

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

FILED

JUN 13 2014

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

NORMANDY SCHOOL DISTRICT, )  
et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
STATE OF MISSOURI, et al., )  
 )  
Defendants, )

Cause No. 14SL-CC01721

Division 12

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

COME NOW Plaintiffs Normandy School District, Jack Windom, Joseph M. Riebold, Larry BoClair, Bobbie BoClair, Aleshia Vaughn, Greg Robinson and William H. Humphrey ("Plaintiffs"), pursuant to Missouri Rules of Civil Procedure Rule 92.02, and for their motion for a temporary restraining order directed to defendants State of Missouri, Missouri State Board of Education and the Department of Elementary and Secondary Education (collectively "State of Missouri") and state as follows:

Plaintiffs bring this Motion to obtain a temporary restraining order regarding the following matters:

(i) Defendant Missouri State Board of Education is going to lapse (eliminate) the Normandy School District and its elected school board effective June 30, 2014. The State Board's action is contrary to the express provisions of Mo. Rev. Stat. § 162.081.4 (2013 Cum. Supp.) and is unlawful.

(ii) Plaintiffs seek to temporarily restrain the State Defendants from using District monies or other aid or funds due to the District to pay over \$2 Million in charges to each of the Defendant public school districts identified in Plaintiffs' Petition, as amended, (hereafter collectively referred to as the "Receiving Districts") for April, May and June, 2014 tuition. Plaintiffs' maintain those payment obligations are unlawful and unconstitutional, have devastated and will further devastate the Normandy School District's finances.

(iii) Plaintiffs seek to temporarily restrain the State Defendants from hindering the prosecution of this case. DESE has recently announced that it will prohibit the Normandy School District from expending funds to pursue this litigation to obtain a declaration and judgment

regarding the validity or invalidity of key statutes dealing with the student transfer issue and to determine if the State Defendants have acted unlawfully in attempting to prematurely lapse the District.

As set forth below, all of the above actions will cause immediate and irreparable injury, loss or damage to Plaintiffs and should be temporarily restrained.

## I.

### BACKGROUND

1. Plaintiffs are the Normandy School District along with individual taxpayers in the District and parents of children attending public schools in the Normandy School District.

2. Plaintiffs' Petition for Declaratory Judgment and Injunctive Relief as amended seeks a determination regarding the constitutionality and validity of Mo. Rev. Stat. §167.131 as applied to the Normandy School District, its taxpayers and its parents and pupils, and whether the State Defendants have unlawfully decided to lapse the District in violation of Mo. Rev. Stat. § 162.081 (2013 Cum. Supp.).

3. The Normandy School District was classified as an unaccredited school district as of January 1, 2013.

4. Section 167.131 provides that students in an unaccredited school district may transfer to other accredited school districts in the same or adjacent counties. Under the statute, the sending unaccredited school district must pay the Receiving District's tuition rate for each transferring child plus the cost to transport children to an accredited school district.

5. Unlike the factual circumstances in *Breitenfeld v. School Dist. of Clayton*, 399 S.W.3d 816 (Mo. banc 2013), which only involved the transfer of two children to the Clayton Schools, this case presents the other extreme:

- (a) In the 2012-2013 school year, Normandy School District had 3835 pupils attending District schools. For the 2013-2014 school year, nearly 1000 of Normandy School District's resident children (including approximately

250 children who had not attended District schools in the prior school year) transferred to twenty (20) different school districts in the area;

- (b) Normandy School District has paid \$7,952,006.37 in tuition charges to Receiving Districts through March 31, 2014, with another approximate \$1,217,000.00 billed for April, 2014, and a like amount expected for May, 2014 tuition.
- (c) Normandy School District has paid approximately \$793,000.00 through May, 2014 to run 18 new bus routes for transferring students attending Francis Howell School District. The District's overall transportation expenses have increased \$600,000, and were not paid for by the State Defendants;
- (d) Due to the financial crisis created by the payments and obligation to pay tuition and transportation expenses, the District closed one of its elementary schools and laid off more than 100 teachers and other staff in January, 2014 to reduce expenses in an attempt to keep its schools open to the end of the school year; and
- (e) The tuition and transportation expenses paid and incurred by Normandy School District for transfer students (more than \$10,000,000.00) have decimated the District's finances. -By July 1, 2014, the District's reserves are projected to be at most \$0.00.

6. On May 21, 2014, the publicly elected seven-person School Board for Normandy School District, along with the individual taxpayers and parents, commenced this suit. The School Board had previously voted to bring suit at a Board meeting on February 7, 2014, but deferred filing suit in hopes that the Missouri Legislature would formulate a revision to §167.131 that would ameliorate the devastating effect the statute has had on the District. That Legislative "fix" did not happen.

7. For the 2013-2014 school year, DESE issued its written "Guidance" stating its intent to withhold State aid payments otherwise due to unaccredited districts and use those funds to directly pay tuition amounts charged by Receiving Districts if an unaccredited district did not remit payments to Receiving Districts for two successive months.

8. In or about February, 2014, defendant Missouri State Board of Education (the “State Board”) voted to take over financial oversight of Normandy School District’s financial affairs. That financial oversight has been in place from approximately February 26, 2014 to the present time.

9. On May 20, 2014, the State Board voted to lapse the District effective June 30, 2014, replace it with a new local educational agency and a new governing board under the purported authority of Mo. Rev. Stat. §162.081 (2013 Cum. Supp.). (The State Board’s Resolution to lapse the District is attached to the Humphrey Affidavit as Exhibit F).

10. On May 22, 2014, defendant Department of Elementary and Secondary Education (“DESE”) announced that it would not approve expenditures by the Normandy School District to pursue this action for declaratory judgment and other relief.

## II.

### **THE STATE DEFENDANTS ARE WITHOUT AUTHORITY TO LAPSE THE DISTRICT PURSUANT TO §162.0814 (2013 RSMo, Cum. Supp.) AND SHOULD BE RESTRAINED FROM ATTEMPTING TO LAPSE THE DISTRICT**

11. The State Board classified Normandy School District as unaccredited on or about September 18, 2012, with that classification effective January 1, 2013. At that time, the State Board did not set forth any date for the lapse of Normandy School District.

12. On and after January 1, 2013 through the present time, the State Board has not appointed any type of special administrative board to operate any part of the District. Rather, the publicly elected seven-member school board has continually served as the school board for the District at all times from at least January 1, 2013 through the present time.

13. Pursuant to Mo. Rev. Stat. §162.081.1 and §162.081.3 (2013 Cum. Supp.), at the time the District was classified as unaccredited, the State Board could (1) allow continued



governance of Normandy School District by its existing school board under terms and conditions set by the State Board **or** lapse the District. Thus, Mo. Rev. Stat. §162.081.3 (2013 Cum. Supp.) provides as follows:

3. Upon classification of a district as unaccredited, the state board of education may:

(1) Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of the unaccredited district and: ....

[This subsection (2) goes on to provide that the State Board may appoint a special administrative board; determine an alternative governing structure; attach the territory of the lapsed district to another district(s); or establish one or more school districts within the territory of the lapsed district].

14. As set forth above, the State Board opted to allow the Normandy School District to continue to be governed by its publicly elected school board and did not lapse the District or set a date to lapse the District.

15. Pursuant to §162.081.3 RSMo, after the State Board unaccredited the District, DESE proceeded to hold at least two public hearings within the Normandy School District regarding the accreditation status of the Normandy School District.

16. Because the State Board opted to proceed under subdivision (1) of subsection 3 of Mo. Rev. Stat. §162.081 (2013 Cum. Supp.), its authority to lapse Normandy School District is governed by the terms of §162.081.4, which provides in its entirety:

4. **If a district remains under continued governance by the school board under subdivision (1) of subsection 3 of this section** and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year **or has been unaccredited for two consecutive school years** and the state board of education determines its academic

progress is not consistent with attaining accredited status after the third school year, **then** the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year. (emphasis added).

17. Under the express terms of Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp.), the State Board could not lapse the Normandy School District for at least “two consecutive school years” after the District has been classified as unaccredited. To accept the argument that the State Defendants could lapse the District now would read §162.081.4 out of the statute and render its terms and requirements meaningless.

18. Since Normandy School District was classified as unaccredited effective January 1, 2013, the earliest that the State Board could lapse the Normandy School District would be the school year following two consecutive school years from the unaccredited classification, or for the 2016-2017 school year (if the conditions set forth in the statutory subsection regarding academic progress then applied). Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp.),

19. Pursuant to Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp), the State Board has no authority or right to lapse the Normandy School District effective June 30, 2014. (Additionally, the prior version of §162.081 in effect immediately prior to the 2013 amendment also provided that the State Board could only lapse a school district if it remained unaccredited “for two successive school years ....” Since the Normandy School District was classified unaccredited as of January 1, 2013, two successive school years have not passed, and the State Board likewise would have had no right to lapse the District under the former version of the statute).

20. Normandy School District and its attending students will suffer immediate and irreparable injury, loss or damage if the State Board, State of Missouri and DESE are not enjoined from lapsing the District. The Normandy School District faces the imminent threat (by

June 30, 2014) of being eliminated as a legal entity, a political subdivision of the State of Missouri, and such a result would:

A. Substantially disrupt and harm the administration of educational services for children attending or planning to attend District Schools for the 2014-2015 school year. Due to the chaos and uncertainty created by a lapse and State takeover, more students can be expected to transfer out of the Normandy School District, further exacerbating the District's financial condition due to the continuing payment obligation of millions of dollars in tuition and transportation expenses as specified in §167.131 RSMo. The termination of all teacher and other employee contracts as mandated by the State Board (Exhibit F to the Humphrey Affidavit) will cause many District teachers and other employees to seek employment elsewhere and may leave little or no time for the District to hire new staff needed to operate the school system. Any new special administrative board would have the impossible task, in less than two months, to prepare for a new school year, hire or rehire an entire group of teachers and staff for the whole District, determine financial needs, budget, plan a curriculum and initiate steps for attempting to make academic progress for the District and its students;

B. The lapsing of the District would unlawfully eliminate the District's current Board of Education publicly elected by voters to administer the Normandy School District by the State Defendant's failure to comply with the time requirements set forth in §162.081.4 (2013 RSMo, Cum. Supp.); and

C. The State Defendants will, as they have done for the 2013-2014 school year, continue to require the "new" District to pay the unconstitutional and unlawful tuition and transportation expenses for pupils transferring to accredited school districts, further decimating

the finances needed to operate a school district and hindering needed enhanced services and supplies to pupils attending schools in the district.

21. Normandy School District cannot be compensated for the losses associated with the unlawful attempt to lapse the District effective June 30, 2014 because the lapse would eliminate the Normandy School District and its publicly appointed Board of Education, and substantially harm the educational services offered to children attending District schools.

22. It is in the public interest to make the State Defendants obey the law, including the time periods set forth in Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp.). It also is in the public interest to prevent the State Defendants from unlawfully lapsing a public school district and unlawfully eliminating its publicly elected school board. As set forth above, Plaintiffs have a probability of success on the merits because the State Defendants' attempt to lapse the District is in direct contravention of Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp.).

### III.

**THE STATE DEFENDANTS SHOULD BE TEMPORARILY  
RESTRAINED FROM MAKING TUITION PAYMENTS TO  
RECEIVING DISTRICTS USING SCHOOL DISTRICT  
FUNDS (OR STATE FOUNDATION  
OR OTHER FUNDS OTHERWISE PAYABLE OR ALLOCABLE  
TO NORMANDY SCHOOL DISTRICT) AND RESTRAINED  
FROM WITHHOLDING ANY SUCH FUNDS FROM THE  
DISTRICT**

23. In or about February, 2014, Defendant State Board voted to take over financial oversight of Normandy School District's financial affairs. The District has been providing periodic financial reports and other records to DESE as part of that financial oversight. This financial oversight has been in place from approximately February 26, 2014 to the present time.

24. The State Board and DESE continue to demand that the District pay tuition amounts to Receiving Districts. (As set forth below, Plaintiffs assert that those tuition payments

are unconstitutional and unlawful). For example, DESE asserted its financial control over the District by directing the District to pay Receiving District tuition bills. The Board of Education for the District had not approved payment of \$784,128.57 in tuition bills. Citing its financial oversight, DESE directed the District to pay that amount, which was done in June, 2014.

26. For the current 2013-14 school year, for the period from August, 2013 to March, 2014, Normandy School District has paid approximately \$7,950,000.00 in tuition payments for transferring resident children to the Receiving Districts. The total April, 2014 tuition bills from Receiving Districts are approximately \$1,217,000.00. The May, 2014 tuition bills are expected to be at or near the amount billed for April, 2014.

27. DESE has also issued its "Guidance" to school districts stating its intent to withhold State aid funds due to Normandy School District to pay tuition to Receiving Districts.

28. 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). [Exhibit A to McNichols Affidavit].

29. Subsequent to the enactment of the DESE Guidance, Defendants have reiterated their intent to withhold monthly payments to Normandy School District if the District does not fully pay tuition charged by the Receiving Districts. As set forth in paragraph 26 above, the District continues to accrue substantial tuition charges (over \$2 Million for April and May, 2014), which the District believes are unlawful. The forced payment of such amounts will further devastate the District.

30. For the reasons set forth in Section V of this Motion, Plaintiffs have shown a likelihood of success to establish that the application of Mo. Rev. Stat. §167.131 to Normandy School District and the other Plaintiffs is unconstitutional and unlawful. Accordingly, the State Defendants should be temporarily enjoined from using the District's current or future assets or State Foundation or other funds due or allocated to the District to pay tuition amounts to the Receiving Districts.

31. Additionally, 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. There is no authority or discretion to withhold or redirect State aid payments due under §163.031.1, and that statute is more specific and controls the disposition of State aid payments to public school districts. Given the clear meaning of §163.031.1 and the lack of authority to divert local District taxes to overcompensate other Districts, Plaintiffs have again shown a probability of success on the merits.

32. The State Defendants also have no authority to assert financial control over the District. When the State Board reclassified the District as unaccredited effective January 1, 2013, it never imposed or set forth any conditions for the financial control or financial oversight of the District or its financial affairs. Pursuant to Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp.), the State Defendants had to impose "terms and conditions" for continued governance of the District "[u]pon classification of a district as unaccredited ...." Neither the State Board nor DESE established any such financial control or financial oversight of the District upon unaccredited classification. Accordingly, the State Defendants cannot do so now and should be temporarily

restrained from exercising any such control or oversight and restrained from attempting to disburse funds to pay tuition costs.

