

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

NORMANDY SCHOOL DISTRICT,
JACK WINDOM; JOSEPH M. RIEBOLD;
LARRY BOCLAIR; BOBBIE BOCLAIR;
ALESHIA VAUGHN; GREG ROBINSON;
and WILLIAM H. HUMPHREY,

PLAINTIFFS,

vs.

STATE OF MISSOURI,

Serve by Cole County Sheriff:
Chris Koster, Attorney General
Missouri Attorney General's Office
207 W. High Street
Jefferson City, Missouri 65102

MISSOURI STATE BOARD OF EDUCATION,

Serve by Cole County Sheriff:
Person in charge of office
Jefferson State Office Building
205 Jefferson Street
Jefferson City, Missouri 65101

MISSOURI DEPARTMENT OF
ELEMENTARY AND SECONDARY
EDUCATION,

Serve by Cole County Sheriff:
Chris L. Nicastro, Commissioner of
Education or person in charge of office
205 Jefferson Street, 6th Floor
Jefferson City, Missouri 65101

AFFTON SCHOOL DISTRICT,

Serve by Special Process Server:
Steve Brotherton, Superintendent
or person in charge of office
8701 Mackenzie Road
St. Louis, Missouri 63123

(IN EQUITY)

Case No:

Division:

34

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JOAN M. GILMER
CIRCUIT CLERK

RECEIVED
CIRCUIT COURT OF
ST. LOUIS COUNTY

BRENTWOOD SCHOOL DISTRICT,)
Serve by Special Process Server:)
David Faulkner, Superintendent)
or person in charge of office)
1201 Hanley Industrial Court)
Brentwood, Missouri 63144)
)
SCHOOL DISTRICT OF CLAYTON,)
Serve by Special Process Server:)
Sharmon Wilkinson, Superintendent)
or person in charge of office)
Administration Center)
#2 Mark Twain Circle)
Clayton, Missouri 63105)
)
FERGUSON-FLORISSANT SCHOOL DISTRICT,)
Serve by Special Process Server:)
Person in charge of office)
Administration Center)
1005 Waterford Drive)
Florissant, Missouri 63033)
)
FORT ZUMWALT SCHOOL DISTRICT,)
Serve by Special Process Server:)
Bernard J. DuBray, Superintendent)
or person in charge of office)
555 E. Terra Lane)
O'Fallon, Missouri 63366)
)
FRANCIS HOWELL SCHOOL DISTRICT,)
Serve by Special Process Server:)
Pam Sloan, Superintendent)
or person in charge of office)
4545 Central School Road)
Saint Charles, Missouri 63304)
)
HANCOCK PLACE SCHOOL DISTRICT,)
Serve by Special Process Server:)
Kevin Carl, Superintendent)
or person in charge of office)
9417 South Broadway)
St. Louis, Missouri 63125)
)

HAZELWOOD SCHOOL DISTRICT,

Serve by Special Process Server:
Grayling Tobias, Superintendent,
or person in charge of office
15955 New Halls Ferry Road
Florissant, Missouri 63031

JENNINGS SCHOOL DISTRICT,

Serve by Special Process Server:
Tiffany Anderson, Superintendent
or person in charge of office
2559 Dorwood Drive
Jennings, Missouri 63136

KIRKWOOD SCHOOL DISTRICT,

Serve by Special Process Server:
Tom Williams, Superintendent
or person in charge of office
11289 Manchester Road
Kirkwood, Missouri 63122

LADUE SCHOOL DISTRICT,

Serve by Special Process Server:
Donna Jahnke, Superintendent
or person in charge of office
9703 Conway Road
St. Louis, Missouri 63124

LINDBERGH SCHOOL DISTRICT,

Serve by Special Process Server:
Jim Simpson, Superintendent
or person in charge of office
4900 S. Lindbergh Boulevard
St. Louis, Missouri 63126

**MAPLEWOOD-RICHMOND HEIGHTS
SCHOOL DISTRICT,**

Serve by Special Process Server:
Karen I. Hall, Superintendent
or person in charge of office
7539 Manchester Road
Maplewood, Missouri 63143

PARKWAY SCHOOL DISTRICT,)
Serve by Special Process Server:)
Keith Marty, Superintendent)
or person in charge of office)
455 N. Woods Mill Road)
Chesterfield, Missouri 63017)
)
PATTONVILLE SCHOOL DISTRICT,)
Serve by Special Process Server:)
Michael A. Fulton, Superintendent)
or person in charge of office)
11097 St. Charles Rock Road)
St. Ann, Missouri 63074)
)
RITENOUR SCHOOL DISTRICT,)
Serve by Special Process Server:)
Christopher Kilbride, Superintendent)
or person in charge of office)
2420 Woodson Road)
St. Louis, Missouri 63114)
)
ROCKWOOD SCHOOL DISTRICT,)
Serve by Special Process Server:)
Terry Adams, Superintendent)
or person in charge of office)
111 East North Street)
Eureka, Missouri 63025)
)
ST. LOUIS PUBLIC SCHOOL DISTRICT,)
Serve by Special Process Server:)
Kelvin R. Adams, Superintendent)
or person in charge of office)
801 N. 11 th Street)
St. Louis, Missouri 63101)
)
SCHOOL DISTRICT OF UNIVERSITY CITY,)
Serve by Special Process Server:)
Joylynn Pruitt, Superintendent)
or person in charge of office)
8136 Groby Road)
University City, Missouri 63130)
)

WEBSTER GROVES SCHOOL DISTRICT,)
Serve by Special Process Server:)
Sarah Booth Riss, Superintendent)
or person in charge of office)
400 E. Lockwood Avenue)
Webster Groves, Missouri 63119)
)
DEFENDANTS.)

PETITION FOR DECLARATORY JUDGMENT
AND OTHER RELIEF

COME NOW Plaintiffs and for their Petition state as follows:

1. Plaintiffs Normandy School District, Jack Windom, Joseph M. Riebold, Larry Bocclair, Bobby Bocclair and Aleshia Vaughn (hereafter sometimes referred to collectively as “Plaintiffs” and such reference shall not include plaintiff William H. Humphrey unless expressly stated herein) bring this action seeking declaratory and injunctive relief regarding the validity and application of Mo. Rev. Stat. §167.131 directing the Normandy School District, as an “unaccredited” school district, to provide transportation and pay tuition for approximately 1000 children residing in the District to attend school in certain neighboring school districts.

2. Mo. Rev. Stat. §167.131 is unconstitutional, in part, because its application to Normandy School District requires and causes the District to become indebted to pay tuition (and transportation) in amounts substantially exceeding the District’s income and revenue plus any unencumbered balances from previous years in violation of Article VI, §26(a) of the Missouri Constitution.

3. It is impossible for Normandy School District to comply with the requirements of Mo. Rev. Stat. §167.131. The effect of Mo. Rev. Stat. §167.131 is to unlawfully drain millions of dollars from the Normandy School District, which: 1) prevents the District’s efforts to provide an appropriate education to attending pupils; 2) has caused the layoff of numerous District teachers

and staff; 3) led to the closing of certain District schools; 4) undermines the District's ability to regain accreditation; 5) causes the District's insolvency; and 6) will prevent the District from operating its schools in order to provide educational services to its resident pupils.

4. Mo. Rev. Stat. §167.131 also operates to transfer Normandy School District revenues, including local taxpayer revenues, without a vote of taxpayers to neighboring school districts in amounts far in excess of the receiving districts' actual costs to provide educational services to transferring pupils. As a result, Normandy School District's funds and its taxpayers' revenues are being diverted outside the District to excessively subsidize other school districts, which is unlawful and in contravention of Mo. Rev. Stat. §165.021.1.

The Parties and Venue

5. Plaintiff Normandy School District is a seven-member Missouri public school district organized pursuant to Mo. Rev. Stat. §162.211 with its main offices located in Normandy (St. Louis County), Missouri.

