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Student Transfers

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Normandy Families Blocked From Student Transfers Argue Their Case In Court

By [DALE SINGER](#) (/PEOPLE/DALE-SINGER)

The end of summer is coming for most area students, if it hasn’t already arrived, but the uncertainty over transfers out of Normandy remains.

The attorney for parents suing to allow their students to transfer out of Normandy accused state education officials Wednesday of using “linguistical magic” to change the rules by saying that the new Normandy district is accredited and Missouri’s transfer statute does not apply.

But during arguments in St. Louis County Circuit Court, an attorney representing the state said that if the plaintiffs’ arguments were to prevail, and any student living in Normandy could transfer elsewhere, the district would quickly run out of money and students would be assigned to another district and lose their right to transfer anyway.

One major point of contention during arguments was a move by the state board of education last week. During a closed meeting, it revised its earlier designation for the new Normandy Schools Collaborative and said it is now a district with accreditation under state oversight. The board had previously said Normandy would have no accreditation status at all for three years, because it was starting over as a new district.

Joshua Schindler argued the case on behalf of four families in Normandy whose children had been denied the right to transfer to districts they attended last year – Pattonville, Ritenour and Francis Howell. He called the move by the state board “repugnant” and “absolutely the most bizarre thing I have ever seen.”

Referring to the board’s attitude toward the transfer law, known as 167.131, which was upheld unanimously by the Missouri Supreme Court last year, Schindler said:

“The state board of education, by their action last week in playing games, has shown this has nothing to do with kids. They don’t like 167.131. They have never liked 167.131. They couldn’t get the court to buy their argument, and they are going to jeopardize every single child in Normandy who wants to get out, so they can play games.”



<http://mediad.publicbroadcasting.net/p/kwmu/files/201406/Normandybusfenceweb.jpg>

Credit Stephanie Zimmerman

If the state board’s decision to change the accreditation status of the Normandy

Schools Collaborative stands, he added, “There is no system of oversight.... There is no accountability.”

Jim Layton, the lawyer for the state, countered Schindler’s argument by saying that if unlimited transfers out of Normandy are allowed, the district would be broke by the end of October.

If that were to happen, he said, the state would have to dissolve the district and either attach it to another district or divide it up and send students to several other districts. In either case, he said, the ability to transfer would end, because the districts where Normandy students end up would not be unaccredited.

In creating the Normandy Schools Collaborative, the state board of education, Layton said, acted to make sure that Normandy could survive financially by avoiding the drain on its budget, from tuition and transportation payments, that drove it to the brink of bankruptcy this past school year.

Instead, he added, the state board wanted to make sure there will be education available not only for those students who choose to leave Normandy but also the 3,000 or so who remain.

Because of the oversight in Normandy that will be coming from the Department of Elementary and Secondary Education, Layton said, “there is more accountability in this district than at any other district in the state.”

Judge Michael Burton asked attorneys to submit additional information by Thursday; he gave no indication when he may rule on the parents’ request for a court order allowing the students to return to the schools they attended this past school year.

Uncertainty continues

The change in Normandy’s status approved by the state board of education last week prolongs uncertainty that has prevailed in the district for months.

It first appeared that the district would go under in the spring because of the tuition and transportation payments for transfer students, estimated at \$11 million. The district closed an elementary school and laid off more than 100 employees, and the state approved an emergency appropriation of \$1.5 million that it turned out wasn’t needed after all.

Then, the state board decided that the district would lapse on June 30, to be replaced by the collaborative that would be run by a five-member appointed board. All contracts expired, and the entire Normandy staff had to be replaced by existing or new employees.

At first, the state board said Normandy would have no accreditation status at all because it was a new district with no record. That situation was expected to last for three years.

But last week, during a conference call among members of the board, that status was changed. The agenda was listed as a correction of the minutes of the June 16 meeting of the board where the no-accreditation status of Normandy was announced.

Then, as detailed in court papers filed by the state for Wednesday’s hearing, the board voted unanimously to “grant a waiver ... giving the Normandy Schools Collaborative new accreditation as a state oversight district.”

Layton argued that the state board has the power to grant such a waiver. Because

'If this court does not act now, we are going to lose another year of kids who are most vulnerable to being lost by this system.' -
- Plaintiffs' lawyer Joshua Schindler

Normandy now has accreditation as an oversight district, it is not unaccredited and the mandates of the state transfer law do not apply.

At Wednesday’s hearing, he argued against granting a court order, saying that the plaintiffs’ argument that the current situation will cause irreparable harm is not the case.

“Assuming for the moment that changing schools is irreparable harm,” Layton said, “there is no way for this court in this case to assure any of the four plaintiffs or any other student that they will not be compelled to change schools in the coming school year.”

But Schindler insisted not only that the recent change in Normandy’s status should not exempt it from the transfer law, but that there is no real change in Normandy’s ability to educate students.

“How can it not be irreparable harm,” he asked, “that this court’s ruling would likely require these parents to send their kids to a district that is not accredited?”

He added:

“If this court does not act now, we are going to lose another year of kids who are most vulnerable to being lost by this system. These are the kids who need our protection.... Every additional day is a day we cannot recapture for these children, and it is another lost opportunity that is unacceptable.”

As they did earlier, after Schindler’s initial argument, that conclusion was met with applause from the parents and others in the court gallery.

In an interview after the hearing, Schindler said the whole situation involving Normandy is an indication of poor handling of the state’s education system.

“The bottom line is this is one of the greatest travesties and the biggest mismanagement of an educational process that I’ve ever seen in any state,” he said. “It makes the state of Missouri look like it has no ability to handle the educational affairs of their students.

