

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

FAIRFAX COUNTY SCHOOL BOARD,)	
)	
)	
<i>Plaintiff,</i>)	
)	
v.)	
)	
LINDA McMAHON, in her official capacity)	
as Secretary of Education of the United)	Civil Action No. _____
States, and the UNITED STATES)	
DEPARTMENT OF EDUCATION,)	
)	
<i>Defendants.</i>)	

**FAIRFAX COUNTY SCHOOL BOARD’S
EMERGENCY MOTION FOR PRELIMINARY INJUNCTION AND/OR TEMPORARY
RESTRAINING ORDER**

Plaintiff Fairfax County School Board (“FCSB”)¹ respectfully moves this Court for a preliminary injunction and/or temporary restraining order as set out below and for the reasons provided in the accompanying Memorandum of Law in Support of FCSB’s Emergency Motion for Preliminary Injunction and/or Temporary Restraining Order (“Memorandum”).² Fed. R. Civ. P. 65(a). FCSB moves to preliminarily enjoin and/or temporarily restrain Defendants, including their officers, employees, agents, attorneys, and any person working in concert or participation with any Defendant or under any Defendant’s supervision, direction or control, from

¹ Plaintiff Fairfax County School Board operates, maintains, and supervises Fairfax County Public Schools (“FCPS”).

² Arlington School Board (“ASB”) has filed against Defendants the Department of Education and Secretary Linda McMahon (“Defendants”) a similar action and motion for immediate issuance of an order for a temporary restraining order and preliminary injunction. Given the similar nature of the action and motions, ASB and FCSB request that the two actions and motions be consolidated.

designating FCPS as “high-risk” and requiring that FCPS receive federal funds by reimbursement. FCSB also seeks that this Court enter an order waiving the requirement for bond or security.

As set forth in detail in the accompanying Memorandum, and supported by the filed Complaint, Defendants are in violation of the Administrative Procedure Act and the Spending Clause set forth in the United States Constitution, and FCSB is entitled to a declaratory judgment stating that Defendants violated the APA by designating FCPS as “high risk” and requiring that FCPS receive federal funds by reimbursement. FCSB thus seeks a preliminary injunction and/or restraining order enjoining and restraining Defendants and their officers, employees, agents, attorneys, and any person working in concert or participation with any Defendant or under any Defendant’s supervision, direction or control, from designating FCPS as “high-risk” and requiring that FCPS receive federal funds by reimbursement.

Dated: August 29, 2025

Respectfully submitted,

/s/ Timothy Heaphy

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2025, I electronically filed a true and correct copy of **PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION AND/OR TEMPORARY RESTRAINING ORDER** and accompanying documents with the Clerk of Court using the CM/ECF system. A copy of the foregoing will be sent to the following parties:

U.S. Department of Education

Secretary Of Education Linda McMahon

/s/ Timothy Heaphy

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