6. Plaintiffs Jack Windom and Joseph M. Riebold each reside in, own real and personal property in, and are taxpayers of the Normandy School District.

7. Plaintiffs Larry Bocclair and Bobbie Bocclair, husband and wife, file this action on their own behalf and on behalf of their two minor children; all of whom reside within the Normandy School District. Their children are currently enrolled in and attending Normandy School District public schools (7th grade and 11th grade pupils).

8. Plaintiff Aleshia Vaughn, files this action on her own behalf and on behalf of her minor child; both of whom reside within the Normandy School District and said child is currently enrolled in and attending a Normandy School District public school (10th grader).

9. Plaintiff Greg Robinson, files this action on his own behalf and on behalf of his two minor children; all of whom reside within the Normandy School District. His said children are currently enrolled in and attending Normandy School District public schools (elementary and middle school).

9A. Plaintiff William H. Humphrey resides within the Normandy School District and is a duly elected member of the Normandy School District Board of Education, having been elected by public vote to the Board. Humphrey currently serves as the President of the School Board. (Plaintiff Humphrey is only a party to Count IX of this Petition).

10. As a Missouri public school district, Normandy School District is authorized to generate income for the District by setting tax rates and receiving tax revenues on real property and certain personal property located within the District's boundaries. The District has done so for many years, including at all times since at least 1979 to the present time.

11. During at least 2011, 2012, and 2013, the individual Plaintiffs identified in paragraphs 6 through 9 have paid annual real and personal property taxes, which included taxes based upon tax rates set by the Normandy School District.

12. Those real and personal property taxes have been collected by the St. Louis County, Missouri Department of Revenue, which then distributes the Normandy School District's share to the School District.

13. Defendant State of Missouri (the "State") is a state governmental entity.

14. Defendant Missouri State Board of Education (the "State Board") is an agency of the State of Missouri responsible in part for the supervision of instruction in Missouri public schools, setting policies for the Missouri Department of Elementary and Secondary Education,

making accreditation decisions for Missouri public schools, and submitting annual budget recommendations for education to the Missouri legislature.

15. Defendant Missouri Department of Elementary and Secondary Education (“DESE”) works in conjunction with the Missouri State Board of Education to, in part, promote and assist educational services for Missouri public schools. DESE also distributes state and federal monies and aid to Missouri public schools, including Normandy School District.

16. Each of the following Defendants is an accredited Missouri public school district with its principal place of business in St. Louis County: Affton School District; Brentwood School District; School District of Clayton; Ferguson-Florissant School District; Hancock Place School District; Hazelwood School District; Jennings School District; Kirkwood School District; Ladue School District; Lindbergh School District; Maplewood-Richmond Heights School District; Parkway School District; Pattonville School District; Ritenour School District; Rockwood School District; School District of University City; and Webster Groves School District.

17. Defendants Francis Howell School District and Fort Zumwalt School District are accredited Missouri public school districts with their principal place of business in St. Charles County.

18. Defendant St. Louis Public School District is a provisionally accredited Missouri public school district with its principal place of business in the City of St. Louis.

19. Each of the Defendant public school districts identified in paragraphs 16, 17, and 18 above are hereafter sometimes collectively referred to in this Petition as the “Receiving Districts.” All of the Receiving Districts are located in St. Louis County, Missouri or in a county adjoining St. Louis County, Missouri.

20. Plaintiffs hereby name and join each Receiving District as a party defendant in Counts I, III, VI, VII, and VIII pursuant to Missouri Supreme Court Rule 87.04. Each Receiving District has an interest in and would be affected by any declaration regarding the claims set forth in those counts that may affect each Receiving District's receipt of tuition payments and the provision of educational services to pupils transferring from Normandy School District.

21. Venue of this action is proper in this Court pursuant to Mo. Rev. Stat. §508.010(2) in that the Defendants set forth in paragraph 17 above maintain their principal places of business in St. Louis County, Missouri.

Normandy School District Background

22. Normandy School District's instructional school year is typically from August to May.

23. Normandy School District provides a public education for children from kindergarten through high school. The District currently operates and maintains classes at two high school buildings, one middle school, and four elementary school buildings. (A fifth elementary school building was closed in December, 2013 in an effort to reduce District costs due to the budgetary crisis described herein.)

24. Normandy School District's current pupil enrollment for all grades is 3019 pupils for the 2013-14 school year.

25. Normandy School District's total pupil enrollment for all grades at the end of the 2012-2013 school year was 3835 pupils.

26. Approximately 98% of Normandy School District pupils are African-American.

27. On information and belief, the residents within the Normandy School District have household incomes more than 50% below the Missouri state average and the

unemployment rate is more than double the Missouri state unemployment rate. More than 93% of the District's enrolled pupils are eligible for free or reduced lunch rates.

28. Normandy School District has a very high number of transitional pupils. On information and belief, approximately 31% of families with pupils in attendance are functionally homeless. Approximately 60% of the District pupils being tested (MAP test, etc.) have been attending school in the District for four years or less.

29. Effective January 1, 2013, Normandy School District was reclassified as "unaccredited" by the Missouri State Board of Education and continues to be so classified at this time.

30. Although classified as "unaccredited," Normandy School District has continued to provide educational services to its enrolled pupils, who may properly matriculate each year to the next grade, graduate from high school, and receive a high school diploma.

Pupil Transfers from the School District

31. In an opinion issued June 11, 2013, the Missouri Supreme Court, based upon the factual record presented, held that Mo. Rev. Stat. §167.131 does not violate the Hancock Amendment with respect to school districts receiving additional pupils transferring from unaccredited school districts. *Breitenfeld v. School Dist. of Clayton*, 399 S.W.3d 816 (Mo. banc 2013).

32. The mandate in the *Breitenfeld* case was issued July 1, 2013 – just a few weeks before the start of the 2013-14 school year for Missouri public school districts.

33. Beginning in late August, 2013, numerous parents or guardians for school-aged children residing in the Normandy School District submitted written requests to transfer their

children to other accredited public school districts located in St. Louis County or a county adjacent to St. Louis County pursuant to the provisions of Mo. Rev. Stat. §167.131.

34. For the 2013-14 school year, approximately 1000 children residing in the Normandy School District have transferred to one of the Receiving Districts. Approximately 85% of the District's pupils did not transfer.

35. In or about August, 2013, DESE issued its "Guidance for Pupil Transfers from Unaccredited Districts to Accredited Districts," which was described in part as a "non-regulatory guidance provided to offer districts guidance in implementing state law" (hereafter the "DESE Guidance.")

36. The DESE Guidance stated in part that Missouri public school districts "should adopt and publish a policy for class size and pupil teacher ratios that range between the desirable and minimum MSIP 5 Resource Standards for all grade levels."

37. The DESE Guidance indicated that pupils in an unaccredited school district could seek enrollment in accredited districts within the county of an unaccredited school district or in an adjoining county.

38. Numerous Receiving Districts adopted class size and pupil teacher ratios applicable to the 2013-14 school year in connection with deciding how many transfer pupils they would accept from Normandy School District (and from the unaccredited Riverview Gardens School District located in St. Louis County.)

39. Based upon class size and pupil teacher ratio standards, many Receiving Districts did not accept every pupil seeking to transfer into a particular Receiving District. As a result, many transferring pupils had to select a different Receiving District to attend.

40. For the 2013-14 school year, Normandy School District resident pupils have transferred to and been attending 20 different school districts (the "Receiving Districts") and Normandy School District has made (and continues to make) tuition payments to the Receiving Districts for transferring pupils as a direct result of §167.131.

41. Beginning with the 2013-14 school year, Normandy School District has also incurred and paid (and continues to pay) hundreds of thousands of dollars in additional expenses to provide transportation for resident pupils who transferred to Francis Howell School District as a direct result of Mo. Rev. Stat. §167.131.