“From the governor to the legislature to the state board to DESE, what this shows us today is that this is a fundamentally broken and flawed educational system that is in desperate need of drastic overhaul.”

Family frustration

Members of the families who brought the lawsuit expressed their frustration at the changing circumstances around the transfers.

Kathy Hinkle-Lloyd filed suit on behalf of her grandson, Karl Gray, who wants to go back to Pattonville to attend fifth grade. She said no matter what happens, he won’t be attending schools in Normandy.

“I’m not going to fool with them,” she said, “because I believe they do things underhanded, and I don’t want to fool with them.”

She said she had lived in Normandy previously, then bought a house with her sister in January 2013. Karl attended private school before going to Pattonville, but she said she could no longer afford that option.

If the Pattonville transfer isn’t available, she said she was considering other plans that she didn’t want to divulge. But she hopes Karl can return to the district that he went to last year – and that the decision comes soon.

“It’s very frustrating,” Hinkle-Lloyd said, “because actually the school that he was

attending last year starts Monday, Aug. 11. Normandy don’t start until the following Monday. If he’s able to go back to Pattonville, he’ll be going next Monday. Yes, it is very frustrating, because you know we need to get school supplies and everything.

“It’s sad. It’s really sad.”

Sherman and Janine Massey joined the suit on behalf of their son Chase, who would be in seventh grade in Pattonville. They said they assume he would be allowed back so they didn’t make any alternate plans.

“I didn’t worry the whole summer,” Janine Massey said. “I just thought this wouldn’t happen.”

She added:

“We probably would have moved, but in six weeks you can’t just put your house on the market.”

Sherman Massey said the whole process has been disheartening.

“They made them feel like they were family,” he said about Pattonville’s attitude toward the transfers, “and right after that, they said, get out

“I’m thinking all about the children. They should have the chance to keep going to the schools.”

The Children’s Education Alliance of Missouri, which is bankrolling the lawsuit, issued a statement late Wednesday that criticized the state board for what it called “a secretive, last-minute maneuver” in changing Normandy’s status last week.

“Throughout this process,” the statement added, “we have celebrated several victories as our efforts have prompted some of the school districts previously listed as defendants in the suit to reconsider and reverse their decisions to no longer accept transfer students from the 2013-2014 school year.

“While this delay is not the outcome these families had hoped for today, CEAM remains vigilant in our commitment to our goal of ensuring that every Missouri child has access to the high quality education they deserve.”

Kansas City's status

While the court hearing was being held in St. Louis County, the state board held another teleconference call in which it decided to grant provisional accreditation status to the Kansas City schools. That ruling means that Kansas City students do not have the right to transfer in the upcoming school year and only Riverview Gardens remains as an unaccredited district in Missouri.

Kansas City had shown progress in last year’s state evaluation, and preliminary numbers released to school districts earlier this week continued that trend, state officials said.

“Nevertheless,” a statement from DESE added, “it is clear that the district has continued work to do to help students succeed. The preliminary performance report shows student achievement in the district fell slightly this year with less than 30 percent of students earning proficient or advanced in English language arts and mathematics....

“The department will continue to work with the Kansas City Public Schools to help maintain its provisional accreditation and build upon its improvement efforts.”

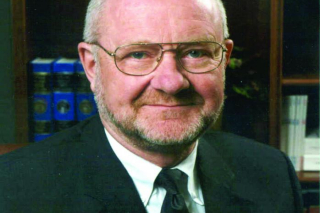

'They made them feel like they were family, and right after that, they said, get out.' -- Sherman Massey, on how Pattonville treated transfer students like his son

Kansas City had been unaccredited since 2012, but no transfers had taken place there as its court case made its way through the legal system. Even as transfers loomed, fewer than two dozen students had signed up to switch to nearby accredited districts.

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PMR

2 months ago

All public schools should be the same cost. The problem of "tuition" is not mentioned in the constitution of Missouri's Free public education.

Any parent who pays the necessary Real estate tax rate of their Home should be allowed to compare that to the same rate in receiving school district.

Tuitions are illegal--not constitutional.

Example: A Normandy parent who lives in a \$200,000 home and pays a \$7 per hundred school tax of say \$2,000 actually pays the same "Education tax" as any Francis H resident who might own a \$200,000 home.

Tuitions are NOT a part of MO constitution. I just don't see how a resident in one district like Francis Howell gets a free education at \$2,000 tax cost, while another resident in Normandy must come up with \$12,000 tuitions.

The Lawyers should demand our state make and pay for our children's free education.

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msblkwidow

2 months ago

It breaks my heart to see what is happening to a district with such great and rich history. I think our state leaders failed Normandy School district. First of all, when the state department gave families the opportunity to transfer to other districts, they didn't thoroughly think that decision out. The repercussion/s were devastating. Lots of families transferred their child/ren, and that almost broke the district. Bad decision. Our children were transferred into districts...some of these districts really didn't want to accept the students. So to clean up the mess that the state department made, they decided to change the status of the district. How has Normandy School District...all of a sudden...become 'accredited'. What did the district DO to become 'accredited'? What it because of a name change...the letting go of an entire staff - a staff filled with brilliant, master teachers. Who is hiring the new staff? How is it that people coming into the district...who know nothing about the personal (staff) decide who should go or who should stay.

I recently learned that one staff member (an art teacher) was not rehired. He was/is one of the best Art teachers in this country. As I said in my opening statement: It breaks my heart to see what is happening to such a district with such a great and rich history.

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