

# The Schindler Law Firm, P.C.

## Attorneys at Law

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November 13, 2019

### BY US MAIL AND ELECTRONIC MAIL

Dr. Kelvin Adams  
Superintendent  
And  
Board of Education, c/o Board Secretary Ruth Lewis  
Saint Louis Public Schools  
801 N. 11th Street  
St. Louis, MO 63101  
[supt@slps.org](mailto:supt@slps.org)  
[ruth.lewis@slps.org](mailto:ruth.lewis@slps.org)

Dear Dr. Adams and Board Members,

We write on behalf of Ms. Ebony Hawkins, Mr. Michael Joseph, and their minor son J.H. ("Student"), regarding St. Louis Public Schools' ("SLPS") handling of this family's enrollment request under the Missouri Course Access and Virtual School Program ("MOCAP"). As this letter, and any response thereto, may be made public, I am not naming Student.

More specifically, and as cannot be disputed:

- Student has been enrolled fulltime and attended SLPS, and as such meets the eligibility requirement of MOCAP;
- Ms. Hawkins has requested that Student be allowed to participate in the Missouri Virtual Academy ("MOVA"), a fully authorized/approved MOCAP program;
- Pursuant to MOCAP, SLPS is obligated to approve a requested enrollment in any MOCAP participating program, such as MOVA, unless SLPS finds that the enrollment would not be in the best educational interest of Student;
- SLPS has refused to make any such determination, in writing or otherwise (however, SLPS approved Student's enrollment in another online program, such that evidence to support a contrary conclusion is not expected);
- Instead, Charles Bean and Deputy Superintendent Michael Brown refused to even review the MOVA enrollment paperwork;
- Instead, they informed Ms. Hawkins that Student must take ACCELUS courses because SLPS will not offer MOVA to any student;

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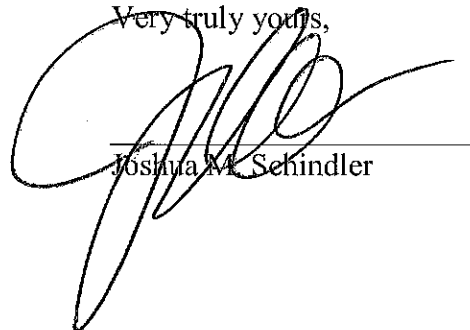
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- More recently they have incorrectly informed Ms. Hawkins that certain, but unstated, deadlines now preclude MOVA enrollment; and
  - Finally, and as stated above, SLPS has approved Student's enrollment in another MOCAP online program.

To summarize, the actions of SLPS are in clear violation of MOCAP, which explicitly allows any eligible student to enroll in a MOCAP participating program through a process substantially similar to the typical process by which a district student would enroll in courses or programs offered by the District. It is simply not a statutory option – and a significant violation of student's rights – for SLPS to refuse to consider a requested enrollment in a MOCAP program without following the proscribed and specific statutory procedures, whether or not SLPS would prefer Student to enroll in a different MOCAP program.

Following your response to a similar letter sent on behalf of another SLPS family, we assume you take the same position, i.e., that MOCAP only provides for student choice regarding individual courses, and not program. As was stated in response to that argument, such reading of MOCAP will not withstand review. If you have decided to maintain this argument, and foreclose administrative remedies by refusing to set a statutory appeal before your board, please confirm this stance by November 19<sup>th</sup>, so that we may prepare both families for suit. Until then, we remain hopeful that reasonableness as to both families will prevail.

Very truly yours,



Joshua M. Schindler