegations contained in paragraph 189 are denied.

190. Denied as stated. Defendants admit only that the statute quoted in paragraph 190 speaks for itself. Any remaining allegations contained in paragraph 190 are denied.

191. Denied.

192. Denied.

193. Denied.

194. Denied.

Defendants deny all the allegations in the unnumbered paragraph beginning on page 39 of the complaint with “WHEREFORE, PREMISES CONSIDERED. . . .” and all its subparts, and specifically aver that plaintiffs are not entitled to any relief whatsoever.

Any and all allegations in the complaint not specifically admitted above are hereby denied. Defendants specifically deny all speculative assertions, conclusory averments, and legal conclusions asserted in the complaint.

FIRST DEFENSE

Plaintiffs’ complaint should be dismissed for lack of subject matter jurisdiction.

SECOND DEFENSE

Plaintiffs’ complaint should be dismissed for lack of Article III standing and/or prudential standing.

THIRD DEFENSE

Some or all of plaintiffs' claims are barred by the Eleventh Amendment.

FOURTH DEFENSE

Plaintiffs' complaint fails to state any legitimate claim for relief.

FIFTH DEFENSE

Plaintiffs' purported "counts" for injunctive relief and declaratory judgment fail to state an independent cause of action.

SIXTH DEFENSE

Some or all of plaintiffs' claims are barred by sovereign immunity.

SEVENTH DEFENSE

Some or all of plaintiffs' claims are barred by the Mississippi Tort Claims Act.

EIGHTH DEFENSE

Some or all of plaintiffs' claims are barred by the *Younger* abstention doctrine.

NINTH DEFENSE

Some or all of plaintiffs' claims are barred by the *Parratt-Hudson* doctrine.

TENTH DEFENSE

Some of all of plaintiffs' claims constitute a non-justiciable political question.

ELEVENTH DEFENSE

Defendants affirmatively assert all immunities to which they are entitled, whether absolute or qualified, which bar some or all of plaintiffs' claims.

TWELFTH DEFENSE

Some or all of plaintiffs' claims should be dismissed for lack of compliance with Fed. R. Civ. P. 17.

THIRTEENTH DEFENSE

Some or all of plaintiffs' claims are barred by the doctrines of waiver, laches, and/or estoppel.

FOURTEENTH DEFENSE

Some or all of plaintiffs' claims are barred by their failure to exhaust their administrative remedies or other remedies, the constitutional separation of powers doctrine, and/or the primary or priority jurisdiction doctrine.

FIFTEENTH DEFENSE

Some or all of plaintiffs' claims are barred as unripe for judicial review, moot, and/or otherwise as failing to state a justiciable controversy.

SIXTEENTH DEFENSE

Defendants affirmatively assert all defenses to which they are or may become entitled to through further discovery pursuant to Fed. R. Civ. P. 8(c) and/or 12(b).

FOR THESE REASONS, defendants Carey Wright, in her capacity as Mississippi State Superintendent of Education, Rosemary Aultman, in her capacity as Chair of the State Board of Education, and Heather Westerfield, in her capacity as Chair of the State Commission on School Accreditation, respectfully request that their Answer and Defenses be received and that, upon completion of the appropriate proceedings, plaintiffs' complaint

be dismissed with prejudice and that the Court award Defendants all costs as well as any other expenses and/or attorneys' fees to which they may be entitled by law.

THIS the 5th day of October, 2017.

Respectfully submitted,

CAREY WRIGHT, Mississippi State
Superintendent of Education, ROSEMARY
AULTMAN Chair of the State Board of
Education, and HEATHER WESTERFIELD,
Chair of the State Commission on School
Accreditation

BY: JIM HOOD, ATTORNEY GENERAL

BY: /s/ Douglas T. Miracle
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed using the Court's ECF filing system and thereby served on all counsel of record who have entered their appearance in this action to date.

THIS the 5th day of October 2017.

/s/ Douglas T. Miracle
Douglas T. Miracle