33. The continued payment of tuition to the Receiving Districts or the withholding of state aid payments or other funds from the 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) will make it impossible for the District to pay its monthly expenses for employees and other operating expenses in the very near future 3) cause substantial disruption to the educational services provided to its pupils; and 4) undermine the District's efforts to regain accreditation.

#### IV.

#### **THE STATE DEFENDANTS SHOULD ALSO BE TEMPORARILY ENJOINED FROM TAKING ANY STEPS TO HINDER OR INTERFERE WITH THE FUNDING OR PROSECUTION OF THIS LAWSUIT**

34. As previously indicated, the State Board and DESE have declared that they will not pay for any expenses to prosecute this litigation. The State Board has also instituted financial oversight of the District.

35. The Normandy School Board has been duly elected by the citizens of the School District to oversee the administration of the School District. The publicly elected Board voted to pursue this lawsuit to seek rulings on important legal issues.

36. It is improper for the State Defendants to avoid the School District's claims in this lawsuit by refusing to allow the District to expend funds to obtain a final determination regarding issues critical to the Plaintiffs, critical to the Defendants and critical to other persons interested in the effect and application of the transfer laws in issue.

37. Moreover, to allow the State Defendants to withhold funding and remove the existing, duly publicly elected School Board is unlawful and retaliatory conduct that violates the free speech rights of the public officials comprising the Board (including plaintiff William H. Humphrey) who have spoken by their votes and are trying to speak in this legal action on behalf of the District and themselves regarding whether the State Defendants are unconstitutionally and unlawfully applying §167.131 to the School District and violating the lapse provisions of Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp.).

38. It is improper and disingenuous for the State Defendants or any supposed new entity contemplated by the State Board and DESE to deny access to the courts or control or nullify this litigation through lack of funding or otherwise, particularly since the State Defendants have knowingly applied §167.131 in an unconstitutional manner against Normandy School District.<sup>1</sup> The State Defendants have also known since at least September, 2013, that the application of §167.131 would financially devastate the School District (see Humphrey Affidavit, par. 10), which is exactly what occurred. The State Defendants knew or should have also known that they prematurely attempted to lapse the School District in violation of the express time frames set forth in Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp.).

39. Based upon these and other examples, the State Defendants should not be allowed to evade a judicial resolution of critical aspects of the transfer laws, and cannot be relied upon to pursue the current available legal resolution if the Normandy School District is prevented from prosecuting this case. As set forth above, Plaintiffs can show a probability of success on the

---

<sup>1</sup> For example, in *Breitenfeld v. School Dist. of Clayton*, 399 S.W.3d 816, 832-33 (Mo. banc 2013), the Missouri Supreme Court noted that the State “concedes” that the new transportation requirements are a new activity under the Hancock Amendment. Despite having conceded that Hancock applies, the State Defendants have wholly failed to make a required specific appropriation or disbursement to Normandy School District for the new transportation activity, while the District has had expended more than \$600,000 to transport pupils outside its District through just February, 2014.



merits of their claim in that the State Defendants are unlawfully attempting to lapse the District, improperly remove a publicly elected school board and seeking to prevent a judicial determination of their unlawful conduct.

40. The withholding of funds, attempting to remove District's duly elected school board members or otherwise hindering or refusing to allow the District to pay its attorneys to prosecute this action will cause immediate and irreparable injury, loss, and damage to the District and other Plaintiffs by denying or hindering Plaintiffs access to the Courts and having alleged wrongdoers escape judicial determinations regarding critical issues regarding the existence and funding of Normandy School District. These issues are critical to Plaintiffs, pupils in the District, all Defendants, and other Missouri public school districts in the State.

#### V.

#### **A TEMPORARY RESTRAINING ORDER REGARDING THE APPLICATION OF §167.131 IS APPROPRIATE BECAUSE PLAINTIFFS' CAN SHOW A PROBABILITY OF SUCCESS ON THE MERITS**

41. Plaintiffs assert that Mo. Rev. Stat. §167.131 is unconstitutional as applied to the Normandy School District and is further unlawful and should not be enforced for at least the following reasons:

A. *Section §167.131 is unconstitutional as applied to the District.*

Article VI, section 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.

Normandy School District's expenses for 2014, with the substantial tuition and transportation expenses imposed upon the School District for transfer pupils, causes the District to become

indebted in an amount exceeding its income and revenues for such year plus any unencumbered balances. The District projects a \$2,024,969 deficit by the end of June, 2014, and even if the State provides some or all of a \$2 Million payment from the State, the District's reserves on July 1, 2014 would be at most \$0.00. [Willis Affidavit, par. 20, 23-25 and Ex, B thereto]. Therefore, the tuition and transportation requirements of §167.131 cause the School District to contravene Article VI, section 26(a) of the Missouri Constitution and cannot be enforced.

B. *It is impossible for the District to comply with Section 167.131.*

Missouri school districts only have limited sources of revenues. It is fiscally impossible for the District to continue to operate a public school system with its existing and expected revenues in light of the dramatic tuition and transportation expenses arising from the transfer statute. The District already closed one elementary school building and laid off approximately 100 teachers and other staff in January, 2014. As previously noted, expending more than \$10,000,000.00 on transportation and tuition charges (with more than \$2 Million in tuition due for April, and May, 2014) has wiped out the District's reserves.

C. *The new transportation expenses clearly violates the Hancock Amendment.*

Normandy School District's transportation expenses have increased by more than \$600,000 to transport pupils to Francis Howell School District. In *Breitenfeld v. School Dist. of Clayton*, 399 S.W.3d 816, 832-33 (Mo. banc 2013) , the Missouri Supreme Court held that these type of new transportation expenses to transport pupils to another school district constituted a "new activity or increase the level of an existing activity or service" under the Hancock Amendment. (Mo. Const., Art. X, section 16). The Hancock Amendment requires a state appropriation to be made and disbursed to pay for those increased costs. (Mo. Const., Art. X, Section 21). Normandy School District has been and will continue to be forced to pay for these

transportation expenses without any State appropriation or disbursement, which is a clear violation of the Missouri Constitution.

D. *Section 167.131 establishes an irrational and arbitrary process in which a struggling, unaccredited school district is pushed to insolvency by having to over-compensate Receiving School Districts under the statutory tuition rates in violation of the due process and equal protection rights of the individual Plaintiffs and the District's students.*

Section 167.131.2 requires each Receiving District to calculate its tuition rate based upon expenses that vary substantially from school district to school district, such as each Receiving District's own teachers' wages, "debt service," and maintenance and replacement expenditures. 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. Most or many of the Receiving Districts, however, have incurred far less out-of-pocket costs per student to add Normandy transferring students to their schools, e.g. most District have not added new teachers, additional staff, etc. because of new transfers. As a result, most of the Receiving Districts are receiving substantially more tuition revenues than needed, all to the substantial detriment to Normandy School District and the educational opportunities and resources available for its students.

The State Defendants have admitted that the Receiving Districts are being over-compensated. DESE's Commissioner Nicastro, for example, recently stated as follows:

**We are working to get the tuition for transferred students reduced, not because we don't think the host districts deserve to be compensated, but because we think they are being compensated more than they should be.**

[Exhibit C to Humphrey Affidavit, *The St. Louis American*, April 18, 2014].

For example, many of the Receiving District's participate in the VICC program (voluntary desegregation program) in which they accept certain City of St. Louis resident pupils

in exchange for a fixed tuition payment of only **\$7,200.00** per student. Receiving Districts such as Brentwood, Clayton, Kirkwood, Parkway, and Webster Groves School Districts commendably accept VICC transfer pupils into their Districts. However, while the Clayton School District and Brentwood School District, for example, receive a payment of \$7,200.00 to provide educational services to each VICC high school pupil, Normandy School District is required under Mo. Rev. Stat. §167.131 to pay \$20,768.31 to Clayton and \$19,52.62 to Brentwood as tuition for a Normandy School District resident for the same high school education.

Recently, DESE has discussed lowering the tuition paid to Receiving Districts to \$7,236.00 per year for each transferring student. This is a further confirmation that the tuition amounts paid by the District pursuant to Mo. Rev. Stat. §167.131 are grossly excessive and have caused millions of unneeded District taxes and other revenues to be transferred to various Receiving Districts. Nor is there any way for the Normandy School District to know that the Receiving District's will abide by the suggested rate.

The statute as applied to Normandy School District is irrational, arbitrary, unfair and violates the equal protection and due process rights of the students attending District schools in mandating that Normandy School District pay millions of dollars more than needed to provide educational services to transferring students in Receiving Districts, where funds in excess of the Receiving District's costs can be used by Receiving Districts to maintain their own schools, build new facilities, pay their own bonded indebtedness, etc. while leaving the Normandy School District destitute.

- E. *Section 167.131 causes Normandy School District tax revenues levied for the District to be (excessively) transferred to other school districts in violation of the requirements of Section 165.021.1, the uniformity of taxation requirements under Missouri law and the rights of the District's taxpayers.*

Section 165.021.1 provides in its entirety that “[a]ll monies received by a school district shall be distributed only for the purposes for which they were levied, collected or received.” (emphasis added). Here, Section 167.131 operates to unlawfully transfer real and personal property tax revenues received from Normandy School District taxpayers for that District to pay other Receiving School Districts for tuition amounts far in excess of the cost to educate transferring pupils. Those taxes were not levied for the purpose of over-compensating Receiving Districts to subsidize their own districts to the detriment of Normandy School District. Additionally, the transfer of Normandy School District tax revenues violates that uniformity of taxation, due process, and equal protection rights of Normandy School District taxpayers and parents.

## VI.

### **PLAINTIFFS WILL SUFFER IRREPARABLE INJURY IF THE STATE DEFENDANTS ARE NOT TEMPORARILY RESTRAINED**

42. As set forth in paragraphs 20, 33 and 40 above, Plaintiffs will suffer irreparable injury if the State Defendants are not temporarily restrained from lapsing the District, continuing the unlawful payment of tuition to Receiving Districts, withholding funds from the District or hindering the prosecution of this legal action.

43. Without temporary injunctive relief, Plaintiffs will suffer immediate and irreparable injury, loss or damage because the State Defendants will be allowed to unlawfully lapse and eliminate a public school district in direct violation of the time periods mandated by Mo. Rev. Stat. §162.081.4 (2013 Cum. Supp.) and deny the District the legislatively specified time period to seek to regain accreditation.

44. Without temporary injunctive relief, Plaintiffs will suffer immediate and irreparable injury, loss or damage in that the continued payment of the prescribed tuition

amounts to the Receiving Districts will continue to decimate the District's finances, will wipe out any reserve funds, and will prevent the District from continuing to operate in the future.

45. Without temporary injunctive relief, Plaintiffs will suffer immediate and irreparable injury, loss or damage because Normandy School District, the other Plaintiffs and the citizens and pupils of the District will be prevented or hindered from access to the courts and obtaining a judicial determination of the statutory scheme that has driven the District to insolvency if the State Defendants are allowed to deny funding for the prosecution of this lawsuit, control the prosecution of the lawsuit (such as by removing current members from the Board of Education, attempting to dismiss the Normandy School District as a party to the lawsuit) or otherwise taking steps to avoid a judicial determination of the legal issues raised in this action.

46. Normandy School District is a necessary and appropriate party to seek a judicial determination regarding the validity of Mo. Rev. Stat. §167.131, since the statute has a detrimental impact on School District revenues and the District's entire educational system. The District should not be prevented or hindered by the State Defendants' threats to refuse to allow the District to expend monies to establish that the State Defendants have acted and will continue to act in an unconstitutional and unlawful manner.

45. The issues in this case are ripe for determination and likely to reoccur in the near future since, for example, the Kansas City School District and Riverview Gardens School District are currently unaccredited, and the St. Louis Public School District is provisionally accredited. Additionally, these issues can re-occur for Normandy School District or any purported "successor" entity.

46. Plaintiffs do not have an adequate remedy at law.

47. This Motion is supported by the attached affidavits of Dr. Tyrone McNichols, District Superintendent; Mick Willis, District Assistant Superintendent of Operations; and William H. Humphrey, President of the District's Board of Education, all of which are incorporated herein by this reference. Plaintiffs' Memorandum in Support of this Motion is also incorporated herein by this reference.

WHEREFORE, Plaintiffs move for a temporary restraining order restraining Defendants State of Missouri, Missouri State Board of Education and the Department of Elementary and Secondary Education (collectively "State of Missouri"), and their respective officers, agents board members and employees, as follows:

A. Temporarily restraining and prohibiting any and all State Defendants and their respective officers, agents, board members and employees from lapsing the Normandy School District effective June 30, 2014, or before that date, or otherwise attempting to lapse the district or implement the Missouri State Board of Education's Resolution (Exhibit C to attached Humphrey Affidavit);

B. Temporarily restraining and prohibiting any and all State Defendants and their respective officers, agents, board numbers and employees from paying, transferring, applying or otherwise using any funds of the Normandy School District or any State Foundation funds due or allocable to the District under Mo. Rev. Stat. §163.031 or other state, federal or other revenues or funds owing, allocable or payable to the District, to pay for all or any tuition amounts claimed due by any of the Receiving Districts for the 2013-2014 school year or future school years until this action is resolved;

C. Temporarily restraining and prohibiting any and all State Defendants and their respective officers, agents, board numbers and employees from denying funding for the

prosecution of this lawsuit, controlling the prosecution of the lawsuit such as by removing the current publicly elected members from the Board of Education, attempting to dismiss the Normandy School District as a party to the lawsuit or otherwise taking steps to prevent funding or otherwise hinder or avoid a judicial determination of the legal issues raised in this action;

D. For such further relief in favor of Plaintiffs as the Court deems just and proper in the premises.

Respectfully Submitted,

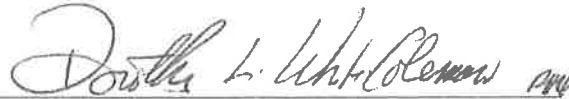
SUMMERS COMPTON WELLS LLC



---

RICHARD H. ULRICH #20474  
STEPHEN C. HIOTIS #30840  
JILL R. REMBUSCH #46251  
8909 Ladue Road  
St. Louis, MO 63124  
(314) 991-4999 (Telephone)  
(314) 991-2413 (Facsimile)  
rulrich@summerscomptonwells.com  
shiotis@summerscomptonwells.com  
jrembusch@summerscomptonwells.com  
*Attorneys for Plaintiffs*

WHITE COLEMAN & ASSOCIATES, LLC



---

DOROTHY L. WHITE-COLEMAN #31693  
SUSIE M. MCFARLIND #29992  
500 N. Broadway, Suite 1300  
St. Louis, Missouri 63102  
(314) 621-7676 (Telephone)  
(314) 621-0959 (Facsimile)  
dwcoleman@whitecoleman.net  
smcfarlind@whitecoleman.net  
whitecoleman@whitecoleman.net  
*Attorneys for Plaintiffs*



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document is being provided to all Defendants by electronic mail on this 13<sup>th</sup> day of June, 2014 and will be personally served by a Special Process Server.