COUNT I

DECLARATORY JUDGMENT – MO. REV. STAT. § 167.131 IS UNCONSTITUTIONAL, UNLAWFUL, AND IMPOSSIBLE TO COMPLY WITH AS APPLIED TO NORMANDY SCHOOL DISTRICT

COME NOW Plaintiffs and for their Count I claims against all Defendants state as follows:

42. Plaintiffs hereby incorporate paragraphs 1 through 41 above as if fully restated and alleged in this paragraph 42.

43. Mo. Rev. Stat. §167.131.2 sets forth the following provisions regarding the calculation of the tuition to be paid by an unaccredited school district for a transferring pupil:

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term "**debt service**", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be

submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

44. Mo. Rev. Stat. §167.131.2 requires each Receiving District to calculate its tuition rate based upon expenses that vary substantially from district to district, such as each Receiving District's own teachers' wages, "debt service," and maintenance and replacement expenditures.

45. As a result, there is a substantial disparity in tuition rates set by each Receiving District for the 2013-14 school year ranging from a low of approximately \$9,455.00 per pupil to a high of \$20,768.00 per pupil.

46. Exhibit A attached hereto and incorporated herein sets forth the annual tuition rates charged by the Receiving Districts for the 2013-14 school year and the amounts paid and billed to Normandy School District for pupil transferees to date during the periods specified.

47. If Normandy School District continues to pay transferring pupil tuition and transportation expenses pursuant to Mo. Rev. Stat. §167.131, its annual total expenditures will exceed its total revenues and funds on deposit.

48. Prior to the 2013-14 school year, Normandy School District had never paid the tuition for a resident pupil to attend a public school located in any of the Receiving Districts (or any other public school district) because of Normandy's "unaccredited" status.

49. Article VI, §26(a) of the Missouri Constitution provides as follows:

No county, city, incorporated town or village, school district or other political corporation or subdivision of the state shall become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, except as otherwise provided in this constitution.

50. As a result of the tuition payment requirements of Mo. Rev. Stat. §167.131, Normandy School District's annual debts will substantially exceed its income and revenue plus

any unencumbered balances from previous years. Voters within the Normandy School District have never voted to approve this scenario. Additionally, even if Normandy School District raised its tax rate to the highest rate permitted by law, the District's debts would still substantially exceed its income and revenue (plus unencumbered balances from previous years) for calendar year 2014.

51. Prior to the 2013-14 school year, the District had a healthy reserve. The District had a 17% fund balance before it began paying the tuition and transportation expenses as required by Mo. Rev. Stat. §167.131.

52. As set forth above, the application of Mo. Rev. Stat. §167.131's tuition payment requirements to Normandy School District burdens the District with more debt than the District can pay and causes the District to become indebted in amounts in excess of the District's income and revenues plus any unencumbered balances from previous years, all in violation of Article VI, §26(a) of the Missouri Constitution.

53. The effect and application of Mo. Rev. Stat. §167.131 also transfers Normandy School District revenues, including local taxpayer revenues, to neighboring school districts in amounts far in excess of the Receiving Districts' actual costs to provide educational services to transferring pupils.

54. As an example, Plaintiffs state on information and belief that some Receiving Districts are receiving 5 to 10 times more tuition from Normandy School District for transferring pupils than the actual costs incurred by the Receiving District to provide services and other materials for those pupils.

55. As a result, Normandy School District funds and its taxpayers' revenues are being diverted outside the District to excessively subsidize other Receiving Districts. This has occurred

without voter approval by Normandy School District residents and taxpayers. As a result, Normandy School District tax and other revenues can be used by Receiving Districts to, for example, pay down their debt service or bonded indebtedness for buildings and facilities that continue to be owned or used by the Receiving District.

56. This excessive transfer of tax and other revenues to Receiving Districts is irrational, arbitrary, discriminatory, and violates the state and federal due process (Mo. Const. art. I, §10; U.S. Const. 5th Amendment) and equal protection rights (Mo. Const. art. I, §2; 14th Amendment, U.S. Const.) of Normandy School District taxpayers, voters and pupils, as well as the uniformity of taxation requirements under Article X, §3 of the Missouri Constitution.

57. This excessive transfer of tax and other revenues to Receiving Districts also contravenes Mo. Rev. Stat. §165.021.1, which requires Normandy School District to disburse such revenues “only for the purposes for which they were levied, collected and received.” The St. Louis County real property and personal property taxes paid by Plaintiff taxpayers and other Normandy School District taxpayers were levied, collected, and received for the use and benefit of the Normandy School District - not for the use or benefit of the Receiving Districts, particularly the excessive payments being made to those Districts.

58. Despite having utilized virtually every action possible, it is impossible for Normandy School District to comply with the tuition and transportation requirements of Mo. Rev. Stat. §167.131 in at least the following respects:

A. The tuition payment costs paid to Receiving Districts pursuant to Mo. Rev. Stat. §167.131 for the 2013-14 school year and future years causes the District to have insufficient funds to pay its teachers and staff, and other routine expenses necessary to operate the District and prevents the District from providing full educational services

to its attending pupils. If the District must continue to pay to provide transportation to Francis Howell School District, those payments will hasten the demise of the District.

B. Continued compliance with Mo. Rev. Stat. §167.131 will substantially hinder the District's ability to regain accreditation because there will be a lack of resources to provide needed services to the District's current pupil body. Furthermore, the District's continuing funding crisis will lead to further reductions in educational and other school-related services that can be expected to cause more pupils to transfer and thereby cause further financial deficits and reductions in staff and services, making it impossible for the District to regain accreditation.

WHEREFORE, Plaintiffs pray for a judgment declaring that Mo. Rev. Stat. §167.131 unconstitutional or otherwise unenforceable as applied to Normandy School District, that the District is not lawfully obligated to pay for tuition and transportation for transferring pupils, for the State Defendants (State of Missouri, Missouri State Board of Education and DESE) to pay Plaintiffs' costs, including court costs and reasonable attorneys' fees incurred herein, and for such further relief as the Court deems just in the premises.

COUNT II

DECLARATORY JUDGMENT – THE TRANSPORTATION REQUIREMENTS OF MO. REV. STAT. §167.131 VIOLATE THE HANCOCK AMENDMENT

COME NOW Plaintiffs Jack Windom, Joseph M. Riebold, Larry Bocclair, Bobbie Bocclair, Aleshia Vaughn, and Greg Robinson (hereafter collectively referred to as the "Taxpayers") and for their Count II claim against Defendants State of Missouri, Missouri State Board of Education, and the Missouri Department of Secondary & Elementary School Education state as follows:

59. Plaintiff Taxpayers hereby incorporate paragraphs 1-58 above as if fully restated and alleged in this paragraph 59.

60. Plaintiff Taxpayers also join Normandy School District in this Count II claim pursuant to Missouri Supreme Court Rule 87.04, because the District has an interest and would be affected by any declaration regarding the proper entity responsible for paying for the provision of transportation to an accredited school district.

61. Article X, §§16 to 24 of the Missouri Constitution, otherwise known as the Hancock Amendment, places certain restrictions on the State regarding imposition of new or expanded activities on political subdivisions of the State, including Missouri public school districts.

62. The Missouri Constitution prohibits the State of Missouri “from requiring any new or expanded activities by counties or other political subdivisions, without full state financing, or from shifting the tax burden to counties and other political subdivisions.” Mo. Const., art. X, §16.

63. The Missouri Constitution also provides that a “new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the general assembly or any state agency of counties or other political subdivisions, unless a state appropriation is made and disbursed to pay the county or other political subdivision for any increased costs.” Mo. Const., art. X, §21.

64. At the time of passage and adoption of the Hancock Amendment in 1980, Mo. Rev. Stat. §167.131 did not provide for the transfer of pupils from an unaccredited school district to an accredited school district; nor require an unaccredited school district to pay tuition or

transportation for resident pupils who chose to attend an accredited school at any grade level in another district of the same or adjoining county.

