

Circuit Judge Michael Burton said the state school board acted improperly when it classified the new Normandy Schools Collaborative as accredited as a state oversight district, blocking students from getting the education he said the state owes them.

"Every child deserves not to wait for the implementation and proven success of any well-intentioned program the state might offer," Burton wrote in the ruling issued late Wednesday. "As the transfer statute makes abundantly clear, every child deserves to be enrolled in a non-failing school district – now."

As far as the Normandy schools are concerned, Burton said: "The NSC is not merely 'unaccredited'; it is abysmally unaccredited."

The 37-page ruling

([http://mediad.publicbroadcasting.net/p/kwmu/files/201502/2014.02.11\\_Findings\\_of\\_Fact%2C\\_Conc\\_CC02359.pdf](http://mediad.publicbroadcasting.net/p/kwmu/files/201502/2014.02.11_Findings_of_Fact%2C_Conc_CC02359.pdf)) came in a suit brought by families that live in the in Normandy attendance area who have tried to enroll their children in nearby accredited school districts, as allowed by a law passed in 1993 and upheld by the Missouri Supreme Court in 2013. The transfers that followed caused a drain on the finances of Normandy and Riverview Gardens, the area's only unaccredited school districts at that time.

The cost of transfers eventually led to the dissolution of the Normandy School District and creation of the collaborative, run by a board appointed by the Missouri Board of Education.

The state board also classified Normandy as accredited, curtailing the ability of students to transfer. But in his latest ruling as well as earlier



ones, Burton has questioned the legitimacy of that action and loosened restrictions on transfers.

Attorney Joshua Schindler, who has represented the plaintiffs in the case, said in an interview Thursday that Burton's strong repudiation of the state board's actions cast serious doubt on the state board's actions and intentions.

"It's been a very long time," Schindler said, "since I've seen such a strong opinion where a judge stated in no uncertain terms his position on how any organization, let alone one that is run by the state of Missouri, handles its business."

Noting that Normandy's score on its most recent state evaluation was the worst in the state, far below the level for even provisional accreditation, Schindler added: "You can't call a district performing at this level to be accredited with these scores. Because if you call Normandy accredited or provisionally accredited, you might as well call all districts accredited and disband the state board of education."

Defendants in the suit are the state board, the Department of Elementary and Secondary Education, the state in general and the Normandy, Ferguson-Florissant, Ritenour, Pattonville and Francis Howell school districts. All area districts except Howell have said they would accept any transfer students who follow proper procedures; Howell has said it would accept only students that the court orders it to accept.

### **Normandy responds**

In response to the ruling, the Normandy district released a statement late Thursday in which new Superintendent Charles Pearson called the opinion "disappointing." He added:

"The district has worked diligently this academic school year with a focused plan of moving towards full accreditation. Our mission remains the same -- to provide a quality education for the 3,500 students who come to school daily eager and willing to learn.

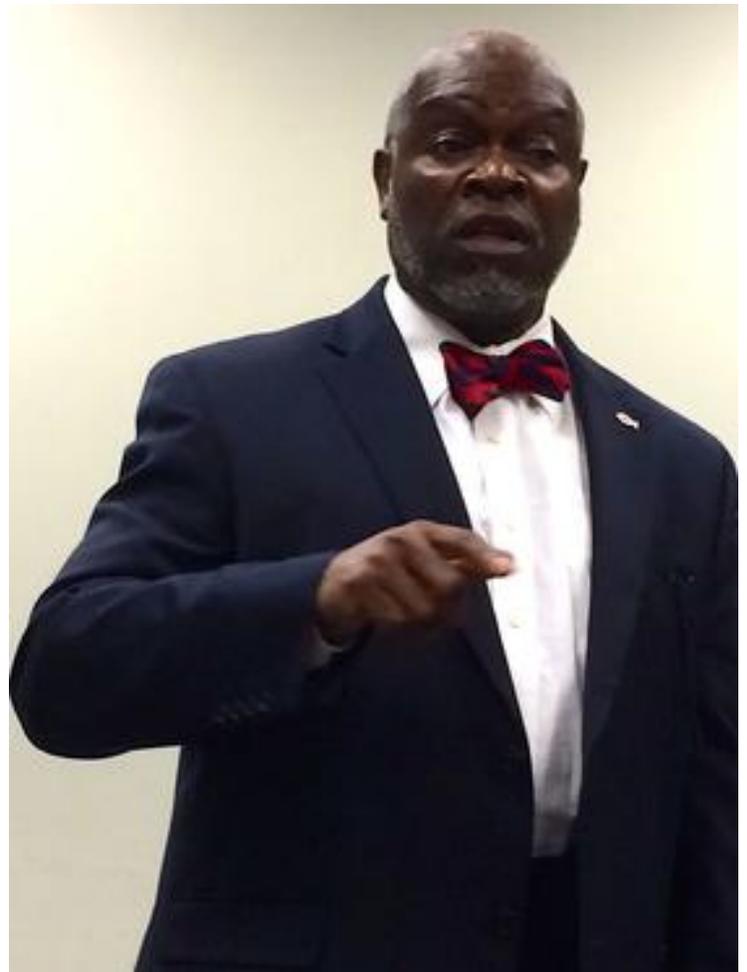
"We will continue to work with the Department of Elementary and Secondary Education along with Missouri legislators to ensure that our district produces graduates who will thrive and lead in the 21st century."