A handwritten signature in black ink, appearing to be "J. Smith", is written above a horizontal line.

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

**NORMANDY SCHOOL DISTRICT,** )  
**et al.,** )  
 )  
 **PLAINTIFFS,** )  
 )  
**vs.** )  
 )  
**STATE OF MISSOURI;** )  
**MISSOURI STATE BOARD OF EDUCATION;** )  
**and** )  
**MISSOURI DEPARTMENT OF** )  
**ELEMENTARY AND SECONDARY** )  
**EDUCATION,** )  
 )  
 **DEFENDANTS.** )

Case No: 14SL-CC01721

Division 12

**AFFIDAVIT OF DR. TYRONE J. McNICHOLS,  
SUPERINTENDENT, NORMANDY SCHOOL DISTRICT**

Comes now the undersigned, Dr. Tyrone J. McNichols, being first duly sworn upon his oath, and states as follows:

1. My name is Tyrone J. McNichols. I am over the age of eighteen and have personal knowledge of all matters set forth herein.
2. I am the Superintendent of the Normandy School District, a position I have held since July 1, 2013.
3. Prior to becoming Superintendent of the Normandy School District, I served as an Assistant Superintendent in the Hazelwood, Missouri School District; elementary school principal in the Hazelwood and Kirkwood School Districts; assistant middle school principal in the Clayton School District; and a classroom teacher in other local school districts.
4. As Superintendent of the Normandy School District, I am the District's chief administrative officer responsible for the overall administration and operation of the District. I work closely with all District school principals and other staff. I regularly attend all District School Board meetings. I am directly involved in the formulation and evaluation of the District's policies and procedures relating to providing educational services to our children including curriculum and programs, hiring of staff, student performance and the financial status of the District. I am competent and have personal knowledge to testify regarding all matters set forth in this affidavit.
5. Plaintiff Normandy School District is a seven-member Missouri public school district with its main offices located in Normandy (St. Louis County), Missouri. The District's

Board of Education currently is comprised of seven individuals, all of whom were publicly elected by voters within the Normandy School District.

6. Normandy School District provides a public education for children from kindergarten to high school. The District currently operates and maintains classes at two high school buildings, one middle school, and four elementary school buildings. The District's instructional school year typically runs annually from August to May.

7. Normandy School District's current student enrollment for all grades is 3019 students for the 2013-14 school year. (Normandy School Districts total student enrollment for all grades at the end of the 2012-2013 school year was 3835 students). Approximately 98% of Normandy School District currently enrolled students are African-American. About 93% of the District's currently enrolled students are eligible for free and reduced lunch rates. Normandy School District has a very high number of transitional students. Approximately 60% of the District students being tested (MAP test, etc.) have been attending school in the District for four years or less.

8. Defendant Missouri Department of Elementary and Secondary Education ("DESE") works in conjunction with the Missouri State Board of Education with a stated mission 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 to Normandy School District.

9. Each of the following Defendants is an accredited Missouri public school district with its principal place of business located in St. Louis County, Missouri: 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. Defendants Francis Howell School District and Fort Zumwalt School District are accredited Missouri public school districts with their principal place of business located in St. Charles County, Missouri. Defendant St. Louis Public School District is a provisionally accredited Missouri public school district with its principal place of business located in the City of St. Louis, Missouri. Each of the Defendant public school districts identified in paragraphs 17, 18 and 19 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.

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

11. Shortly after the Missouri Supreme Court's decision in *Breitenfeld v. School Dist. of Clayton*, 399 S.W.3d 816 (Mo. banc 2013), DESE issued its "Guidance for Student 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”). A copy of the DESE Guidance dated October 11, 2013 is attached hereto as Exhibit A.

12. Beginning in late August, 2013, Normandy School District received numerous requests for students residing in the School District to transfer to another accredited school district in St. Louis County or adjoining counties as provided in the DESE guidance and § 167.131 RSMo.

13. For the 2013-14 school year, approximately 1000 children residing in the Normandy School District have transferred to one of the Receiving Districts. About 250 of those approximate 1000 children had not attended Normandy School District in the 2012-2013 school year, and included children who had recently moved into the District before the 2013-14 school year and children who had been attending private or parochial schools. As a result, Normandy School District has paid and incurred more than \$2,000,000 in tuition payments for these 250 children who were new to the District’s public school system. This expense was particularly detrimental to the District. The District receives substantial revenues from the State under the Foundation Formula, which is based in part on daily attendance figures. Generally, the greater the number of students, the greater the State Foundation Formula funds paid out. Because these approximate 250 children never attended the District in the prior school year, there was no portion of the 2013-2014 Foundation Formula payments that took these 250 children into account in the amount of Formula funds paid to the District during the 2013-2014 year since these payments were based, in part, on historical attendance.

14. The District’s 2013-2014 student population for children attending the District’s schools is about 88% of the size of the attending student population in the prior school year. However, as discussed below, the District has paid and incurred more than \$10,000,000 in new tuition and transportation expenses for students transferring to other accredited school districts (which was roughly 21% or more of the District’s operating funds (general and teacher funds) received for the 2013-2014 school year

15. As directed by the DESE Guidance, numerous Receiving Districts adopted class size and student teacher ratios applicable to the 2013-14 school year in connection with deciding how many transfer students it would accept from Normandy School District (and from the unaccredited Riverview Gardens School District located in St. Louis County). Based upon class size and student teacher ratio standards established by Receiving Districts, many Receiving Districts did not accept every student seeking to transfer into a particular Receiving District. As a result, many transferring students had to select a different Receiving District to attend.

16. 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 tuition payments with its own revenues directly to the Receiving Districts for transferring pupils pursuant to § 167.131.

17. Exhibit B 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 student transferees through the dates indicated therein.

## INCREASED TRANSPORTATION COSTS

18. 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.

19. 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.”

20. 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....”

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

22. 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 resident Normandy District children to attend several different elementary, middle and high schools located in the Francis Howell School District.

23. As a result, Normandy School District has paid and incurred over \$600,000 in additional 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 students to schools in the District. These increased expenses are on-going and will continue.

24. Nor will any future reimbursements under Mo.Rev.Stat. § 163.161 RSMo in any way fully reimburse Normandy School District for the hundreds of thousands of dollars of total increased transportation expenses to provide transportation to students transferring to schools within the Francis Howell School District.

25. The State of Missouri has not provided full state financing to meet the increased transportation expenses already paid, 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 specific appropriation, or other appropriation, or other disbursements to fully fund the increased bus transportation expenses (paid, incurred or projected).

26. 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.

### **TUITION EXPENSES FOR TRANSFER STUDENTS**

27. 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 directed by Mo. Rev. Stat. § 167.131.

28. 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.

29. 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. See Exhibit B attached.

30. For the current 2013-14 school year, for the period from August, 2013 to March, 2014, Normandy School District has paid approximately \$7,950,000.00 in tuition payments for transferring resident children to the Receiving Districts. The total April, 2014 tuition bills from Receiving Districts is approximately \$1,217,000.00. The May, 2014 tuition bills are expected to be at or near the amount billed for April, 2014.

31. The School District recognized early in the 2013-14 school year that it would not have sufficient revenues or income to meet all of its expense and debt obligations in order to complete the school year for its attending students and to pay tuition and transportation for its transferring District students. As a result, in December, 2013, the School District closed one of its elementary schools, moved those students into other schools within the District and laid off more than 100 employees in an effort to reduce expenses in an attempt to provide education services through the end of the school year to attending pupils and to pay for tuition and transportation for transferring children.

32. The closing of one elementary school was not merely the act of locking the school house doors. Rather, that closing required the disruption of the elementary school children attending the school in the first half of the school year who were transferred to two different elementary schools in the District starting in January, 2014, reassignment of various teachers and staff, increased class sizes in the two elementary schools, some different teachers for children, etc. Again, all of this disruption occurred in the middle of the school year in an effort to reduce costs in an attempt to keep the District's remaining schools open for the remainder of the 2013-2014 school year.

33. Early in the 2013-2014 school year, it was clear that the District would not have sufficient revenues or income to be able to keep its schools open through the end of the school year. DESE and the Missouri State Board of Education acknowledged the District's financial crisis. DESE sought emergency funding for the District from the Missouri Legislature. DESE initially supported a \$6.8 million request for additional funds for the District. The Missouri Legislature eventually approved \$2 Million for the District, which only occurred after DESE

announced in February, 2014 that it was instituting financial oversight of the District. DESE has controlled that \$2 Million fund.

34. Even with the aforesaid \$2 Million from the State, Normandy School District is left with virtually no reserves at the end of the 2013-2014 school year and will not have an ability to keep its school open for the 2014-2015 school year if it must continue to pay the tuition expenses for transferring students under Mo.Rev.Stat. § 167.131. 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.

### **IT IS IMPOSSIBLE FOR NORMANDY SCHOOL DISTRICT TO COMPLY WITH ITS FINANCIAL OBLIGATIONS UNDER THE TRANSFER STATUTE**

35. The application of Mo.Rev.Stat. § 167.131 has driven the Normandy School District to the brink of financial collapse. The District has laid off more than 100 employees, closed one elementary school and taken other steps to reduce or minimize costs. As set forth above, however, the District will not have sufficient funds to continue to meet its financial obligations and remain open to provide educational services to its more than 3800 students during 2014 (and pay tuition and transportation for transferring children), nor for the entire 2014-2015 school year.

36. The application of Mo.Rev.Stat. § 167.131 will cause the District to expend more than \$10,000,000.00 on tuition and transportation expenses for the transferring students for the 2013-14 school year and has drained the District's reserves. Moreover, the District set a deadline for children to notify the District if other students were going to transfer to other school districts pursuant to the transfer laws for the 2014-2015 school year. Approximately 120 new children have notified the Normandy School District that they also plan to transfer to various Receiving Districts for the 2014-15 school year, which will add more than \$1,000,000 in new tuition costs to be paid by the District under Mo.Rev.Stat. § 167.131.

37. In an effort to make a dramatic change in how we educate our students, the District collaborated with its staff and other educational experts to formulate a comprehensive and exciting new Reformation Plan for the Normandy School District. The Reformation Plan sets forth steps to revitalize the District's curriculum, change the way students are taught, help children and parents deal with the many socioeconomic conditions found in the District and plot a course to improve our educational services and regain accreditation with the State. The Reformation Plan has been approved by the District's Board of Education. A true copy of the Normandy School District Reformation Plan is attached hereto as Exhibit C.

### **OVER-COMPENSATING THE RECEIVING SCHOOL DISTRICTS**

38. Many of the Receiving Districts are not using all of the tuition payments received from the Normandy School District to educate the transferring students. Reports indicate that of the 11 Receiving Districts receiving more than 90% of the tuition payments, less than half have

added teachers or staff to deal with the transferring students. Hazelwood and Ritenour School District officials have indicated they are using Normandy's tuition payments for general education and instruction. In May, 2004, Ladue School District indicated that it had not spent a majority of the money received. [Exhibit D, *St. Louis Post-Dispatch*, 02/10/2014]. Those three school districts alone – Hazelwood, Ritenour and Ladue -- have received \$1,428,707.37 in tuition payments through March, 2014 from Normandy School District.

39. In light of the class size restrictions set by the Receiving Districts (as directed by the DESE Guidance), many of the Receiving Districts have put limits on the number of transferring children each would accept. Transferring students are also dispersed across many different grade levels at a Receiving District (e.g. transferring students can range from kindergarten to high school students, so the new students can be spread out among various different grade levels and classrooms in the Receiving District). As a result, many of the Receiving Districts have been essentially filling "empty seats" in their classrooms to increase some individual class sizes slightly, without hiring new teachers, new staff or having to build or find new classroom space. Those Receiving Districts furnish books, supplies and some other administrative services for transferring students, but the actual expenses incurred by many of the Receiving Districts is relatively minor compared to the tuition received from Normandy School District for each transferring student. Based upon my familiarity with the transfer program for the 2013-2014 school year and my familiarity and work experience with various Receiving Districts, those Receiving Districts who did not add teachers or other staff or make physical additions to schools would have expended less than \$5000 in actual out of pocket costs to provide educational services and supplies for each transferring student (while receiving per child tuition in the \$9000 to \$20,000 range).

40. This over-compensation to Receiving Districts is also evident by comparison to the tuition rate used for the excellent voluntary desegregation program in which many of the Receiving Districts participate (referred to as "VICC"). The VICC program allows a few thousand City of St. Louis resident pupils to transfer to participating suburban school districts such as Brentwood, Clayton, Kirkwood, Parkway, and Webster Groves School Districts. Similar to the class size standards set forth in the DESE Guidance for § 167.131 transfers, suburban districts participating in the VICC program have the ability to limit the number of VICC pupils who can attend their District. The tuition rate paid to a Receiving District is **\$7,200.00** per VICC pupil for the 2013-2014 school year. Thus, Receiving Districts are accepting VICC students to fill some available space at \$7,200 per year, but Normandy School District is compelled by § 167.131 to pay as much as \$15,000 to \$20,000 for students transferring to the same Receiving Districts.