65. Prior to the 1993 amendments to Mo. Rev. Stat. §167.131, said statute was limited to Missouri public school districts without an “approved high school,” such that pupils residing in districts that only had public schools up to 8th grade could attend a high school in an adjoining county school district.

66. The 1993 amendments to Mo. Rev. Stat. §167.131 replaced the reference to “approved high schools” with the term “accredited school” and thereby expanded the scope of the statute from only high school pupils in certain school districts to all pupils at any grade level in any unaccredited district.

67. Mo. Rev. Stat. §167.131 provides that a board of education of an unaccredited school district shall provide transportation consistent with the provisions of Mo. Rev. Stat. §167.241, for each resident pupil who attends an accredited school in another district of the same or adjoining county.

68. Mo. Rev. Stat. §167.241 provides in part that “in the case of pupils covered by Mo. Rev. Stat. §167.131, the district of residence shall be required to provide transportation only to school districts accredited by the state board of education ... and those school districts designated by the board of education of the district of residence.”

69. The DESE Guidance issued for the 2013-2014 school year provides in part that pupils transferring pursuant to Mo. Rev. Stat. § 167.131 “shall have access to transportation as designated by the unaccredited/sending district pursuant to Mo. Rev. Stat. §167.241. The sending district must provide transportation to at least one accredited/receiving district as established by its board of education....”

70. For the 2013-14 school year, Normandy School District designated Francis Howell School District, located in St. Charles County, as the District to which Normandy School District would provide round-trip transportation for those Normandy School District resident pupils wishing to transfer to Francis Howell School District.

71. For the 2013-14 school year, Normandy School District has provided and paid for bus transportation for certain of its resident pupils to Normandy schools plus bus transportation for certain of its resident pupils transferring to Francis Howell School District.

72. On a typical school day for the 2013-14 school year, Normandy School District has been paying to operate eighteen (18) new roundtrip bus routes to transport Normandy District resident pupils to attend several different elementary, middle and high schools located in the Francis Howell School District.

73. As a result, Normandy School District has paid and incurred several hundreds of thousands of dollars in increased transportation expenses during the 2013-14 school year to date in comparison to prior school years in order to transport its resident pupils to the Francis Howell School District and transport its attending pupils to schools in the District. These increased expenses are on-going and will continue.

74. The State of Missouri has not provided full state financing to meet the increased transportation expenses incurred and projected by Normandy School District as a result of the transportation requirements imposed by Mo. Rev. Stat. §167.131. Nor has the State of Missouri's legislature made any appropriation or other disbursement to fully fund the increased bus transportation expenses (actual and projected).

75. Nor will any future reimbursements under Mo. Rev. Stat. §163.161 in any way fully reimburse Normandy School District for its total increased transportation expenses to

provide transportation to pupils attending District schools and pupils transferring to Receiving District schools.

76. The lack of full state financing has and will continue to harm Normandy School District for the 2013-14 school year and beyond, because the increased transportation expenses contribute to the substantial deficit that Normandy is incurring as a result of Mo. Rev. Stat. §167.131.

77. By reason of the foregoing, the application and operation of Mo. Rev. Stat. §167.131's requirement for Normandy School District to provide and pay for transportation for transferring pupils is an unfunded mandate in violation of the Hancock Amendment.

78. In *Breitenfeld v. School Dist. of Clayton*, 399 S.W.3d at 833, the Missouri Supreme Court noted that the State of Missouri "concedes" that the Mo. Rev. Stat. §167.131 transportation requirement imposed upon the sending district is a "new" mandate under the Hancock Amendment that the transportation requirement mandates a "new activity or increase in the level of an existing activity or service" for purposes of applying Hancock Amendment provisions.

79. As a result, this Court should declare the transportation requirements of Mo. Rev. Stat. §167.131 unconstitutional under the Hancock Amendment; that Normandy School District is not responsible for paying for the transportation of transferring pupils to any other school district; and/or declare that the State of Missouri must provide full funding for those transportation requirements now and in the future.

80. Plaintiff Taxpayers are entitled to an award of their reasonable attorneys' fees in prosecuting this Count II action. Mo.Const., art. X, sec. 23.

WHEREFORE, Plaintiff Taxpayers, Jack Windom, Joseph M. Riebold, Larry Bocclair, Bobbie Bocclair, Aleshia Vaughn, and Greg Robinson, pray for a judgment declaring the transportation requirements of Mo. Rev. Stat. §167.131 to be an unconstitutional unfunded mandate imposed upon Normandy School District in violation of the Hancock Amendment, that Normandy School District is not responsible for paying to provide transportation of transferring pupils to any other school district and/or declare that the State of Missouri must provide full funding for those transportation requirements and expenses now and in the future; for the State Defendants (State of Missouri, Missouri State Board of Education and DESE) to pay Plaintiff Taxpayers' costs, including court costs and reasonable attorneys' fees incurred herein, and for such further relief as the Court deems just in the premises.

COUNT III

DECLARATORY JUDGMENT – THE STATE OF MISSOURI, STATE BOARD OF EDUCATION AND DESE DO NOT HAVE AUTHORITY TO WITHHOLD FUNDS FROM NORMANDY SCHOOL DISTRICT

COME NOW Plaintiffs and for their Count III claim against all Defendants state as follows:

81. Plaintiffs hereby incorporate paragraphs 1-80 above as if fully restated and alleged in this paragraph 81.

82. For the 2013-14 school year and in years past, Normandy School District has been entitled to and received state aid payments pursuant to Mo. Rev. Stat. §163.031. Such payments are critical to the District's ability to meet its expenses and to continue to provide educational services.

83. The DESE Guidance includes the following provision regarding an unaccredited school district's payment of tuition for transferring pupils:

11. Unaccredited districts should remit payments to accredited districts within 20 business days after receiving their monthly state aid distribution. Failure to send tuition payments to receiving districts for two successive months will result in the Department withholding the amount of tuition associated with each transferring child and distributing that amount to the receiving district(s).

84. Subsequent to the enactment of the DESE Guidance, Defendants have reiterated their intent to withhold monthly payments to Normandy School District for the 2013-14 school year if Normandy does not fully pay tuition charged by the Receiving Districts.

85. Defendants State of Missouri, Missouri State Board of Education, and DESE do not have authority to withhold payments due to Normandy School District.

86. The DESE Guidance was not enacted as a regulation pursuant to any statutory authority, but is only a guidance or directive issued by DESE. Neither DESE, the State nor the State Board have any statutory authority to withhold state aid payments to the Normandy School District or to transfer those funds to any Receiving District.

87. Mo. Rev. Stat. §163.031.1 expressly requires DESE to distribute the monthly state aid payments and does not provide any discretion to withhold payments, i.e. DESE “shall calculate and distribute” the monthly aid payments to each school district.

88. This Court should declare that DESE, the State, and State Board do not have the right or authority to withhold state aid payments due to Normandy School District under Mo. Rev. Stat. §163.031 regardless of whether the District makes tuition payments to the Receiving Districts, and Defendants should be ordered to continue to make all such aid payments directly to Normandy School District.

WHEREFORE, Plaintiffs pray for a judgment declaring that DESE, the State of Missouri, and the Missouri State Board of Education do not have the right or authority to withhold state aid payments due to Normandy School District under Mo. Rev. Stat. §163.031

regardless of whether the District makes tuition payments to the Receiving Districts, and Defendants should be ordered to continue to make all such aid payments directly to Normandy School District; for the State Defendants (State of Missouri, Missouri State Board of Education and DESE) to pay Plaintiffs' costs, including court costs and reasonable attorneys' fees incurred herein, and for such further relief as the Court deems just in the premises .