In an interview after the Normandy Joint Executive Governing Board met Thursday night, Pearson expanded on his statement, saying the ruling will mean continued financial hardship for the district.

"Normandy is still faced with the same financial challenge," he said, "and that financial challenge is that as more children leave, at a certain point the children that are here end up paying for that.

"I keep hoping there will be a legislative solution to it, that will actually give us that cap that we can manage to work with so that our children that are here can be served, while those children who are going can also be served as well. So my disappointment is in this ruling, but the process is not over yet."

Asked how he thought children feel when they hear a judge say their district is "abysmally unaccredited," Pearson replied: "I can't speak to how they feel. I can only speak to what we believe and what we try to say to them, that it's about them as learners and that the adults here are caring and working very hard to make sure they get a quality education."



*Charles Pearson*

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## **DESE, Children's Alliance respond**

Earlier in the day, the Department of Elementary and Secondary Education released this statement:

"The ruling on Normandy's accreditation reinforces the importance of the General Assembly's continued urgency on a legislative solution to student transfers this session. The current transfer law is unsustainable, and it leaves unaccredited districts without the resources needed to improve their performance and educate the majority of students who remain in their home district.

"Normandy parents and community members told the State Board that they want good schools in their neighborhoods. That can only become a reality if Normandy has the resources it needs. The governing board and the state have worked together to make significant changes in curriculum and educator training and evaluation. We recognize the right of children to transfer according to the current law. Children who stay in Normandy also deserve a chance to succeed. The Department's legal staff is currently analyzing the ruling."

A spokeswoman for Francis Howell said the district will comply with the court ruling and accept any transfer student who follows proper procedures.

The Children's Education Alliance of Missouri, which has pushed for broader transfer access, said in a statement:

"The tragedy here is that only 110 of the original 500 Normandy students who exercised their rights to transfer to Francis Howell were able to continue their educations at Francis Howell this year, and that was only accomplished by filing temporary restraining orders on a case-by-case basis. By obstructing these students' rights, the state board not only prevented most of them from receiving the quality education they deserve this school year, but as the registration deadline to transfer next year has already passed, these students have been robbed of the opportunity to exercise their rights next year as well.

"It is our hope and good faith expectation that the state board will now take steps to undo at least some of the harm they have caused by doing the right thing and extending the transfer registration deadline."

### **Defying logic**

Burton spent much of his ruling discussing the process under which the state board created the Normandy Schools Collaborative, which took over the district's schools last July 1, then determined its accreditation status.

Originally, the officials said the district would have no accreditation classification at all. Then, its status was defined as accredited as a state oversight district. That decision was accompanied by a list of restrictions affecting students who wanted to transfer out of Normandy.

State officials said they were trying to limit the costs under the state transfer statute, which says the home district has to pay tuition and in some cases transportation costs for students who go elsewhere.

The process followed by the state board not only did not adhere to requirements for rule changes, Burton wrote, but also did not make much sense because of Normandy's scores on recent state evaluations, known as MSIP5.

"The state board's argument that its label of 'accreditation as a state oversight district' is the equivalent of 'accredited' completely defies logic," the opinion said. "The MSIP levels were created to ensure that school districts are accountable to their children. No entity would know this more than the state board which knows it had no basis whatsoever to label such a failing school district 'accredited.'

"None of the documentation (until this lawsuit began) suggests otherwise. To call a school district with the lowest APR in the state — by far — 'accredited' makes no sense whatsoever."

He added:|

“Merely giving the NSC a new classification label — a label not found in any Missouri statute or rule — certainly does not make it ‘accredited.’ The state defendants’ efforts to circumvent the statutory process leaves this court with no other option than to find that the defendants committed ‘legal wrongs’ which need to be address by this court. The transfer statute clearly still applies.”

After reviewing the procedures used by the state board to change Normandy’s classification, Burton said that efforts to restrict students’ ability to transfer can clearly lead to an inadequate education.

“There is little doubt that a child – and his or her community – are harmed if he or she does not receive an adequate education,” he wrote. “As Nelson Mandela once said, ‘Education is the most powerful weapon which you can use to change the world.’ Normandy children have the right to have a better chance of changing the world too.”

To deny Normandy students that opportunity, Burton concluded, is unjust. Citing a long-term strategy outlined last year by a task force charged with plotting the district’s future, he wrote: “This court clearly believes that if the task force’s plan is fully implemented, the school district will be accredited soon — but not for a matter of years. No child, however, can afford to wait for that to happen.”

That kind of language, Schindler said, calls into question the sincerity and ability of the state board when it comes to protecting the welfare of children in struggling school districts.

“Is it time to disband the state board of education and put people in place who really care about the children of the state of Missouri?” he asked. “What they’re prepared to do to get around the transfer statute, they’ve shown, is to basically ruin the educational opportunities of thousands of children.

“To me, that’s perhaps the most disheartening part of this process, that the very people charged with protecting our children and education so willingly sacrificed these educational opportunities for thousands of children. These people should not be charged with protecting the children in the state of Missouri.”

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