41. During the 2013-2014 school year, Normandy School District typically received about \$1.9 Million or more per month from the State of Missouri under the so-called "Foundation Formula" pursuant to Mo.Rev.Stat. § 163.031. If those funds are withheld from Normandy School District and applied by DESE or the other State Defendants to pay tuition amounts to Receiving Districts, the District will be further in debt and lack funds to continue to operate through the summer months. DESE's written "Guidance" stated that DESE intended to withhold State aid payments to the District and would pay those funds itself to Receiving Districts for overdue tuition amounts. The State Foundation payments are critical to the District's ability to meet its expenses and to continue to provide educational services. Section 163.031.1



expressly requires DESE to distribute the monthly state aid payments, i.e. the statute states DESE "shall calculate and distribute" the monthly aid payments to each school district.

42. In June, 2014, DESE asserted its financial control over the District by directing the District to pay Receiving District tuition bills for transfer students for the month of March, 2014 in the amount of \$784,128.57. (The March monthly tuition total was lower than the typical month because school was out for Spring break and tuition is based upon actual attendance days at the Receiving District schools). The Board of Education for the District had not approved payment of the \$784,128.57 in tuition bills. Citing its financial oversight, DESE directed the District to pay that amount, which was done in June, 2014.

43. From at least September, 2013 and thereafter, I had many conversations and communications with DESE in which I advised that Normandy School District could not keep the schools of the District open under the tuition rates being charged by the Receiving Districts. DESE understood this position and advocated to the Missouri Legislative committees, etc. that the tuition rates being charged to Normandy School District (and Riverview Gardens School District) would not be sustainable and the Districts would go bankrupt unless changes to Section 167.131 RSMo were made. At no time from September, 2013 to at least May 1, 2013, did DESE ever indicate that it would lower the tuition rates being charged by the Receiving Districts for transfer students from our District.

### **THE HARM TO THE NORMANDY SCHOOL DISTRICT AND ITS CHILDREN**

44. The application of Mo.Rev.Stat. § 167.131's tuition and transfer requirements have in part resulted in: (a) decimating Normandy School District's finances to the point where the School District has virtually no reserves, required the closing of an elementary school building, the layoff of staff and will prevent the District from having sufficient funds to continue to educate its students; and (b) has significantly hindered the ability of the District to provide additional services, programs and benefits, including the District's reformation plan, to its more than 3000 students to improve their educational experience and progress as students and good citizens.

45. The lack of funding and the threatened lapse of the District have created great uncertainty for the staff of the District as well as parents and pupils. The District is losing some good employees who are leaving to take other positions due to the uncertainty in our District.

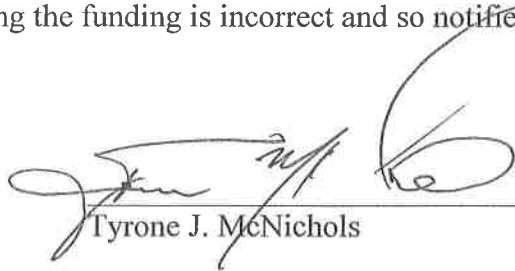
46. In or about February, 2014, defendant Missouri State Board of Education voted to take over financial oversight of Normandy School District's financial affairs. The District has been providing periodic financial reports and other records to DESE as part of that financial oversight. This financial oversight has been in place from approximately February 26, 2014 to the present time.

47. Prior to the implementation of financial oversight, in February, 2014, the District's Board of Education voted to bring this lawsuit, but deferred filing to determine

whether the Missouri Legislature would revise the statutory transfer provisions to allow the District to remain open and be in financial position to improve educational performance of the District's attending students. No statutory changes to the tuition and transportation requirements were enacted into law.

48. On May 20, 2014, the State Board of Education voted to lapse the Normandy School District effective June 30, 2014, replace it with a new local educational agency and a new governing board under the purported authority of Mo.Rev.Stat. § 162.081.

49. On May 22, 2014, defendant Department of Elementary and Secondary Education ("DESE") announced that it would not approve expenditures by the Normandy School District to pursue this legal action for declaratory judgment and other relief. A copy of DESE's announcement published on the DESE website is attached as Exhibit E hereto. The District believes that DESE's position regarding the funding is incorrect and so notified DESE.

  
Tyrone J. McNichols

STATE OF MISSOURI     )  
  )  
COUNTY OF ST. LOUIS    )     SS.

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 2014.

  
NOTARY PUBLIC

State of Missouri  
My Commission Expires:  
Notary Public  
Carol D. McCauley  
Expiration 8/3/14  
Comm #10452104



### Guidance for Student Transfers from Unaccredited Districts to Accredited Districts

*This guidance document is intended for student transfers from unaccredited to accredited districts in the state of Missouri. It is non-regulatory guidance provided to offer districts assistance in implementing state law. The document will be revised as the Department receives additional questions, when there is new statutory or judicial direction, or as other information and circumstances require. Please note that bold items represent updates to the document.*

1. School districts should adopt and publish a policy for class size and student-teacher ratios that range between the desirable and minimum MSIP 5 Resource Standards for all grade levels. **Public notice of this policy or subsequent policy amendments should be posted by January 15 prior to the school year to which the policy or amended policy is applicable.**
2. Accredited districts within the county of an unaccredited district or in an adjoining county should publicly post on their websites the student transfer application, the district's admissions process and the current available enrollment slots by grade level. **School districts may consider documented growth in the student population, other than transfers from unaccredited districts, in determining district capacity to accept transfer students.**
3. In order to seek enrollment in an accredited public school other than the district of residence, the student must be a resident of the unaccredited district.
4. The parent or guardian should send notification to the school district of residence and the receiving district of his/her intent to enroll his/her child in a school district other than the school district of residence. Parents should be encouraged to notify the school district by February 1 prior to the school year in which they intend to transfer from an unaccredited school district. **Generally, it is in the best interest of students to transfer at the beginning of the school year.**

**If there are extenuating circumstances that make it appropriate for serving the interest of the child, receiving districts should consider transfers at the semester based on locally determined class size.**

5. If a school district does not have sufficient capacity to enroll all pupils who submit a timely application, the school district should institute an admissions process to ensure all applicants an equal chance of admission, except that a school district may give preference for admission to siblings of children who are already enrolled in the school district under this section. **Children who are already enrolled as non-resident transfers will not be required to reapply. Parents may be required to complete a form indicating their intention to keep their child in the receiving district the following year.**
6. The parent or guardian may make application for a specific building assignment within the district. Final building assignment will be determined by the receiving school district.
7. Students transferred pursuant to this section shall have access to transportation as designated by the unaccredited/sending district pursuant to Section 167.241. The sending district must provide transportation to at least one accredited/receiving school district as established by its board of education. In the event that the designated district is at capacity, an additional receiving district(s) should be designated. If the parent or guardian chooses to enroll his/her student in a different accredited school, then the parent or guardian shall be responsible for transportation.



8. Under transfer enrollment requirements of the Missouri State High School Activities Association, students transferring from an unaccredited high school pursuant to Section 167.131 are eligible to participate in interscholastic MSHSAA activities sponsored by the receiving district.
9. If the district regains accreditation during the school year, students should be allowed to finish the school year at that school. In the case of a tuition disagreement, or a lapse in payment, students should be allowed to finish the school year irrespective of payment status.
10. The rate of tuition to be charged by the district attended and paid by the sending district is calculated as prescribed by Section 167.131. Sending districts should not be charged tuition until the student is enrolled and attends class in the receiving district. Tuition billings should be calculated based upon hours of actual attendance at the receiving district. Documentation should be submitted to the sending district with each bill that includes the MOSIS number and hours of attendance for the billing period for each student: [link to sample billing report](#). Tuition charges should cease when the student is no longer enrolled. *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.*

Districts should use the [Tuition Calculation by Grade Level Grouping](#) spread sheet to assist in calculating tuition by grade level grouping.

11. Unaccredited districts should remit payments to accredited districts within 10 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).
12. Students from unaccredited districts who transfer to accredited districts are considered Resident II students. These are students who are residing in one district but who are attending school in another Missouri district for which the resident district is paying full tuition. The receiving district reports the student as a Non-Resident (NR) and does all the reporting, e.g., student core data, student enrollment, attendance, etc. The receiving district will report the student as a transfer in. The Department moves the membership counts and attendance hours back to the resident district for funding purposes. All accountability data (e.g., achievement, attendance, graduation) stays with the attending district. Performance accountability for the student will be included in the building and district annual performance reports of the receiving district each year that the child attends the school/district for the full academic year.

#### Transfer of Students with IEPs

13. Parents of a student with a disability in an unaccredited district may elect to transfer their student to an accredited school district. The receiving district is required to follow the existing IEP until the process for review and revision by the new IEP team, including the parent(s), can be completed. Receiving districts that are component districts of Special School District of St Louis County (SSD) have joint responsibility with SSD to provide special education services. Receiving districts that are not component districts of SSD are responsible for providing special education services for the student.
14. The unaccredited school district should be responsible for costs associated with transporting a transfer student with an IEP pursuant to their transportation policy. However, if the IEP created by the receiving district's IEP team (which includes the parent) identifies transportation as a related (thus required) service when no service was required before, the receiving district would be responsible for providing the transportation.
15. Special education services for transfer students from unaccredited districts not in St. Louis County would be the responsibility of the receiving district.

### Early Childhood Special Education

16. In cases where early childhood special education services are provided to the student of an unaccredited school district solely through an accredited school district, parents have no basis for requesting a transfer.

### Technical High Schools Serving St. Louis County

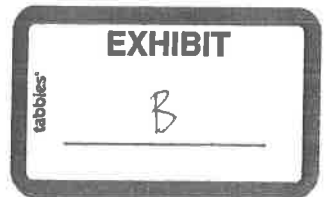
17. See bullet #6 (on the guidance document). Transfer students who choose to attend school in an accredited district in St. Louis County may apply to attend a technical high school, just as they would have if they had chosen to remain in their resident district.

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

Bills Received

	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/FLOISSANT (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	\$3,222.83	\$4,055.66	\$3,583.84	\$3,533.65	\$4,286.55	\$5,471.13	\$5,077.27	\$2,274.78
LAOUE (62)	\$647,110.22	\$68,590.81	\$82,264.88	\$72,291.12	\$69,362.93	\$85,225.86	\$93,968.28	\$105,332.02	\$69,274.32
LINDBERGH (12)	\$81,004.35		\$12,462.21		\$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
<b>TOTAL TUITION COSTS</b>	\$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
Patonville	\$ 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.

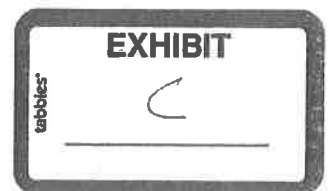
TRANSFER TUITION PAYMENTS

	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/FLOISSANT (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	\$438,031.67	\$506,556.14	\$424,173.71
FT. ZUMWALT (1)	\$6,365.75	\$907.38	\$698.98	\$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	\$1,374.50	\$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	\$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	\$21,282.71	\$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	\$35,771.04	\$44,167.39	\$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	\$26,610.02	\$23,125.45	\$29,362.95	\$37,564.50	\$32,712.13	\$20,869.52
PATTONVILLE (25)	\$301,151.96	\$63,337.13	\$82,387.11	\$69,089.00	\$64,018.20	\$85,338.34	\$114,097.73	\$109,843.13	\$38,080.05
RITENOUR (99)	\$655,310.46	\$14,678.74	\$1,894.87	\$1,576.27	\$1,359.94	\$1,905.74	\$2,276.51	\$2,302.01	\$63,199.82
ROCKWOOD (2)	\$14,678.74	\$1,894.87	\$1,576.27	\$1,359.94	\$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	\$853,077.17	\$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



NSD Reformation Plan:

Normandy School District  
 is creating a future in  
which all children  
are intellectually and morally  
empowered to construct and  
direct their lives as engaged  
citizens. We strongly believe  
that each of our children is  
capable of doing great things.



**#NormandyStrong**

## Table of Contents

3	Introduction
5	Normandy School District Vision
7	Community Setting
9	Background of Normandy School District
15	Curriculum & Instruction in Normandy
20	Social & Emotional Support
24	Community Support: A Collective Impact Approach
28	Student Assessment, District Assessment & Public Accountability
32	Governance
34	Closing Remarks: Missouri's Opportunity
36	Appendix: Key Initiatives

This plan is a work in progress - a living, breathing document that collects our best thoughts and analyses regarding how to support and facilitate the powerful learning and development of our community's children. It is a document that will continue to evolve and eventually be operationalized. We look forward to bringing to life this powerful vision for successful children and quality education.

# Introduction

**W**hen it comes to public school reform in the Normandy School District, the obvious and fair question is this: how is this new leadership team different from every other leadership team that has come in to run the district over the last 15 or 20 years? Why should anyone believe that this time, finally, the right people with the right ideas are in place to create a safe, high-quality learning environment for the 2,100 families who have chosen to enroll their children in the Normandy School District?

The difference lies in the way district leaders are designing a quality education that will



mitigate the socioeconomic conditions in our community. Instead of breaking students' lives into discrete compartments—school work here, counseling there, discipline here, family life there, character education here, social work there—the Normandy leadership of today understands that our children grow and learn within a complex, interconnected web of family, school, and community. Our vision nests within four overlapping domains: our learning philosophy, our revitalized curriculum & instruction, our classroom-centered approach to social and emotional development, and our ongoing community partnerships relating to education, housing,

employment, health care and economic development.

Our approach to school reform and our work in community revitalization share the principles for achieving goals: sound, balanced change through processes that connect the dots of everyday human life. In our new instructional approach, therefore, Normandy students will be learning how to extend meaningful knowledge into new contexts—including the personal challenges and opportunities in their lives outside of school—where they will be called upon to identify, interpret, and solve problems. How we conduct our classes is based on the proven fact that students need to be active in the construction of new knowledge in order to acquire a more meaningful and deeper level of understanding. Our students will be encouraged and expected to go beyond given information and reflect on their own experiences and understanding of the content. This approach empowers

**Our vision nests within four overlapping domains: our learning philosophy, our revitalized curriculum & instruction, our classroom-centered approach to social and emotional development, and our ongoing community partnerships relating to education, housing, employment, health care and economic development.**

civically-minded students to play active roles in an increasingly complex world that requires people who can and will think critically, communicate effectively, and collaborate productively with others.