COUNT IV

**DECLARATORY JUDGMENT - THE ENFORCEMENT OF MO. REV. STAT. §167.131
HAS A DISPARATE IMPACT ON THE DISTRICT AND AFRICAN-AMERICAN
PUPILS IN THAT IT INFRINGES UPON A FUNDAMENTAL RIGHT TO EDUCATION
IN VIOLATION OF THE EDUCATION AND EQUAL PROTECTION CLAUSES OF
THE MISSOURI CONSTITUTION AND
THE 14TH AMENDMENT OF THE U.S. CONSTITUTION**

COME NOW Plaintiffs and for their Count IV claim against Defendants State, State Board, and DESE state as follows:

89. Plaintiffs hereby incorporate paragraphs 1-88 above as if fully restated and alleged in this paragraph 89.

90. Article IX, §1(a) of the Missouri Constitution – the “education clause” – provides: “A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one years as prescribed by law.” Mo. Const. art. IX §1(a).

91. Courts have interpreted the “duty of the General Assembly to establish and maintain free public schools” for all Missouri children as guaranteeing a fundamental right to education that can only be denied for the protection of the general welfare. *Breitenfeld v. School Dist. of Clayton*, 399 S.W.3d at 829.

92. Accordingly, under the Missouri Constitution, education is a fundamental right.

93. Mo. Rev. Stat. §167.131 infringes on the fundamental right to education in that it operates to the disadvantage of and disparately impacts the rights of African-American pupils because the requirement to pay tuition costs that greatly exceed the actual costs incurred by the Receiving Districts, as well as transportation costs, deprives the Normandy School District of operating funds to educate the 85% of pupils remaining in the District, who are predominately African-American.

94. In *Adams v. United States*, 620 F.2d 1277 (8th Cir.) (en banc), cert. denied, 449 U.S. 826 (1980), the Eighth Circuit found that the State was jointly liable with the Board of Education of the City of St. Louis for maintaining a segregated school system. The Eighth Circuit stated, *inter alia*, that the State Constitution had mandated separate schools for “white and colored children” through 1976. *See also, Liddell v. State of Missouri*, 731 F.2d 1294, 1298 (8th Cir.) (en banc), cert. denied, 469 U.S. 816, 105 S. Ct. 82, 83 L. Ed. 2d 30 (1984.) The State was therefore found liable for *de jure* segregation.

95. The current version of Mo. Rev. Stat. §167.131 was enacted by the State legislature in 1993. Given the history of segregation in Missouri, as well as its devastating effects on African-American children, there was general knowledge at the time Mo. Rev. Stat. §167.131 was enacted that the districts likely to be adversely impacted by the statute were those where the pupils were predominately African-American; therefore, Mo. Rev. Stat. §167.131 intentionally discriminates on the basis of race.

96. The effect and application of Mo. Rev. Stat. §167.131, requires Normandy School District to expend funds for transferring pupils which ultimately deprives the remaining 85% of pupils in the District, who are African-American, of the necessities of a solid education, such as resources for good teachers, safe facilities, and needed technology. These African-American

pupils are therefore deprived of a fundamental right to education in violation of the education clause, Article IX, §1(a) of the Missouri Constitution, and the equal protection clauses of the Missouri Constitution and the Fourteenth Amendment of the United States Constitution.

WHEREFORE, Plaintiffs pray for a judgment declaring that Mo. Rev. Stat. §167.131 is unconstitutional or otherwise unenforceable as applied to Normandy School District, that the District is not lawfully obligated to pay the tuition or pay for providing transportation for transferring pupils, for the State Defendants (State of Missouri, Missouri State Board of Education and DESE) to pay Plaintiffs' costs, including court costs and reasonable attorneys' fees incurred herein, and for such further relief as the Court deems just in the premises

COUNT V

DECLARATORY JUDGMENT – MO. REV. STAT. §163.011 AND MO. REV. STAT. §163.031 RELATED TO FINANCING PUBLIC EDUCATION RESULTS IN SUBSTANTIAL INTERDISTRICT DISPARITIES PER PUPIL AND HAVE AN ADVERSE IMPACT ON AFRICAN-AMERICAN SCHOOL DISTRICTS AND AFRICAN-AMERICAN PUPILS, THUS DENYING THEM A FUNDAMENTAL RIGHT TO EDUCATION IN VIOLATION OF THE EDUCATION AND EQUAL PROTECTION CLAUSES OF THE MISSOURI CONSTITUTION AND THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION

COME NOW Plaintiffs, and for their Count V claim against Defendants State, State Board, and DESE state as follows:

97. Plaintiffs hereby incorporate paragraphs 1-96 above as if fully restated and alleged in this paragraph 97.

98. The Normandy School District and its pupils are detrimentally and disparately impacted by the structure of school funding, in that the State's school funding formula is based, in part, upon utilization of a system of non-uniform tax assessments.

99. The utilization of non-uniform tax assessments violates Article X, §14 of the Missouri Constitution, which mandates creation of a commission to equalize assessments as

between counties, as well as the uniformity of taxation requirements under Article X, §3 of the Missouri Constitution.

100. The State's school funding formula, which is based upon non-uniform tax assessments that violate Article X, §14 and Article X, §3 of the Missouri Constitution, results in substantial interdistrict funding disparities per pupil, which has a disparate impact on predominately African-American school districts like Normandy School District and its pupils.

101. Since the State has failed to fully fund the school funding formula and the current school funding formula makes no adjustment to remedy the disparity resulting from non-uniform tax assessments, it violates Article IX, §1(a), the education clause of the Missouri Constitution, and the equal protection clauses of the Missouri Constitution and the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs pray for a judgment declaring the existing system of financing public education violates the education and equal protection clauses of the Missouri Constitution and the Fourteenth Amendment to the U.S. Constitution and is unconstitutional, for the State Defendants (State of Missouri, Missouri State Board of Education and DESE) to pay Plaintiffs' costs, including court costs and reasonable attorneys' fees incurred herein, and for such further relief as the Court deems just in the premises.

COUNT VI

INJUNCTIVE RELIEF – TUITION EXPENSE UNDER MO. REV. STAT. § 167.131

COME NOW Plaintiffs, and for their Count VI claim against all Defendants state as follows:

102. Plaintiffs hereby incorporate paragraphs 1-101 above as if fully restated and alleged in this paragraph 102.

103. The tuition payment requirements imposed upon Normandy School District by Mo. Rev. Stat. §167.131 (along with the transportation expenses) contravene Article VI, §26(a) of the Missouri Constitution, are impossible for the District to comply with, improperly transfer Normandy School District taxpayer revenues to excessively compensate the Receiving Districts beyond their actual cost to provide educational services to transferring Normandy School District pupils, and transfer the District's tax revenues in violation of Mo. Rev. Stat. §165.021.1 Mo. Rev. Stat.

104. The operation and effect of Mo. Rev. Stat. §167.131 is to substantially impair and disrupt Normandy School District's provision of educational services to its attending pupils. The District will be unable to meet its teacher and staff payrolls, will be unable to provide transportation to its attending or transferred pupils, and will have to close all of its school building facilities.

105. The financial burden imposed by Mo. Rev. Stat. § 167.131 will: 1) cause immediate and irreparable injury, loss, and damage to Normandy School District and its attending pupils, including the ability to provide a free public education to the District's pupils; 2) cause substantial disruption to the educational services to its pupils; and 3) undermine the District's efforts to regain accreditation.

WHEREFORE, Plaintiffs pray that the Court enter an Order and Judgment as follows:

(a) Preliminarily enjoining and prohibiting any and all Defendants from seeking to obtain, collect or recover any tuition amounts allegedly due from Normandy School District under Mo. Rev. Stat. §167.131 for transferred pupils;

(b) Permanently enjoining all Defendants from taking any affirmative action to obtain, collect or recover any tuition amounts allegedly due from Normandy School District under Mo. Rev. Stat. §167.131 for transferred pupils; and

(c) Awarding Plaintiffs their costs, including court costs and reasonable attorneys' fees incurred herein, to be paid by the State Defendants (State of Missouri, Missouri State Board of Education and DESE), and for such further relief as the Court deems just in the premises.

