



Once again, a judge holds the fate of hundreds of Missouri transfer students

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Naomi Goodloe, 12, a sixth-grader at Saeger Middle School, gets off the school bus after arriving at her Northwoods home on Thursday, May 29, 2014. "I made the A honor roll," Naomi said about the past year at her new school. "I also won an award for making good grades and working hard." Photo by Roberto Rodriguez, rrodriguez@post-dispatch.com

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Judge rules in favor of Normandy families who want to transfer schools



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CLAYTON • The educational fate of hundreds of Normandy transfer students now lies in the hands of a St. Louis County Circuit Court judge.

A group of Normandy parents suing Missouri's State Board of Education and three area school districts watched as their arguments unfolded Wednesday before Judge Michael Burton.

The case once again centers on the controversial school transfer statute, and the parents' claim that the state and local school officials are skirting the law by making decisions that have stopped transfers.

"I am here because there is a statute that mandates that if a child is not in an accredited school they must be allowed to transfer," said Joshua Schindler, a lawyer who represents the parents. "These poor kids finally got into an accredited school. They finally had a ray of hope. One of my plaintiffs was on the volleyball team for her senior year. Another had been practicing to play football. It was snapped away from them."

Schindler argued that the situation took a bizarre turn Friday when the state board took action that could further erode transfer rights.

But an attorney for the state told the judge Wednesday that state education leaders must consider the needs of not only those children who have left Normandy for better schools, but the thousands who remained behind.

"There's a tension there," said James Layton, solicitor general, defending the board of education and the Normandy Schools Collaborative. "Whatever you take out of the district causes problems for the kids who stay. How do you accomplish both of those? The state board is not just concerned about the hundreds of students who are transferring but the 4,000 students who live in the Normandy district."

Missouri's student transfer law has been the center of legal disputes for seven years. The statute — upheld by the Missouri Supreme Court last summer — allows students in unaccredited school districts to move to better schools at the failing district's expense.



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More than 2,200 children left the Normandy and Riverview Gardens school districts last year for schools throughout the region. The resulting financial loss to Normandy had the district teetering on insolvency and led to the Board of Education's taking over its finances. Later the board lapsed Normandy and restarted it as a new district.

In June, the board voted to assign the district no accreditation classification when it restarted under state oversight on July 1. State officials have said the new status removed Normandy from falling under the school transfer law.

As a result, districts such as Francis Howell and Pattonville could turn Normandy students away. More than 400 students have been told they cannot return to their new schools.

Schindler and others are challenging the legitimacy of those actions.

In the lawsuit, parents argued that if Normandy has no accreditation status, then it is not an accredited district and transfers should be able to continue.

The dispute escalated further this week when it was revealed that the state board called a meeting Friday to take action that in effect recast Normandy's accreditation status.

With Friday's action, the board amended the minutes from its June meeting so Normandy is now listed as "accredited as a state oversight district."

Schindler urged the judge to view the vote as an effort to defy the obligations of the law.

"It's absolutely the most bizarre thing I've ever seen anyone do in the state of Missouri," Schindler said.

Layton argued that the state board can change the accreditation status of any district. And by giving the Normandy Schools Collaborative "accreditation as a state oversight district" the board effectively removed Normandy

from the transfer situation, he said.

The state board did not revise history when it met on Friday, Layton said. The minutes it had approved in July, which reflected a vote to give the district no accreditation status, were wrong. "Unfortunately there were two versions of the minutes in staff's hands prior to the July meeting," he said. "The one that was in staff's hands did not include the word 'accreditation.'"

The core question before the judge is whether the state board's move to give the Normandy Schools Collaborative "accreditation as a state oversight district" is the same as "accredited" — which indicates a district's schools meet a list of academic and other standards.

In 2012-13, Normandy received the lowest performance score of any district in the state, having earned just 11 percent of the total points available. Districts need more than 50 percent to be considered provisionally accredited, and more than 70 percent to be fully accredited.

"Did the state board accredit Normandy?" Schindler asked. "That's the genesis of this whole thing. On Friday, was that accreditation? If it's not, the case is over. The kids get to transfer."

Sherman and Janine Massey watched from the third row of the courtroom. In February, they had filled out forms to keep their son, Chase, in the Pattonville district, and had been told he could return. Then in June, they learned he'd have to attend Normandy, unless they succeed in court. Or move.

"If we had known before the end of the school year, we probably would have moved," Janine Massey said. "Six weeks isn't enough time to put your house on the market and sell it, and find another one."

The parents are arguing that forcing their children out of their new schools would cause irreparable

damage.

Layton told Burton that if they prevail, it's unlikely their children would continue as transfer students into the winter. Normandy would run out of money by Oct. 31, he said.

Forcing Normandy to comply with the transfer law would destroy its finances and stall progress of the new collaborative, Layton told Burton. If Normandy runs out of money, the state board would probably dissolve the district and attach its schools to another district — probably an accredited one.

“Then they lose the transfer right,” Layton said of Normandy students.

Schindler asked Burton to focus on the law itself — and not what might happen to Normandy if his clients prevailed.

“When a statute says you’re not in an accredited district, you get to go to an accredited district,” he said.

At the end of the hearing, Burton said he understood that time was of the essence, but he would not be ruling that day, and he did not indicate when he’d return with a decision.

“Please help us,” a woman called from the back of the courtroom.

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