Because meaningful accountability is essential to trustworthy leadership, our comprehensive way of paying attention will extend to the way in which we will assess our own progress and performance as a district. Using innovative methods of data analysis, we will be able to see how our various supports, interventions, and curricular initiatives affect student achievement. In every way that we can, we will see ourselves whole.

### **WHAT IS A LEARNING ECOLOGY?**

- a habitat in which individuals of various groups co-exist in relative stability and inter-dependence;
- a set of overlapping but distinct territories and niches, each with its own rules, affordances and constraints;
- a self-regulating system that consumes and recycles resources;
- an organization in which change occurs over time, modifying individuals, groups and inter-relations, without destroying the overall cohesion and balance.

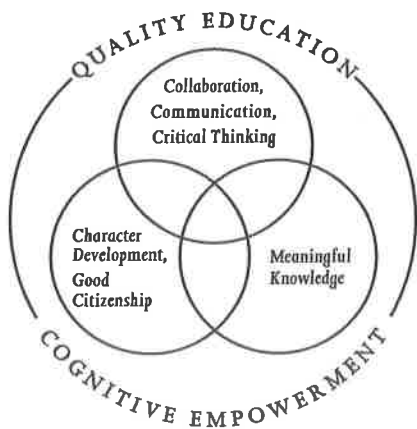
# Normandy School District Vision

Every day we are striving collectively to create an optimal learning environment for the children of Normandy. Because of our recent history as a district, however, and the fact that we are still relatively early in our healing and reform process, what we call optimal today is unlikely to be optimal a few months from now, and certainly not by next year. What is consistent is our overall aim: to be a student-centered district that develops successful children by providing a high-quality education that will develop our students into young adults who will navigate, participate in, and contribute to the world on their own terms.

*What is consistent is our overall aim: to be a student-centered district that develops successful children by providing a high-quality education that will develop our students into young adults who will navigate, participate in, and contribute to the world on their own terms.*

## STUDENT-CENTERED

By student-centered, we mean that we view every Normandy student as woven into the fabric of his environment in and out of school. We pay attention to medical care, food and housing security, and physical and



emotional safety, as well as to his family's access to resources in these areas. We factor all of his life into our curriculum and instruction because, given the community we serve, the realities of everyday life flow into the way he learns in school. Recall the strong correlation between the demographic facts of Normandy and unaccreditation. We *have to* fold the whole of his life into our academic planning. We *have to* think about his individual and social strengths as well as his growing edges. In short, to be student-centered in Normandy School District is to see the whole world, not just daily lessons, from our students' perspective. How do our students experience school, and what do the other areas of their lives have to do with how they are performing in school?

## SUCCESSFUL, MORAL CHILDREN OF THE 21ST CENTURY

By successful, we mean cognitively empowered, morally grounded young adults who, on their own terms, will be able to navigate, participate in, and contribute to society in the 21st century. We know that forecasting an employment landscape into the middle of this century is not possible. What we do know is that in order to maximize our students' options, open up the widest possible range of opportunities for them, there will be three main areas of personal

development at the center of every student's experience at school: *critical thinking, communication, and collaboration.*

Critical thinkers can notice, name, and interpret for themselves and others what they are paying attention to at any given moment. What they are paying attention to can be the growth pattern of cells, the building of a rocket, the plot of a Shakespeare play, the character of a friend, the results of a local election, or drought conditions in the Midwest. When faced with problems, even apparently fixed and unsolvable problems, critical thinkers see possibilities and identify options to make the world a better place. This is what successful people in the future will need to be like.

Good communicators can express what they want to whomever they want in whatever form they want. Whether writing or speaking, they are flexible and highly skilled in at least one language. Within even one language, they are capable of shifting from one dialect to another at will depending on their audience and purpose. Good communicators understand that meaning is expressed in many different ways. Successful people of the future will have to be good communicators.

Good collaborators respect other people. Depending on the task at hand, they are able to work alone or in groups. They can listen attentively, engage in discussion, argue constructively, and build consensus. They look for ways to bring their abilities and perspective into the service of a group's needs. Successful, moral people of the future will have to be good collaborators.

### **HIGH-QUALITY EDUCATION**

A high-quality K-12 education exposes children to a range of experiences, ideas, and opportunities across time that will spark their innate curiosity and lead them to want to know more. A high-quality education values meaningful and purposeful acquisition of content knowledge driven by a personal and authentic commitment to inquiry. A high-quality education does not pre-package and pre-plan a course of life for children. A high-quality district has high expectations for every single one of its students.

## Community Setting

The Normandy School District is more than just a school district; it is a community unto itself. Some people view the fact that there are 24 different municipalities within the district boundaries as a sign of fragmentation, but these neighborhoods are united as one.

Four years ago, residents of the Normandy School District came together under the 24:1 Initiative - 24 municipalities all sharing one vision of Strong Communities, Engaged Families, and Successful Children. A year-long community engagement and planning process led by Beyond Housing encompassed six resident-led planning committees with over 100 members who held more than 50 community meetings with youth, parents, elected officials, school district staff and partner agencies.

**In total, over \$50 million has been invested in community revitalization.**

The outcome of this process was a roadmap of priorities for both school and community. This included needed changes in housing, economic development, health, and job readiness. The community also decided that to realize its vision of successful children, there must be progress in early childhood education, school reform, youth development opportunities, and college access.

The remainder of this document describes in detail the exciting work underway to transform Normandy schools and opportunities for youth. But we must begin with the exciting work underway in community improvements, because the vitality and safety of our neighborhood plays a huge role in the success of our schools. Because of this fact, the community has partnered in the following accomplishments:

- To combat student mobility and housing instability, \$18 million in new affordable homes have been built and over \$2.9 million has been invested in home repair grants.
- With support from entities such as Express Scripts and the Missouri Foundation for Health, area residents have access to free fitness classes, forthcoming improvements to streets and trails that will allow for more active lifestyles, and programs to combat youth obesity.
- Midwest BankCentre opened the first-ever full service banking facility in Pagedale, expanding local economic opportunity and offering products designed for low- to moderate-income families.
- Mayors from local municipalities have partnered to better coordinate policing, save costs on city services, and develop common zoning to better attract economic investment that will mutually benefit all neighborhoods.
- All incoming Normandy Kindergarten students receive a Promise Account, a \$500 MOST 529 college savings plan. So far, \$288,000 has been invested in college futures.
- In total, over \$50 million has been invested in community revitalization.

All of these investments not only improve the quality of life in our neighborhoods, they also build a foundation of stability that allows children to succeed in school. Successful communities and successful children are interdependent; strong communities have strong public education systems at their core. Schools serve as a rallying point that brings the community together, and are a symbol of a community's pride and hope. They build a positive youth climate that

**The community is united behind the Normandy School District.**

combats community challenges like drug use and violence. They provide support systems that help families plant lasting roots in the community. They spur economic activity by preparing students for sustaining careers, by attracting businesses and jobs to the community, and by helping families build their assets through rising home values. In short, quality local schools are integral to the fabric of a neighborhood.

To sustain all the recent investments and successes in the community, it is critical to continue investing in our local schools. The community has demonstrated its commitment to its schools by passing two multi-million dollar bond issues in the past five years that has allowed for the construction of a world-class elementary school, upgrading of facilities, student technology enhancements, and safety and security infrastructure. Now is not the time to back away from these exciting investments. Progress is now taking root, and dismantling local schools presents a real threat to that progress.

Local residents know better than anyone that the status quo is not acceptable. Bold improvements are needed in the schools and in the neighborhoods. That is why the community has come together to support the Normandy School District, not blind to the challenges, but facing them head on. The community has identified for itself the changes that are needed. The community believes it has the power within itself to transform its schools. The community would rather save their schools than see them go away. The community is united behind the Normandy School District.



# Background of Normandy School District

**E**ducation is far more than school; education is all that we learn wherever we go and whatever we do. A good education is all about connecting the dots, transferring what we learn in one area of our lives, adapting it, extending it if necessary, and applying it some place else. In other words, the education we experience when we go to school only becomes meaningful in the context of our whole lives including our lives outside of school. This is true for anyone who goes to school anywhere at all.

And so we, the teachers, coaches, administrators, and staff of Normandy School District, alongside our active and vital community partners, begin with a simple statement: Normandy students and families need, deserve, and will have a school district that understands where they have been, responds to them where they are today, and opens possibilities for them to choose where they might want to be tomorrow.

According to a recent community survey of the 24 municipalities that make up Normandy School District, the people who live in our district say that what they want most is a strong community, engaged families, and successful children. That is exactly what we want for the 2,100 families who choose to send their children into our classrooms every day.

We know that in order to help raise and educate our students for success, a goal we share with the wider Normandy community, our relationship with our families is crucial.

Relationships are built on trust and mutual respect. Trust and respect grow out of familiarity. Therefore, this plan for district reformation begins by describing what we know about our students' overlapping personal, social, emotional, and educational domains in the context of a specific place and time.

***Normandy students and families need, deserve, and will have a school district that understands where they have been, responds to them where they are today, and opens possibilities for them to choose where they might want to be tomorrow.***

## **NORMANDY IN PLACE & TIME**

With a population of 38,000, Normandy School District includes ten square miles northwest of St. Louis City in Missouri. By the middle of the 1990s, the district was losing stability across many variables. Indeed, our students' test scores have not changed since 1996. As in many districts similar to Normandy, the year-to-year inability to raise test scores prompted school boards to change from leader to leader. With new administrations came new "fixes," new fads, new methods,

and new materials. Now factor in the Common Core State Standards, which Missouri has adopted, and it's easy to see why all over the country, state lawmakers are tinkering with policy, expectations, curriculum, and assessments in order to ramp up the academic achievement of American students, particularly among the failing schools.

Bottom line: Normandy is not alone in needing to craft a reformation plan that will emphasize high quality community-responsive education and accountability through meaningful assessment. One of the most exciting things motivating those of us working in Normandy is the thought that what we are doing here will set a model that can be adapted to other troubled districts in Missouri, not to mention those across the United States, none of which have flourished as PK-12 systems as a whole, even if individual buildings within those districts have been "turned around."

**NORMANDY IN THE CONTEXT OF MISSOURI**

Of the 521 school districts in Missouri, 97.4 percent are fully accredited. That's all but 14. Of those, eleven have received provisional accreditation and three are currently unaccredited: Kansas City Public Schools, Riverview Gardens, and Normandy. The 507 accredited districts are not all alike, of course, but they are all located in majority white communities.

***Any reformation plan in Normandy that aims for reaccreditation must contend explicitly with these two demographic variables—economic hardship and racial identity—and the way they influence formal education in school.***

Six of the 14 provisionally accredited and unaccredited districts are also in majority white communities, but these districts are tiny: all together, Calhoun, Gilliam, Gorin, Malta Bend, Spickard, and Swedeborg enrolled only 385 students total in 2012.

By contrast, the remaining eight districts enroll about 58,800 students, around seven percent of the total K-12 population in Missouri. These eight unaccredited or provisionally accredited districts are Caruthersville, Hayti, Hickman Mills, Kansas City, Jennings, St. Louis City, Normandy, and Riverview Gardens. They are concentrated in the southeast, metropolitan Kansas City, and metropolitan St. Louis.

Caruthersville is about half white, half African-American. Kansas City has a significant Latino population (26 percent), and is 61 percent African-American. The vast majority of the students in the larger districts are African-American. The percentage ranges from 70 percent in Hayti to about 98 percent in both Normandy and Riverview Gardens.

The population of students in these districts receiving free or reduced priced lunch ranges from 75 percent in Caruthersville to 92 percent in Riverview Gardens and Normandy. Across all eight troubled or failing districts, the median percentage of children receiving free or reduced price lunch is about 88 percent. Normandy families earn a median income of \$22,000 a year. Nearly 94 percent of our students receive free or reduced-price lunch.

Thirty-one percent of our families are classified as functionally homeless; they are living with relatives or other family members and are experiencing housing insecurity. Housing insecurity also means that we have a 59 percent mobility rate, a statistic especially alarming when we remember that high mobility is the number one detriment to student learning (Hatti 2008). With regard to transience, 60 percent of the students we tested at the end of the 2012-2013 school year had been in the district fewer than five years.

We believe that the demographic facts most relevant to Normandy reformation are these: when measured by the tests written by the Department of Elementary and Secondary Education in Missouri, a district's being provisionally accredited or unaccredited is most strongly correlated with that district's being both homogeneously African-American and poor. Therefore, any reformation plan in Normandy that aims for reaccreditation must contend explicitly with these two demographic variables—economic hardship and racial identity—and the way they influence formal education in school.

### **OUR STUDENTS' LIVES**

All adults who work with children factor in a child's physical, social, emotional, and academic reality—this is “the lay of the land” in teaching and learning. So what are our kids like, generally speaking?