COUNT VII

INJUNCTIVE RELIEF – TRANSPORTATION EXPENSE UNDER MO. REV. STAT. §167.131

COME NOW all Plaintiff Taxpayers, Jack Windom, Joseph M. Riebold, Larry Bocclair, Bobbie Bocclair, Aleshia Vaughn, and Greg Robinson and for their Count VII claim against all Defendants state as follows:

106. Plaintiff Taxpayers hereby incorporate paragraphs 1-105 above as if fully restated and alleged in this paragraph 106. Plaintiff Taxpayers also join Normandy School District in this Count VII claim pursuant to Missouri Supreme Court Rule 87.04, because the District has an interest in and would be affected by any order or judgment regarding the proper entity responsible for paying for the provision of transportation to an accredited school district.

107. The State of Missouri, the Missouri State Board of Education, and DESE have not provided full state financing to meet the increased transportation expenses incurred by Normandy School District as a result of the transportation requirements imposed by Mo. Rev. Stat. §167.131. Nor has the State legislature made any specific or other appropriation or other disbursements to fully fund the increased bus transportation expenses.

108. The application and operation of Mo. Rev. Stat. §167.131's requirement for Normandy School District to provide and pay for transportation for transferring pupils is an unfunded mandate in violation of the Hancock Amendment.

109. The lack of full state financing for the District's increased transportation costs for transferring pupils has and will continue to harm Normandy School District for the 2013-14 school year and beyond because the increased expenses contribute to the substantial deficit that Normandy is incurring as a result of Mo. Rev. Stat. §167.131.

110. The continuing additional transportation expenses are diverting much needed funds that could be used to keep Normandy School District operating and to provide services to its attending pupils.

111. The unfunded financial burden imposed by the transportation requirements of Mo. Rev. Stat. §167.131 will: 1) cause immediate and irreparable injury, loss, and damage to Normandy School District, including an inability to provide a free public education to the District's pupils; 2) cause substantial disruption to the educational services provided to its pupils; and 3) undermine the District's efforts to regain accreditation.

WHEREFORE, Plaintiffs pray that the Court enter Orders and Judgment as follows:

(a) Preliminarily ordering that Normandy School District is not required to pay for transportation for pupils transferring under Mo. Rev. Stat. §167.131 and ordering the State of Missouri, Missouri State Board of Education and/or the Missouri Department of Elementary and Secondary Education to immediately pay for any fees, costs, and expenses of Normandy School District in providing transportation to pupils transferring under Mo. Rev. Stat. §167.131;

(b) Permanently ordering that the Normandy School District is not required to pay for transportation for pupils transferring under Mo. Rev. Stat. §167.131 and ordering the State of

Missouri, Missouri State Board of Education and/or the Missouri Department of Elementary and Secondary Education to pay for any future fees, costs and expenses of Normandy School District in providing transportation to pupils transferring under Mo. Rev. Stat. §167.131; and

(c) Awarding Plaintiffs their costs, including court costs and reasonable attorneys' fees incurred herein, to be paid by the State Defendants (State of Missouri, Missouri State Board of Education and DESE), and for such further relief as the Court deems just in the premises.

COUNT VIII

INJUNCTIVE RELIEF – STATE AID PAYMENTS TO NORMANDY CANNOT BE WITHHELD OR DIVERTED TO OTHER SCHOOL DISTRICTS

COME NOW Plaintiffs, and for their Count VIII claim against all Defendants state as follows:

112. Plaintiffs hereby incorporate paragraphs 1-111 above as if fully restated and alleged in this paragraph 112.

113. Mo. Rev. Stat. §163.031.1 expressly requires DESE to distribute the monthly state aid payments and provides no discretion to withhold payments; i.e. DESE “shall calculate and distribute” the monthly aid payments to each school district.

114. DESE, on its own behalf and on behalf of the State Department of Education and the State of Missouri, has indicated it intends to withhold state aid payments due to Normandy School District under Mo. Rev. Stat. §163.031.1 if Normandy School District does not make timely tuition payments to any of the Receiving Districts as provided in Mo. Rev. Stat. §167.131.

115. The withholding of the state aid payments due to Normandy School District would have a devastating impact on the District's ability to operate and provide services to its attending pupils.

116. Neither DESE, the State Board nor the State of Missouri have authority to withhold the state aid payments due Normandy School District.

117. Moreover, any payment to a Receiving District of withheld state aid otherwise due Normandy School District would be an unlawful payment as set forth in Count I above, and would compensate most or all of the Receiving Districts far in excess of their actual costs to provide services to their respective transferring pupils from Normandy School District.

118. Missouri statutes and regulations do not provide a mechanism for Normandy School District to recover diverted or excessive tuition payments from the Receiving Districts.

119. The withholding of state aid payments from Normandy School District will: 1) cause immediate and irreparable injury, loss, and damage to the District, including an inability to provide a free public education to the District's pupils; 2) cause substantial disruption to the educational services provided to its pupils; and 3) undermine the District's efforts to regain accreditation.

WHEREFORE, Plaintiffs pray that the Court enter Orders and Judgment as follows:

(a) Preliminarily enjoining and prohibiting the State of Missouri, Missouri State Board of Education, and the Missouri Department of Elementary and Secondary Education from withholding state aid payments due Normandy School District under Mo. Rev. Stat. § 163.031.1, regardless of whether Normandy School District makes timely tuition payments to any of the Receiving Districts as provided in Mo. Rev. Stat. §167.131;

(b) Permanently enjoining the State of Missouri, Missouri State Board of Education, and the Missouri Department of Elementary and Secondary Education from withholding state aid payments due Normandy School District under Mo. Rev. Stat. §163.031.1, regardless of whether

Normandy School District makes timely tuition payments to any of the Receiving Districts as provided in Mo. Rev. Stat. §167.131; and

(c) Awarding Plaintiffs their costs, including court costs and reasonable attorneys' fees incurred herein, to be paid by the State Defendants (State of Missouri, Missouri State Board of Education and DESE), and for such further relief as the Court deems just in the premises.

COUNT IX

INJUNCTIVE RELIEF – MAINTAIN ELECTED SCHOOL BOARD AND PROHIBIT INTERFERENCE WITH THIS LAWSUIT

COME NOW all Plaintiffs including plaintiff William H. Humphrey (hereafter collectively referred to as the "Plaintiffs in this Count IX), and for their Count IX claim against Defendants State of Missouri, Missouri State Board of Education and Missouri Department of Elementary and Secondary Education (the "State Defendants") and state as follows:

120. Plaintiffs hereby incorporate paragraphs 1-119 above as if fully restated and alleged in this paragraph 120.

121. Plaintiff Normandy School District is governed by a seven person school board of education comprised of seven individuals residing within the School District and elected to office by a public vote of voters residing in the School District.

122. The Normandy School District's Board of Education is tasked with having general control of the property and affairs of the Normandy School District.

123. As part of their official duties, the publicly elected School Board members for the Normandy School District have voted to bring this lawsuit after concluding it was necessary and in the best interests of the School District and the parents, and pupils residing therein, particularly in light of the aforesaid allegations, including that the application of Mo. Rev. Stat. §167.131 to the District:

- a. Contravenes Article VI, §26(a) of the Missouri Constitution;
- b. Makes it impossible for the District to provide full educational services to its pupils and to maintain an adequate and proper free public education for its pupils;
- c. Improperly causes the diversion of local tax dollars in violation of Mo. Rev. Stat. §165.021.1;
- d. Requires the excessive transfer of tax and other revenues to receiving districts that is irrational, arbitrary, discriminatory, and violates the state and federal due process (Mo. Const. art. I, §10; U.S. Const. 5th Amendment) and equal protection rights (Mo. Const. art. I, §2; 14th Amendment, U.S. Const.) of Normandy School District taxpayers, voters and pupils, as well as the uniformity of taxation requirements under Article X, §3 of the Missouri Constitution; and/or,
- e. Establishes a clear violation of the Hancock Amendment by requiring the Normandy School District to pay for transportation of transferring pupils to the receiving school district.

