



2013-08-14 ▶ Impact News ▶

## UPDATED: CEAM says it will not sue Mehlville over limit on transfer students

School district standing firm that it has room for 216 students

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write the author

August 14, 2013 - An attorney representing the Children's Education Alliance of Missouri contacted the Mehlville School District today – Thursday – and told district officials the organization will not file suit against the district.

The Children's Education Alliance of Missouri, or CEAM, is one of three organizations that threatened separately to sue the Mehlville over its decision to limit the number of transfer students from the unaccredited Riverview Gardens School District.

CEAM represents three parents who live in Riverview Gardens whose children did not receive an assignment to either Mehlville or Kirkwood in the recent lottery conducted by the Cooperating School Districts.

The parents and CEAM previously said they were going to sue by 3 p.m. Aug. 8 if the children of the parents involved did not get spaces in either school district. However, CEAM announced Aug. 8 it had postponed its plan to file suit.

In a statement released this evening, Mehlville Superintendent Eric Knost said, "Earlier today, we were contacted by the attorney representing CEAM – Children's Education Alliance of Missouri – stating they would not be filing a lawsuit at this time. They further cited their original expectations relating to various families and students wishing to attend the Mehlville School District.

"Prior to any threats of litigation against us, we were already working tirelessly to accommodate transfer requests to the best of our ability without compromising educational excellence for all children involved. We carefully and appropriately identified our means to accommodate transfer students and we stayed true to that effort throughout the weeks leading up to our first day of school. Our efforts included an ongoing commitment to fill our identified openings even as we received notices from families who ultimately decided not to attend our schools.

"In the Mehlville School District students are our No. 1 priority and we stay focused on doing the right things for all kids at all times. This commitment has never been compromised and the threats of litigation against us had no bearing on the outcome."

Below is our story that appeared in the Call's Aug. 15 print edition.

At least three organizations threatened separately to sue the Mehlville School District last week over its decision to limit the number of transfer students from the unaccredited Riverview Gardens School District.

At the time the Call went to press, no lawsuits had been filed, and district officials had not agreed to take more students than the 216 they say the district can accommodate.

The Mehlville Board of Education conducted an emergency closed-session meeting Aug. 7 after the Children's Education Alliance of Missouri, or CEAM, told the district Aug. 6 that it had two days to take more transfer students or the group would file suit.

Representing three parents of students who did not receive spots at Mehlville, CEAM allowed the deadline to pass without a lawsuit but said that a lawsuit is still possible, pending negotiations with the district and Riverview's second choice, the Kirkwood School District.

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"At the heart of it is the fact that Riverview Gardens won't provide transportation to another district," CEAM State Policy Director Kate Casas said. "Our only legal recourse is against the district that is denying kids, because that's clearly against the law."

Mehlville also received a letter threatening legal action from the American Civil Liberties Union of Eastern Missouri, or ACLU, calling the district's decision to turn away students unconstitutional.

The St. Louis president of the National Association for the Advancement of Colored People, or NAACP, told the media that the organization might sue, but did not make direct contact with the district.

Citing past enrollment numbers at the district, CEAM and the other organizations object to Mehlville limiting the number of transfer students it will accept.

More than 500 students applied to attend Mehlville after Riverview Gardens unexpectedly chose Mehlville as its transportation district July 9, after a June Missouri Supreme Court ruling that upheld state law that mandates unaccredited districts must pay for students who want to leave to attend accredited districts. The second announced transportation district, Kirkwood, has said it has about 175 spots available for transfer students.

The first day of school at Riverview Gardens was Monday, and the first day of school in the Mehlville School District is today – Aug. 15.

Mehlville is standing firm that it has about 216 spaces for students, Superintendent Eric Knost told the Call last week, but the district is working with the Cooperating School Districts, or CSD, to enroll more students when spots open as parents decide to keep their children in Riverview, so the number of students stays static around 216.

Riverview's transportation plans for the students had not been announced at the time the Call went to press, although some high school students are backing out of transferring after receiving word

that Riverview will not pay for activity buses so they can participate in extracurricular activities.

#### Class sizes

Riverview Gardens chose Mehlville with no advance consultation on whether the district had space. The Mehlville Board of Education set a class-size policy July 25 that uses the Department of Elementary and Secondary Education, or DESE's, "desirable" standards as guidelines for its classes.

The law itself is broad and does not say districts can turn away students, but DESE issued guidelines allowing receiving school districts to set class-size policies and allowing sending districts to choose only one district to send students until that district is full.

Due to declining enrollment, Mehlville had 11,700 students during the 2004-2005 school year, compared to 10,700 today.

CEAM cites those numbers as evidence that the district has the space for all students who want to transfer.

That drop in enrollment is misleading, however, and the district is nearing capacity, Knost said. Elementary enrollment is still near that 2004 enrollment peak. The addition of all-day kindergarten this year means that office space has been converted for 10 new classrooms.

Over the past decade, the district has increased special-education classes, including classrooms specifically for students with autism, Knost said. It has converted two buildings to house an alternative education program, an alternative academy and a gifted program, and it has combined offices and divided a computer lab to make more classrooms.

The high schools have seen the largest decline in enrollment. When Knost was principal of Oakville High School from 2002 to 2006, the school was "bursting at the seams" with 2,200 students, he said, with an average class size of 33 for a core ninth-grade English class.

Today, each of the high schools has about 1,800 students, but that does not mean any parts of them are empty, Knost noted – 18 teachers without a classroom use carts instead, moving each hour to classrooms of teachers with a free period.

The district has expanded the high school curriculum from about 180 classes in 2004 to more than 260 classes now, he added.

"You can't teach one class in the same classroom as another class," Knost said. "We don't have classrooms sitting around – we just don't. And I can show that to anybody that wants to come in."

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CEAM attorneys have researched Mehlville and believe the district has space, however, Casas noted.

"If you have additional classrooms that aren't being used, or you have some classes that are at the maximum and some at the minimum, we believe there's additional space," she said.

If more than 500 additional students physically moved into the Mehlville School District, the district would have to find space for them, ACLU Communications Director Diane Balogh noted.

"What happens in that case?" she said. "Would the school districts have to absorb those students?"

School districts prepare for increases in enrollment years ahead of time, Knost said, and the odds that 600 residents would arrive in a district weeks before the school year are highly unlikely.

"Well, yeah, we would have to figure that out – but what if the sun explodes?" he said. "The idea that 600 kids are going to fall out of the sky and land in your district and that you're supposed to react to that in a matter of weeks – am I supposed to have teachers on a shelf just in case 500 or 600 kids show up?"

If Riverview Gardens officials had been concerned about whether the district it was sending students to could take them all, it would have chosen the closer Hazelwood School District, whose officials said at CSD meetings before Riverview's decision that they had room for all the students, Knost said.

#### Riverview Gardens

Riverview Gardens has indicated it will not choose a third district to send students to, Casas said. That is not within "the spirit of the law," she said, but CEAM attorneys believe that Riverview's actions are within the letter of the law as it is written.

"They're not breaking the law, even while they may not be complying with the spirit of the law," she said. "That doesn't mean that what they're doing is right, or in the best interests of children. Our advice from our lawyers is that what they're doing might be wrong, and certainly is in our opinion – but that doesn't make it illegal."

As written, the law states that transportation must be provided to "approved districts." While many interpret that to mean any accredited district, legally Riverview could say they approved Mehlville and complied with the law, Casas noted.

"With Mehlville, we think they're neither complying with DESE guidelines nor with the law as written," she said.

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