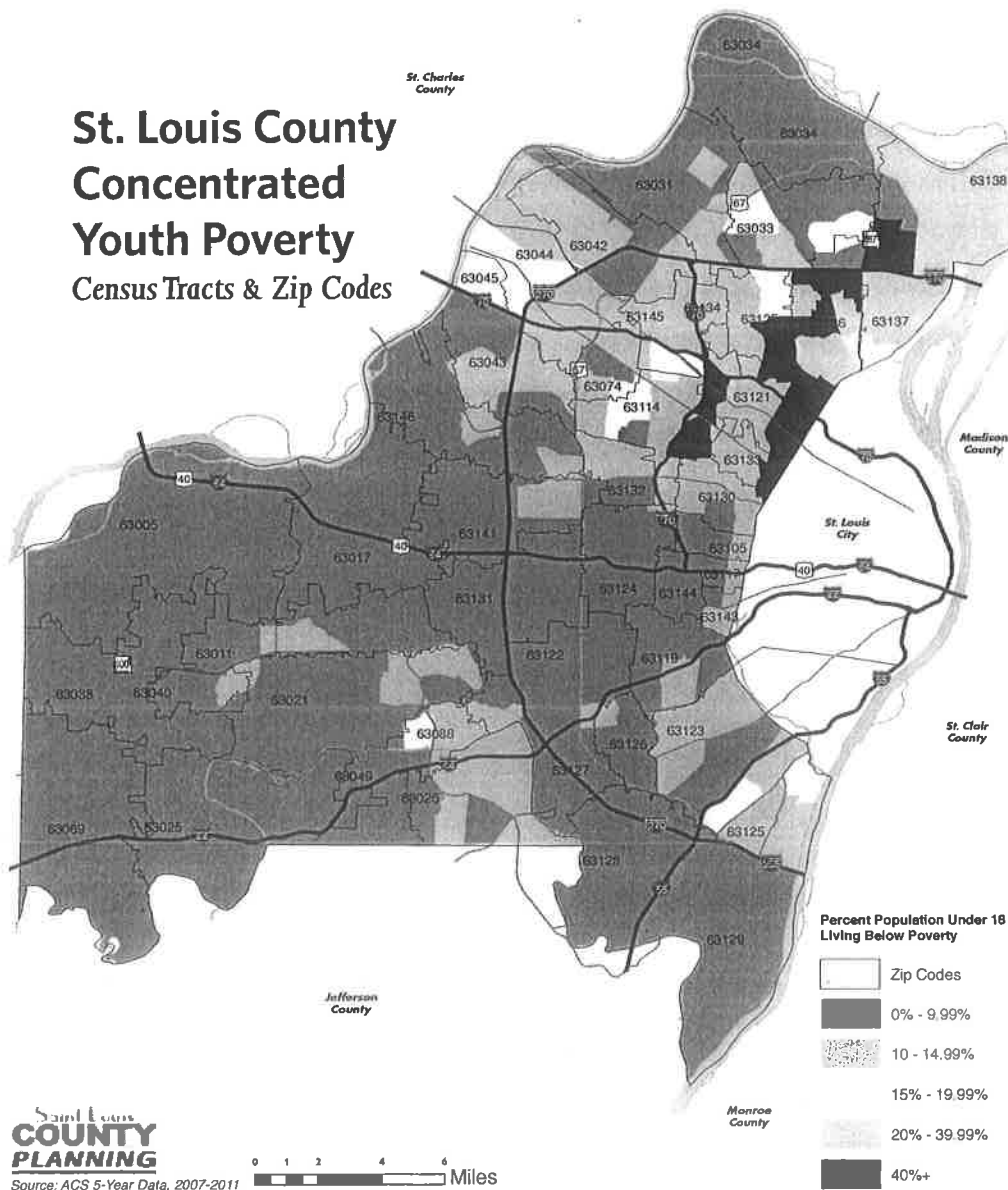
In taking stock of student life in context, as the last 30 years of research have consistently shown (Heath, 1983; Lee, 2007; Moll 1992), it is important to recognize and emphasize the competencies and customs our students bring to school from home. This is the first thing good teachers do. A comprehensive review lies beyond the scope of this plan, but we must briefly introduce what we are talking about when we speak of personal strengths that relate to academic achievement.

Most of our students enjoy deep, caring attachments to each other and family members. Loyalty to and affection for family, friends, and trusted teachers is easily and everywhere observed among Normandy students. Furthermore, many if not most of our students exhibit verbal precocity, liveliness, and dexterity in oral performance. Many also demonstrate a strong and natural voice when writing personal narratives. We are familiar with the well-documented “word gap,” the 30 million more words in the vocabulary of four-year-olds from middle-class families as compared to children growing up in poverty. Expanding vocabulary is a vital priority. At the same time, current research also tells us that educators who want to teach for high achievement in minority communities need to value how language also expresses meaning through gesture, tone, emphasis, gaze, facial expression, and so forth. We will do well to

***There are significant differences between mainstream English (the language they are tested in) and the vernacular, everyday speech of our students and the community they live in. In age appropriate ways, we will therefore begin embedding sociolinguistics—an understanding of how languages work in different social settings—at every grade level.***

remember that our students have no problem making their meaning quite clear among peers and adults in their own world.

Earlier we mentioned facing racial identity head-on. There are significant differences between mainstream English (the language they are tested in) and the vernacular, everyday speech of our students and the community they live in. In age appropriate ways, we will therefore begin embedding sociolinguistics—an understanding of how languages work in different social settings—at every grade level. Current research shows that doing so will turbocharge classroom engagement as well as academic achievement and the development of a robust vocabulary about language itself—a key to cognitive and social empowerment.



With regard to physical and mental wellbeing, about 25 percent of our students are diagnosed with asthma, and may or may not be receiving treatment. A number of our students have emotional or mental health concerns, a fact that is consistent with the findings of researcher L. Alan Sroufe's study of students in a high-poverty community. A study by St. Louis County regarding access to mental health services found that a large percent of our students have not received adequate access to the care that they need.

A healthy school environment is one in which the student's whole state of being—including his physiology, his attitude, his emotions, and his feeling of belonging to a caring community—is primed for learning. The most innovative, enriching lesson created by the most energetic, imaginative teacher will have only limited success with a student who is hungry, lonely, angry, scared, ill, or worried, or some combination of these things. By transforming and facilitating the relationship among our social workers, counselors, and teachers into a more collaborative, proactive support group, we will be setting our students up for classroom success.

Our students have a right to good social and emotional health in general; and feeling good in school will mean that they can learn.

### **NORMANDY STUDENTS & ACADEMIC ACHIEVEMENT**

We know that most of our students have not been developing as capable young readers between Kindergarten and fifth grade. This is a school problem exacerbated by a lack of high-quality reading material available in students' own homes, and minimal exposure to books before the child arrives in Kindergarten.

Once this lag is established, it is very difficult to catch up, and this problem becomes the root of our students' struggles across the curriculum from middle school through high school. Our students who read for pleasure read at grade level or higher. Our students who have been doing worksheets on this or that discrete skill day after day and year after year are not learning to read well or critically. They are bored and alienated from the very process of learning itself. It's as simple as that. Separate, disconnected lessons that have nothing to do with each other and have nothing to do with real life are never going to help students make meaning and sense out of what they are doing in school all day. Bored kids often act out. When kids act out they get in trouble. And when kids get themselves in trouble we, the adults in their lives, are suddenly operating in a different mode with respect to them. School is no longer about learning; it's primarily about behaving and staying under control.

Until now, the district's official curriculum and instructional practices have not been aligned with the current research and best practices specifically known to benefit our community and students. (Where it existed, good teaching was conducted in resistance to the governing paradigm and has been hidden from official accounts.) Among minority students who have high mobility, face considerable out-of-school drama, and suffer the effects of poverty, the traditional approach does not work. If it did, we would not be in the position we are in. Designed centuries

ago for the children of the elite and middle class, the “chalk-and-talk” or “sage-on-a-stage” model of lecturing rows of children sitting quietly will certainly not work in most Normandy classrooms at this moment—not in our elementary schools, nor in our middle or high schools.

The district’s new instructional approach, which we will describe below, will respect that all knowledge is actively constructed by the student interacting with his teacher and peers.

Comprehensive, district-wide changes in our approach to teaching and learning will improve

***As far as we know, we will be the first district in the United States to align our instructional philosophy and practice within a constructivist paradigm across all grades levels.***

achievement in all the core content areas. As far as we know, we will be the first district in the United States to align our instructional philosophy and practice within a constructivist paradigm across all grades levels.

### **INCREASING STRENGTH & NOURISHING HOPE**

Getting public schooling in Normandy right is do-able.

This community has already benefited from \$50 million invested by St. Louis area businesses and organizations who focused their support on key aspects of life—housing, medical care, and jobs. Other initiatives, including social and psychological supports, we will describe elsewhere. Integrating curriculum and instruction, our internal systems of student and family support, and external partnerships is absolutely crucial to our reformation. When the Normandy School District at long last turns the corner for all 2,100 families who choose to entrust their children to us every day, education will fall into place for the people of Normandy, the last piece of the puzzle in the complex, interconnected, *whole* environment in which children learn what they need to learn to be successful, moral citizens of the 21st century.

## Curriculum & Instruction in Normandy

Since last July, we have been calling the Department of Curriculum & Instruction the beating heart of the reformation in Normandy School District. Nationally and within Missouri, the history of failing charter schools, failing or troubled districts, and unimpressive performances among even the accredited schools in Missouri tells us that those who wish to improve student achievement cannot focus narrowly and compartmentally on funding, governance, administration, parent involvement, decentralization, external conditions, extended days, lengthened school years, commodified curricula, digital innovations, teaching exclusively to raise test scores, and other programmatic, organizational and policy reforms. What really matters in a student-centered school is what teachers are encouraged to do and how they do it within a caring school culture.

### RESPECTING FACULTY

What teachers are encouraged to do and how they do it has everything to do with what and how students learn. What teachers are encouraged to do and how they do it has everything to do with what students will feel like learning and doing during the many more hours they spend outside of school.

One thing we know for sure: prior to last July, the kind of teaching officially sanctioned by the district had not worked for 17 years and was unlikely ever to work. Teachers who managed to teach below the radar of officially sanctioned instructional protocols did so at the risk of

*What teachers are encouraged to do and how they do it has everything to do with what students will feel like learning and doing during the many more hours they spend outside of school.*

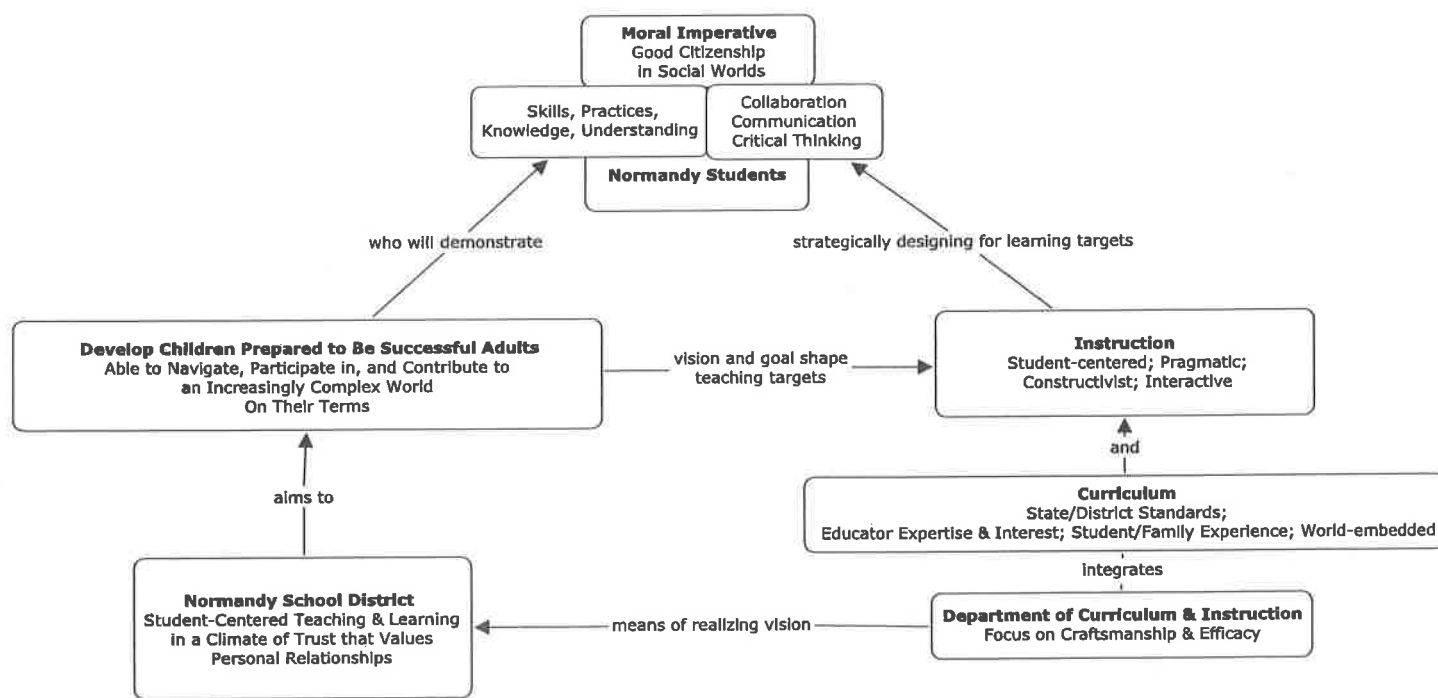
being written up or chastised. In realizing our vision, this is perhaps the biggest part of the old Normandy culture we are leaving behind. Moving forward, the district will value and respect the crucially important role and professional identity of the classroom teacher.

If we expect ourselves, as adults, to model the qualities we hope to develop in our students, teacher identity matters. Aiming for district-wide educator efficacy, we will be nurturing and supporting every teacher's capacity with respect to craftsmanship, flexibility, mindfulness, and collegial interdependence. Instructional coaching and faculty peer coaching will be embedded and practiced in all buildings. We will encourage and support teacher action research, collaborative faculty research partnerships, and shared university-K-12 inquiry as a form of ongoing, embedded, self-directed and collegial professional development and pedagogical knowledge building. All

of these initiatives will continue to develop the expertise of our faculty and better enable them to factor teaching and learning targets into their design of rich, engaging activities; consider different options for instruction; and figure out the best ways to assess the projects, portfolios, and performances students create in a problem-based learning environment (discussed below).

### TEACHER/STUDENT DYAD

As a matter of organizational structure and by design, it will be the teacher who most closely mentors the student within his or her interconnected web of academic experience and social and emotional support. We will make room in scheduling so that every student will have the time to develop the trust in this key relationship.



### INTEREST, INQUIRY & CURRICULUM

Our instructional approach is drawn from research, theory and best practices developed over the last century. It is based on the fact that children are innately curious, and that students need to be active in the construction of new knowledge in order to acquire a more meaningful and deeper level of understanding. Our students will be encouraged and expected to go beyond given information and reflect on their own experiences and understanding of the content. They will extend their knowledge into new, real-world contexts where they will be called upon to identify, interpret, and solve problems. This approach empowers civically-minded students to play active roles in an increasingly complex world that requires people who can and will



think critically, communicate effectively, and collaborate productively with others.

What does this mean for curriculum? In practice, it means that our lessons will evolve out of authentic, world-embedded problems that connect to student interest. Teachers guide and facilitate the students' own explorations in a "figuring things out" atmosphere. Through the solving of a problem—or attempts to solve a problem—students will learn the practices and knowledge base detailed by Missouri standards, which by 2014-2015 will be the rigorous Common Core State Standards.