124. The publicly elected Normandy School District Board members believe that it is necessary to bring this lawsuit against the State Defendants because the State Defendants are violating and will continue to violate the aforesaid laws and the rights of Normandy School District and its pupils, citizens and taxpayers as set forth herein.

125. Under Mo. Rev. Stat. §162.081 the State Board of Education is authorized in part to allow the existing school board of an unaccredited school district to continue to govern under terms and conditions established by the State Board, lapse the corporate organization of the unaccredited district, appoint a special administrative board or attach the lapsed district to another district or districts.

126. Since the time that the State Board of Education classified Normandy School District as unaccredited effective January 1, 2013 to the present time, the State Board has not removed or replaced any of the publicly elected members of the Normandy School District School Board.

127. Prior to the aforesaid application of the tuition and transportation expense requirements imposed upon Normandy School District by reason of the application of Mo. Rev. Stat. §167.131, Normandy School District had sufficient and adequate resources to keep its schools open and provide educational services to its attending pupils.

128. On May 20, 2014, Defendant Missouri State Board of Education voted to lapse the Normandy School District effective June 30, 2014, and to replace the current publicly elected Normandy School Board members with a new “local education agency” and new governing Board.

129. By reason of the aforesaid allegations of serious violations of law by the State Defendants caused by their application of Mo. Rev. Stat. §167.131 and the DESE Guidelines to Normandy School District, the State Defendants should be prohibited from retaliating, preventing or otherwise hindering the District’s present, publicly elected School Board from continuing to prosecute this action to challenge the State Defendant’s actions, policies and conduct at issue in this action.

130. Any effort by the State Defendants to take control of, hinder or dismiss this lawsuit brought against them pursuant to Mo. Rev. Stat. §162.081 - such as by removing current School Board members and seeking to dismiss the School District’s claims herein or refusing to fund the lawsuit claims - violates and improperly restrains the free speech rights of the publicly elected school board members, including Plaintiff Humphrey, under the First Amendment to the

United States Constitution and Art. I, §8 of the Missouri Constitution who have spoken by their vote as publicly elected officials to pursue legal claims against the State Defendants for violations of various laws as provided herein.

131. Similarly, any such effort by the State Defendants as set forth in paragraph 130 above would violate the aforesaid federal and state free speech rights of the voters within the Normandy School District (including the individual Plaintiffs herein) by attempting to retaliate or deny their elected School Board members to speak through their votes to pursue this litigation to redress legal claims against the State Defendants.

132. Any such attempt by the State Defendants to retaliate or otherwise prohibit the Normandy School District and its elected School Board members from pursuing the aforesaid claims in this action against the State Defendants also violates the due process rights of the individual Plaintiffs under the Mo. Const. art. I, §10 and U.S. Const. 5th and 14th Amendments by allowing the alleged wrongdoers (the State Defendants) to avoid a judicial determination regarding whether they are violating the law and the rights of all of the Plaintiffs and the pupils, taxpayers and voters within the Normandy School District.

133. As set forth in this Petition, the State Defendants have violated various laws and the rights of Plaintiffs, and should not be allowed to deny or hinder access to the courts or otherwise avoid a judicial determination of the claims brought against them.

WHEREFORE, Plaintiffs pray that the Court enter Orders and Judgment as follows:

(a) Preliminarily enjoining and prohibiting the State of Missouri, Missouri State Board of Education, and the Missouri Department of Elementary and Secondary Education from directly or indirectly interfering with the prosecution of this litigation, including but not limited to attempting to remove any or all of the publicly elected members of the Normandy School

District board of education pursuant to Mo. Rev. Stat. §162.081 or otherwise, lapsing the Normandy School District, or by attempting to freeze or prevent the funding of this litigation (including any appeals) by the Normandy School District;

(b) Permanently enjoining and prohibiting the State of Missouri, Missouri State Board of Education, and the Missouri Department of Elementary and Secondary Education from directly or indirectly interfering with the prosecution of this litigation, including but not limited to attempting to remove any or all of the publicly elected members of the Normandy School District Board of Education pursuant to Mo. Rev. Stat. §162.081 or otherwise, lapsing the Normandy School District, or by attempting to freeze or prevent the funding of this litigation (including any appeals) by the Normandy School District; and

(c) Awarding Plaintiffs their costs, including court costs and reasonable attorneys' fees incurred herein, to be paid by the State Defendants (State of Missouri, Missouri State Board of Education and DESE), and for such further relief as the Court deems just in the premises

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A. Breakdown of the bills received from all Receiving Districts (on a monthly basis).

	YTD	March	February	January	December	November	October	September	August
BRENTWOOD (30)	\$399,981.39	\$41,219.16	\$50,492.60	\$49,033.80	\$42,363.87	\$51,377.74	\$64,714.42	\$59,158.88	\$41,620.92
CLAYTON (35)	\$478,699.24	\$49,061.30	\$60,749.44	\$55,660.01	\$51,890.37	\$64,379.67	\$75,395.62	\$73,569.28	\$47,993.55
FERGUSON/FLORISSANT (99)	\$729,971.81	\$78,362.10	\$89,278.32	\$69,218.85	\$68,379.01	\$92,574.19	\$119,797.61	\$121,948.13	\$90,413.60
FRANCIS HOWELL (392)	\$3,096,511.22	\$291,916.55	\$366,994.28	\$288,461.50	\$342,076.94	\$438,300.48	\$438,031.62	\$506,556.14	\$424,173.71
FT. ZUMWALT (1)	\$6,365.75		\$907.38	\$698.98	\$753.95	\$893.74	\$0.00	\$3,111.70	\$0.00
HANCOCK PLACE (1)	\$7,851.93	\$929.07	\$1,005.09	\$875.81	\$759.94	\$1,005.09	\$1,302.43	\$1,974.50	\$0.00
HAZELWOOD (17)	\$126,286.69	\$11,983.44	\$15,220.06	\$11,457.35	\$13,366.44	\$16,704.60	\$20,441.22	\$21,372.93	\$15,740.65
JENNINGS (5)	\$34,677.10		\$0.00	\$0.00	\$4,378.76	\$5,065.75	\$8,169.25	\$7,414.33	\$9,649.01
KIRKWOOD (4)	\$31,605.71	\$3,322.83	\$4,055.66	\$3,583.84	\$3,533.65	\$4,286.55	\$5,471.13	\$5,077.27	\$2,274.78
LADUE (62)	\$647,110.22	\$68,590.81	\$82,264.88	\$72,291.12	\$69,962.93	\$85,225.86	\$93,968.28	\$105,532.02	\$69,274.32
LINDBERGH (12)	\$81,004.35		\$12,462.21	\$9,692.83	\$9,692.83	\$11,769.86	\$15,923.93	\$13,154.55	\$8,308.14
MAPLEWOOD/RICHMOND HEIGHTS (21)	\$218,897.87	\$21,282.71	\$27,370.59	\$26,610.02	\$23,125.45	\$29,362.95	\$37,564.50	\$32,712.13	\$20,869.52
PARKWAY (36)	\$339,919.23	\$35,771.04	\$44,167.39	\$35,138.81	\$32,677.27	\$42,665.02	\$56,657.92	\$53,851.93	\$38,989.85
PATTONVILLE (25)	\$301,151.96		\$31,238.95	\$27,595.82	\$38,068.94	\$47,029.21	\$62,343.93	\$56,795.06	\$38,080.05
RITENOUR (99)	\$655,310.46	\$63,337.13	\$82,387.11	\$69,089.00	\$64,018.20	\$89,338.34	\$114,097.73	\$109,843.13	\$63,199.82
ROCKWOOD (2)	\$14,678.74	\$1,629.31	\$1,994.87	\$1,576.27	\$1,359.94	\$1,905.74	\$2,276.51	\$2,302.01	\$1,634.09
UNIVERSITY CITY (85)	\$556,724.26	\$64,137.09	\$90,335.47	\$70,250.36	\$33,394.28	\$92,016.78	\$53,193.32	\$104,931.05	\$48,465.91
Revised Oct Billing 12-18-13 & Dec Billing 3-5-14	\$93,151.28	\$0.00	\$0.00	\$0.00	\$37,997.19	\$0.00	\$55,154.09	\$0.00	\$0.00
WEBSTER GROVES (11)	\$132,107.16	\$12,481.73	\$14,285.48	\$13,257.06	\$15,227.21	\$18,105.79	\$22,286.00	\$20,660.58	\$15,803.31
TOTAL TUITION COSTS	\$7,952,006.37	\$744,024.27	\$975,209.78	\$804,491.43	\$853,027.17	\$1,092,007.36	\$1,246,789.51	\$1,299,965.62	\$936,491.23