**Children are innately curious, and students need to be active in the construction of new knowledge in order to acquire a more meaningful and deeper level of understanding.**

Problem Based Learning (PBL) leads to deeper absorption of academic content and a stronger motivation to learn. On high-stakes tests, PBL students perform as well or better than traditionally taught students. And in specific content areas, PBL is more effective than traditional methods for teaching math, science, and other disciplines. Finally, because it engages lower achieving students who have been alienated from school, district-wide PBL, particularly at the elementary level, is highly likely to dramatically affect our attendance rates and incidents of misbehavior.

As another illustration, we can look briefly at one grade level's current activities, and how we are showing growth and responding to data over the course of the 2013/2014 school year.

### **WHAT WILL A NORMANDY CLASSROOM LOOK LIKE?**

*Solving real-world problems alongside others stimulates learning. At Normandy, our students will research, collaborate, and focus on a meaningful task under the guiding presence of the teacher and support of a community partner. This real-world approach is not only more meaningful, it is more fun! This is called Problem Based Learning, and it is the foundation of Normandy's learning approach.*

*Imagine a classroom exercise focused on structures and engineering. With the old model, students would read a chapter from their school textbook and then complete a worksheet showing they have mastered the lesson plan. From there, the students as a whole test poorly on the subject matter because they cannot put the information into context relative to their individual life experiences. In other words, the content in the textbook offers little or no meaning.*

*Now imagine the same classroom with our new model. Students visit a local Beyond Housing construction site — the building of a new movie theater in the community. From there, students begin to interact with the project in real time. From the design phase to the finishing touches. Math concepts are involved in designing the structure. Science concepts are utilized to make the building more environmentally friendly. Literacy skills are utilized so students can summarize what they have learned. Normandy teachers will bring these factors together in the classroom through back-and-forth conversation with students.*

*These problems will challenge our students to think in new ways. And in solving one problem, students build skills that allow them to solve new problems in all their classrooms, and into their future careers.*

On average, our sophomores are reading at a seventh grade level as measured by nationally normed assessments and confirmed by our in-house tests. Many of them read far below that level, a considerable number above the seventh grade level or above. On their final exam

**Our lessons will evolve out of authentic, world-embedded problems that connect to student interest. Teachers guide and facilitate the students' own explorations in a "figuring things out" atmosphere.**

in December, the tenth grade as a whole showed most growth in the lower and middle range of achievement across our sample, while our students with greater skills in reading held their performance relatively constant. In response to these data, our teachers are in the process of developing a collection of tenth-grade reading materials indexed by topic, genre, and text complexity, with stronger readers participating in this selection process. Developing our reading selections

this way allows us to model problem-based learning ourselves: *What are we going to do to solve the major problem of high school students reading far below grade level?* When completed, the indexed matrix of reading materials will include fiction and non-fiction texts designed to inform, interest, and focus our middle- and lower-tier tenth graders and challenge the highly competent students. It will enable us to create small group reading circles as suggested by current reading research. At the same time, grade-wide, the sophomores began this term with *12 Years a Slave* (film and memoir) followed by Harper Lee's *To Kill a Mockingbird* (classic literary fiction) and Jesmyn Ward's *Men We Reap* (contemporary memoir). As in any high-quality high school English language arts classroom, our students are being guided to actively interpret what they read for complex meanings that may not be obvious at first glance. Reading is not just saying words aloud in your head. In the humanities, the problems we face relate to interpretation. We notice and name: what's going on in this text, experience, or historical moment and why?

### **SOCIAL/EMOTIONAL SUPPORT INTEGRATED IN CLASSROOM PRACTICE**

The most important thing to understand is that stimulating and facilitating children as they figure things out for themselves during the process of learning is nothing new; it's just new in communities like Normandy. Our more active instructional model is not only more effective, it will allow us to take the whole child's personal trajectory into account in a more fluid, emotionally responsive and socially interactive classroom environment.

Revitalizing our classrooms will help our students strengthen the ability to self regulate, what's known as executive functioning. This includes the ability to plan and complete work

**Our more active instructional model is not only more effective, it will allow us to take the whole child's personal trajectory into account in a more fluid, interactive classroom environment.**

on time; to manage several long-term tasks simultaneously; to recall and be able to talk about something they have learned previously; to judge and reflect; to change their minds and revise

while thinking, reading, and writing; to ask for help; to collaborate with others; to take turns respectfully during a class discussion. Whether we call these competencies skills, practices, or simply ways of being a student, they are essential to academic achievement, success in school, and, ultimately, success in life. Given the needs of our student population for at least the next several years, we must make space and time necessary for the social and emotional support our students need in order to succeed.

# Social & Emotional Support

**H**ow students feel has everything to do with how they behave in school. In order to learn, our students need peace, safety, and a sense of structure to their days both in and out of school. In Normandy School District, for some of the reasons we laid out in our background, predictable environments can be difficult to achieve. Research shows that children in low socio-economic communities experience emotional health disorders and maladaptive social functioning at a greater rate than their higher-SES counterparts. Additionally, in some circumstances, low-SES students are not intentionally cultivated to have strong executive function character traits in school—grit, persistence, resilience, and emotional regulation. And yet these are the very temperamental qualities deemed essential for navigating higher education and professional organizations. Along with intellectual aptitude, it is essential that our students have the personal socio-emotional resources that will open the doors to success. This is why our commitment to protecting and supporting the affective, psychological, dispositional aspect of our students' lives is wholehearted and growing deeper. There is no contradiction between attending to academics and caring about children's health and wellbeing. The district's stance has always been to mitigate the effects of poverty, not make excuses because of it.

*Along with intellectual aptitude, it is essential that our students have the personal socio-emotional resources that will open the doors to success.*

There are many ways we might describe our effort to create a web of support around each and every child and teen in our district. Just like the effects of poverty, so much of what we provide for our families and students blurs or crosses the boundaries between home and school, between school and the child, between school and the larger community, and between the child and his peers. We have divided this section into home, school, and external partnerships relating to social and emotional supports, but we also understand social and emotional needs as fueling a problem-based curriculum and student-centered instructional philosophy. Teachers may take up certain books or projects as a result of what—informed by the data about each child—they perceive to be a topic relating to social or emotional matters pressing on students personally. And they may, and do, turn a day's lesson on a dime in order to teach a more important lesson relating at that very moment to social, emotional, and moral growth. In our view, a five-minute pause to close your eyes and breathe in the middle of a lesson is a form of social-emotional support.

*The district's stance has always been to mitigate the effects of poverty, not make excuses because of it.*

Children are always growing—how we develop individualized teaching targets evolves

along with them. In Normandy, our children are growing up in a community that is itself changing and evolving. The emotionally wrenching housing insecurity that today stimulated a student’s research into property and real estate policy in social studies class may be solved by spring. When a student’s passion and intellectual curiosity are mindfully harnessed together for learning, anything is possible.

**AT HOME**

Both empirical and anecdotal data consistently show that family dysfunction plays a significant role in the academic underperformance of low-income children. When viewed as a component of academic success, the engagement of the family and external support systems in the academic lives of children provide a necessary asset for helping the child to more fully connect and feel invested in their educational experience.

We are changing our model to one of parental partnership and support. We will utilize the newly created student-family advocate positions to stabilize and empower families in our community. Typically, social-emotional support to students is not linked with overall development as a critical aspect of learning. Rather, it is treated as a separate process structured for crisis—a discrete event in the life of the child.

***Our model is based on a core belief that the family is the foundation of educational stability for the child.***

Regarding parent partnerships, we are following best practices from the Children’s Advocacy Schools; national authentic community school models such as the Cincinnati Public Schools; and the parent engagement work of Joyce Epstein. We will be the first district to implement this model in Missouri.

We are creating a model of family partnership that is relationship-and development-centered as opposed to the traditional crisis-centered approach. Our model is based on a core belief that the family is the foundation of educational stability for the child. It provides and infuses the direct assistance needed for families to engage in a proactive manner in the lives of children. Unlike previous models, the plan also establishes “direct” hands-on services which teach, train, and assist families and communities in understanding themselves, too, as educators of the child while utilizing best practices for parent engagement. Children do not stop learning when they get off the school bus at the end of the day. Children are always learning.

**AT SCHOOL**

Our goal is to continually improve how we are locating and supporting the children who need help, and also create innovative interventions for individuals and groups of students needing socio-emotional support. A strengths-based assessment will be conducted for every student and their family in the district. On the student side, we will use age-appropriate tools,

such as the strengths and difficulties questionnaire both during the summer prior to the beginning of the fall semester and in our transitional classrooms (explained more fully in the key initiatives section). Families will be assessed using evidence-based social work tool and the Wraparound Service Model (WSM). The goal of both assessment processes will be twofold: to develop the best approach possible to meet needs and also, and equally important, come to know each family's individual strengths and resources so that they are fully empowered partners in the support of their child's formal education and learning.

Our vision for whole child development involves an embedded character education framework and directed individual and group therapeutic interventions. We have already taken up and put into practice the evidence-based Teen Outreach Program (TOP) created by the Wyman Center, which is embedded in our 6th and 7th Grade Social Studies classes. This program is designed to develop the emotional awareness of students and help them develop necessary executive function and relationship skills that will allow the students to lead successful and healthy lives. Teen Outreach also serves as a vehicle for students to create their own service-learning projects relevant to their community.

**Our vision for whole child development involves an embedded character education framework and directed individual and group therapeutic interventions.**

We believe that the most important vehicle to support the positive mental health of our students is the creation of a student-centered culture infused with respect for every person in this district. We recognize however, that more is needed for some students who are facing challenges that act as barriers to their learning. To that end, we will adopt evidence-based intervention frameworks that serve to enable the individual student and student community to become central actors in addressing those barriers. We are the only school district in the region to have a mental health working group where we meet monthly with more than a dozen external mental health partners to refine strategies for intervention and youth development.

This model of intervention truly begins with the unique way that we operationalize the Wraparound Service Model (WSM). Utilizing a tag-team approach, our parent liaisons and student-family advocate will rely on wraparound resources in a proactive manner to begin building a meaningful partnership with parents. Instead of waiting for multiple crises to arise, parent liaisons (internally) and student-family advocates (externally) will identify areas of need in the summer or as soon as a student transitions into the district. Based on identified needs, we will connect families with housing interventions, intensive case management, mental health treatment, employment assistance, and food and other social services support prior to a crisis. Advocates will also use the post-assessment time to discuss additional educational and career opportunities.

Normandy High School will be offering programs and resources for parents, young adults,

and community stakeholders that will allow parents to receive career and technical training. We are currently reviewing a memo of understanding with Healthcare Education to offer

**Beyond Housing was instrumental in creating the collective impact framework and the 24:1 Initiative (see the next section), that brought together the 24 municipalities, Normandy School District, and other key stakeholders in order to empower the communities within the district footprint.**

certified nursing assistant and phlebotomy classes. This will allow students who will be 18 within the next 6 months, as well as adult family members of our students to find a career in the health care field. In addition, computer literacy classes, aerobics, and zumba will be offered in an effort to bring the community and the school together in a productive and positive manner. The goal is for a united and active collaboration with community members of all ages.

Realizing that our families cannot always take the time away from work when a child is ill or needs required immunization, we will establish full service clinics in at least three schools – two at the elementary level and one in the high school. This will allow families to have ready access to preventive medical and nursing services thus removing a significant barrier that can interrupt the educational process.

## Community Support: A Collective Impact Approach



The Normandy School District has partnered with Beyond Housing and the 24:1 Initiative to implement a “collective impact” approach to bring together community resources in a coordinated and effective way to address community needs. No one school district or social service agency, no matter how capable, can on its own address the full range of challenges presented by communities facing poverty. Rather, a robust array of agencies must work together in a seamless fashion toward a unified goal in order to address complex social challenges.

A key example of this collective impact approach is the Youth Impact Continuum, a cradle-to-career framework that aligns external resources and programs to the intervention points most important to a student’s successful long-term development. This model was designed in collaboration between the Normandy School District, Beyond Housing, and the 24:1 Initiative. The model is influenced by successful national efforts such as the Harlem Children’s Zone. The continuum identifies clear, shared lifecycle goals around which the community can rally. These key indicators, spread across key turning points in a child’s development, serve as a shared metric of success across diverse partner agencies.

The Youth Impact Continuum will be successful by supporting programs and strategies that have a strong evidence-base of success, and a track record of outcomes that align to the continuum indicators. Further, such strategies must have the capacity to reach scale and impact a large enough group of students to help move the needle for the whole cohort. In an innovative fashion, the Normandy School District has partnered with Beyond Housing to help convene the various external partners to collectively review how the efforts are going, monitor data, and ensure continuous improvement. While unusual for a school district to work in such a way with external non-profits, the Normandy School District recognizes that collaboration and the leveraging of public and private resources is the only way to meet needs of its students and its community. To date, over **\$4 million** in external investment has been directed to Normandy youth through Youth Impact Continuum partners.