* August/September combined by receiving district

B. Tuition charged by each Receiving District for 2013-14 school year.

<u>Districts</u>	<u>All Grades</u>	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
Brentwood		\$ 16,511.33	\$ 19,752.62	\$ 19,752.62
Clayton		\$ 18,869.57	\$ 20,355.65	\$ 20,768.31
Ferguson-Florissant		\$ 10,845.68	\$ 10,697.89	\$ 10,697.89
Francis Howell	\$ 11,034.10			
Fort Zumwalt		\$ 9,918.29	\$ 9,696.19	\$ 9,455.81
Hancock Place	\$ 10,846.00			
Hazelwood	\$ 10,430.14			
Jennings	\$ 11,500.00			
Kirkwood	\$ 11,523.00			
Ladue	\$ 14,534.75			
Lindbergh	\$ 10,039.00			
Maplewood-				
Richmond Heights	\$ 15,088.00			
Parkway		\$ 12,249.50	\$ 12,849.18	\$ 13,514.42
Pattonville	\$ 14,406.00			
Ritenour	\$ 9,616.62			
Rockwood		\$ 10,073.00	\$ 10,607.00	\$ 10,712.00
University City		\$ 11,515.00	\$ 10,781.00	\$ 12,928.00
Webster Groves	\$ 14,666.66			

C. Tuition paid to each Receiving District to date.

TRANSFER TUITION PAYMENTS

	YTD	March	February	January	December	November	October	September	August
BRENTWOOD (30)	\$399,981.39	\$41,219.16	\$50,492.60	\$49,033.80	\$42,363.87	\$51,377.74	\$64,714.42	\$59,158.88	\$41,620.92
CLAYTON (35)	\$478,699.24	\$49,061.30	\$60,749.44	\$55,660.01	\$51,890.37	\$64,379.67	\$75,395.62	\$73,569.28	\$47,993.55
FERGUSON/FLORISSANT (99)	\$729,971.81	\$78,362.10	\$89,278.32	\$69,218.85	\$68,379.01	\$92,574.19	\$119,797.61	\$121,948.13	\$90,413.60
FRANCIS HOWELL (392)	\$3,096,511.22	\$291,916.55	\$366,994.28	\$288,461.50	\$342,076.94	\$438,300.48	\$438,031.62	\$506,536.14	\$424,173.71
FT. ZUMWALT (1)	\$5,365.75	\$907.38	\$698.98	\$753.95	\$893.74	\$893.74	\$0.00	\$3,111.70	\$0.00
HANCOCK PLACE (1)	\$7,851.93	\$929.07	\$1,005.09	\$875.81	\$759.94	\$1,005.09	\$1,302.43	\$1,974.50	\$0.00
HAZELWOOD (17)	\$126,286.69	\$11,983.44	\$15,220.06	\$11,457.35	\$13,366.44	\$16,704.60	\$20,441.22	\$21,372.93	\$15,740.65
JENNINGS (5)	\$34,677.10	\$0.00	\$0.00	\$0.00	\$4,378.76	\$5,065.75	\$5,471.13	\$7,414.33	\$9,649.01
KIRKWOOD (4)	\$31,605.71	\$3,322.83	\$4,055.66	\$3,583.84	\$3,533.65	\$4,286.55	\$5,471.13	\$5,077.27	\$2,274.78
LADUE (62)	\$647,110.22	\$68,590.81	\$82,264.88	\$72,291.12	\$69,562.93	\$85,225.86	\$93,968.28	\$105,532.02	\$69,274.32
LINDBERGH (12)	\$81,004.35	\$12,462.21	\$12,462.21	\$9,692.83	\$9,692.83	\$11,769.86	\$15,923.93	\$13,154.55	\$8,308.14
MAPLEWOOD/RICHMOND HEIGHTS (21)	\$218,897.87	\$21,282.71	\$27,370.59	\$26,610.02	\$23,125.45	\$29,362.95	\$37,564.50	\$32,712.13	\$20,869.52
PARKWAY (36)	\$339,919.23	\$35,771.04	\$44,167.39	\$35,138.81	\$32,677.27	\$42,665.02	\$56,657.92	\$53,851.93	\$38,989.85
PATTONVILLE (25)	\$301,151.96	\$31,238.95	\$31,238.95	\$27,595.82	\$38,068.94	\$47,029.21	\$62,343.93	\$56,795.06	\$38,080.05
RITENOUR (99)	\$655,310.46	\$63,337.13	\$82,387.11	\$69,089.00	\$64,018.20	\$89,338.34	\$114,097.73	\$109,843.13	\$63,199.82
ROCKWOOD (2)	\$14,678.74	\$1,629.31	\$1,994.87	\$1,576.27	\$1,359.94	\$1,905.74	\$2,276.51	\$2,302.01	\$1,634.09
UNIVERSITY CITY (85)	\$556,724.26	\$64,137.09	\$90,335.47	\$70,250.36	\$33,394.28	\$92,016.78	\$53,193.32	\$104,931.05	\$48,465.91
Revised Oct Billing 12-18-13 & Dec Billing 3-5-14	\$93,151.28	\$0.00	\$0.00	\$0.00	\$37,997.19	\$0.00	\$55,154.09	\$0.00	\$0.00
WEBSTER GROVES (11)	\$132,107.16	\$12,481.73	\$14,285.48	\$13,257.06	\$15,227.21	\$18,105.79	\$22,286.00	\$20,660.58	\$15,803.31
TOTAL TUITION COSTS	\$7,952,006.37	\$744,024.27	\$975,209.78	\$804,491.43	\$853,027.17	\$1,092,007.36	\$1,246,789.51	\$1,299,965.62	\$936,491.23
FIRST STUDENT TRANSPORTATION	\$616,675.00		\$80,950.00	\$61,680.00	\$86,920.00	\$100,940.00	\$97,325.00	\$108,635.00	\$80,225.00
TOTAL FOR TUITION AND TRANSPORTATION	\$8,568,681.37	\$744,024.27	\$1,056,159.78	\$866,171.43	\$939,947.17	\$1,192,947.36	\$1,344,114.51	\$1,408,600.62	\$1,016,716.23
AMOUNT BUDGETED	\$12,240,000.00	\$1,530,000.00	\$1,530,000.00	\$1,530,000.00	\$1,530,000.00	\$1,530,000.00	\$1,530,000.00	\$1,530,000.00	\$1,530,000.00
PAYMENTS UNDER/(OVER) BUDGET	\$3,671,318.63	\$785,975.73	\$473,840.22	\$663,828.57	\$590,052.83	\$337,052.64	\$185,885.49	\$121,399.38	\$513,283.77