Notable partners that have now embedded high-impact programs in the Normandy School District include:

**Big Brothers, Big Sisters of Eastern Missouri** – Youth that have positive, long-lasting relationships with adult mentors are more likely to succeed academically, thrive socially, and avoid risky behaviors. Big Brothers Big Sisters is a national leader in providing high-impact mentoring. The ABCToday! program embeds a staff person in the school to ensure students stay on track in Attendance, Behavior, and Classroom performance, and provide close support

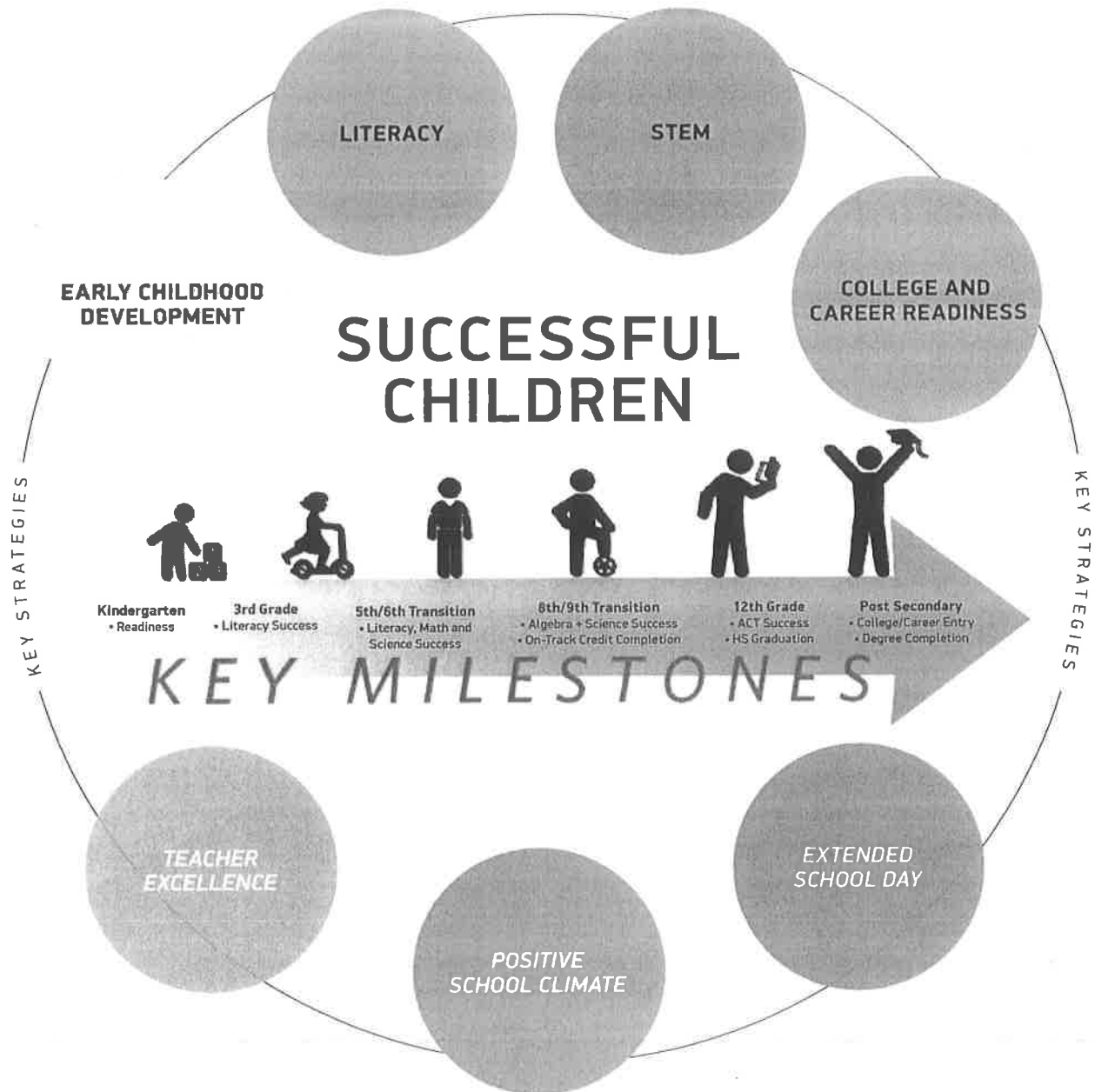


to each team of student and mentor. Big Brothers Big Sisters serves 100 students in the Normandy community and is currently expanding its focus in Normandy to serve more over the next three years.

**Wyman's Teen Outreach Program** – The entire 6th and 7th grade class at Normandy Middle School – over 400 youth – participate each week in the Teen Outreach Program® (TOP®). Wyman staff work side-by-side with Normandy teachers to deliver the research-validated TOP® curriculum, which is utilized by 55 partners across the country. TOP® promotes healthy behavior, life skills, and a sense of purpose, all of which better prepares students for the challenges they face in and outside the classroom. TOP® students better understand their community and develop teamwork skills through community service learning projects. TOP® has been shown to reduce risky behaviors and school dropout.

**College Summit** - College Summit is offered as a credit-bearing course to 12th graders at Normandy High School. The College Summit *Navigator* curriculum has delivered results nationwide, and helps students understand the step-by-step process to access college opportunity. Data is tracked for each student, monitoring their completion of key milestones needed for successful college transition. College Summit has already secured the resources to grow next school year to serve the entire 12th grade, and also the entire 9th grade – because it is never too early for a student to begin working with intention toward their college dreams.

# NORMANDY SCHOOL DISTRICT YOUTH CONTINUUM



The Normandy School District and Beyond Housing, along with dozens of non-profit and philanthropic partners, will be working together to scale-up even more high capacity partners to serve hundreds more Normandy students in the support services that lead to student success.

The Normandy School District has built the internal capacity to coordinate effective relationships with dozens of external partners. Many school districts struggle to have the right staffing in place to ensure that external partnerships are managed effectively and are meeting the needs of students. But the Normandy School District understands that effective schools must be good stewards of effective partnerships. This is not a distraction from classroom success. This is critical to ensuring the academic success of students facing great challenges. Further, this efficient leveraging of outside resources brings new dollars to the table without adding additional burden to the school district budget or taxpayer's resources.

Below is a partial list of key partners that represent the robust range of partners that the district has brought together to help address the academic and social-emotional needs of our students. An expanded list of the district's early childhood education partnerships is included in the Key Initiatives section later in this document.

**Additional key partners and funders working closely with the district include:**

- Better Family Life
- College Summit
- Little Bit Foundation
- Nurses for Newborns
- OASIS Tutoring
- St. Louis County Children's Service Fund & Funded Agencies
- United 4 Children
- University of Missouri-St. Louis

**Key funders who have supported Normandy and its key partners include:**



## Student Assessment, District Assessment, & Public Accountability

**M**any words in education have become so loaded with political and ideological meaning that it's difficult to use them without pushing buttons among one group of people or another. But if we are going to speak of valid and trustworthy accounts of what students are learning and how districts are performing as institutions of education, we have to slice to the bone of these words and reclaim their significance. Being accountable to ourselves, to our families and community, and to our state is not only a moral and ethical imperative in this reformation, it is fundamental to our very practice as an organization.

Teaching is not teaching without assessment. Assessment is a word whose root means "sitting down with," and the first thing a good teacher does is sit down with a student to figure out what, if anything, the student already knows about whatever that lesson has been designed to teach. Assessment may be the most important component of lesson design because of the way new knowledge is constructed: new learning hooks onto, connects with, prior knowledge. When a teacher understands what a student already knows, he can find just the right way to hook new learning onto that particular student's prior knowledge. That's what we mean by differentiation.

Throughout the lesson, a teacher checks for understanding in formal and informal ways. This, too, is assessment. Teachers also take the pulse of understanding when then they assess students' facial expressions, body language, questions or contributions to class discussions, and activities-in-progress. And of course teachers evaluate end-of-unit portfolios, group work, presentations, reports, essays, performances, and other culminating projects.

Pulling the concept of assessment out to the district level, we have written about the new way we are paying attention to our students—a holistic, 360-degree awareness of every child's life as a whole within a complex, social world that often entails stressors particular to the Normandy community. And we have written about the way every teacher will be associated with individual students in personally caring, one-to-one dyads within a web of social and emotional support designed to alleviate the stressors and mitigate their negative effects on classroom engagement and performance.

In Normandy, the responsibility for meaningful student assessment has shifted back into the hands of the classroom teacher. If teachers are going to plan culturally and socially responsive lessons, the teacher—in collaboration with colleagues and coaches—needs to

develop his own assessment processes and products. But if we also want to develop robust, efficient systems for collecting and interpreting the significant data (including schoolwork) that will flow from an individual child's experience across his different domains in school and home, we must provide teachers with the tools and support they need to collect and manage the kinds of data that will best inform his practice, best inform building-level decision-making, and, in the widest circle, best inform district-wide decision-making. We are aiming for a duct-like, circulatory structure for intra-district communication through which the important patterns in our quantitative and qualitative data concerning individual students will flow far more freely throughout our caring web of adults.

This aim will require a two-fold culture change in Normandy School District. A district-wide lack of trust between individuals and across groups was probably the most corrosive feature of Normandy School District prior to last July. Well warranted though it was, a culture

***We are aiming for a duct-like, circulatory structure for intra-district communication through which the important patterns in our quantitative and qualitative data concerning individual students will flow far more freely throughout our caring web of adults.***

of fear and mistrust in an administrative climate characterized by crisis management prevented the free flow of information so essential to caring for children and teenagers who require and benefit from consistency from adult to adult.

The second culture change involves a radical shift in how our faculty, social workers, counselors, parent liaisons, administrative staff and all others understand the range, meaning, and purpose of data. The word *data* simply means information. Data can be qualitative or quantitative. Qualitative data include written notes and observations, student writing and drawing, documents, photographs, audio or video recordings, transcribed interviews, charts, graphs, exit slips, concept maps, and other materials. Quantitative data are numbers and measurements like test scores, attendance rates, or other measurable facts. Although it is much quicker to summarize and analyze quantitative data, a more complete, accurate, and meaningful understanding of student experience, development, and performance will emerge from careful analysis of both kinds of data. In order to jumpstart our students' academic achievement, we want to learn as much as we can about the relationship between the things we can count and measure and the things that cannot be measured—the relationships between our quantitative data and our qualitative data. What correlates with what? What quality of student experience or behavior is changing by how much before we see changes in attendance or test scores? These are the kinds of questions responsible self-assessment requires that we answer, and we have identified and are beginning to implement an innovative new technological tool to help us do so.

This powerful, low-cost, cross-platform app will analyze text, video, and spreadsheet data in order to creatively integrate qualitative, quantitative, and mixed methods research. This product will facilitate our exploration of data from multiple perspectives and will dramatically increase the efficiency, reliability, validity, interpretability, and presentation of our data

management and interpretation. Because the software will help us collect and manage the rich, complex data that our student-centered, whole-child instructional approach will generate, it will accelerate our ability to respond to the patterns and trends that emerge as the district evolves. Whether our unit of analysis is an individual child, a class, a grade level, an administrative department, a content area, or a building, we will be able to pay attention in the ways we want to pay attention. We will be able to assess holistically and systematically in ways that can directly inform curriculum, instruction, social and emotional support, administration, or any other institutional domain. We will be able to represent and report on our findings in clear representations to district outsiders.

To the best of our knowledge, there is no other K-12 district in the country, certainly not one with the critical need for radical and humane reformation, that has innovated its approach to assessment and public accountability in a way that remains true to student-centered instruction and honors teacher professionalism.

The following illustrates the difference between the NSD’s innovative new approach and prior models for learning and development that have proven unsuccessful.

<b>BUILDING BLOCKS OF LEARNING &amp; DEVELOPMENT</b>	<b>TRADITIONAL APPROACH</b>	<b>OUR INNOVATIVE APPROACH</b>
<b>Instructional Approach</b>	Students work on their own to read passages in textbooks and complete worksheets. Students are expected to do the same thing at the same time all lesson long.	Our students will examine and explore the real world and pose questions about it. Their authentic questions will lead to meaningful acquisition of knowledge that is connected to real life contexts.
<b>Student Assessment</b>	Student academic achievement is measured exclusively by high-stakes, EOC/MAP testing.	We will engage in whole-child assessment. In doing so, we will consider student growth and progress over time in multiple areas, including academic performance, social-emotional development, and non-academic competencies.
<b>Students</b>	Good students sit still in their chairs. They are quiet, obedient answerers of other people’s questions. They get answers right or wrong. They complete their worksheets without ever wondering or understanding why they are doing what they are doing in school.	Good students are curious and ask questions. Respectfully active in a classroom, they will be challenged to take risks and move beyond the inevitable setbacks in learning. They will accept moments of confusion and know that not all problems have easy answers, or even answers at all.
<b>Teachers</b>	Teachers are mechanical deliverers of pre-packaged lessons that teach discrete skills. The teacher refers “problem kids” to social worker or counseling. Teachers, like students, are obedient rule followers, not consulted or listened to.	The district will view teachers as classroom instructional leaders. Teachers will be included in decision-making processes that affect students. They will be treated as professionals with regard to their own development, and given time to collaborate with colleagues and university faculty.
<b>Teacher-Student Relationship</b>	Teaching is all lecture. The teacher is center of attention. The teacher is not a person who is also learning. The student responds to teachers’ questions and awaits an evaluation.	Teachers and students will have time to form a caring teaching/learning partnership. Teachers will know students well so that they can differentiate instruction and meet social-emotional needs through instructional practice.
<b>Student Supports</b>	A reactive, crisis-centered model wherein students and families are not provided support and resources until after a situation has become negative.	The new wrap around model is a proactive, strengths-based approach wherein teams provide individual and family supports before crisis occurs. Our family case management model will create a partnership with parents where information and resources are constantly shared in order to increase housing and economic opportunities.
<b>Family-School Partnership</b>	Families are limited to back-to-school nights for substantive reports on their child’s academic progress. There are little to no ongoing discussions with parents on how to create student-centered space and time in the home.	Families are cultivated as partners in their child’s education which will include standard home visits and authentic district and school-parent advisory committees.
<b>Community Partnerships</b>	Partnerships are not aligned with the internal district vision or the assessed needs of children and families.	Using a collective impact approach, a rich array of partners that share a common vision with the district regarding successful children will be aligned to meet the holistic needs of children and families.
<b>Administrators</b>	Administrators issue all directions to teachers and students autocratically, with no room for feedback, negotiation, or critique. Administrators adhere rigidly to organizational protocol and punish teachers who deviate for any reason, even if a decision was made in a student’s best interest.	Administrators operate in a culture of distributed leadership. Administrators treat teachers as true partners in conversations and planning around policies that affect classroom life and student experience. Wherever possible, decision making processes are collaborative.
<b>Culture</b>	People act in their assigned roles come what may; the organizational structure is vertically frozen.	The organization values a culture of distributed leadership. All educators are construed as flexible people who can be nimble in response to student need.

## Governance

The Normandy School District is currently governed by the Normandy School District Board of Education.

Under the direction of the Board and District leadership, the Normandy School District, is committed to developing a student-focused culture of learning characterized by social interaction, dialogue, and robust feedback among students, parents and family members, teachers, administrators, board members, and external partners of the greater Normandy community.

We are equally committed to putting the district-wide structures in place that will hold us accountable to the people who have entrusted us, their local, tax-supported institution, with the care and education of their children and young adults. Therefore, our plan for reformation includes the creation of support advisories at the building and district level.

Advisories will include a range of stakeholders drawn from all groups within the community. The advisories will provide authentic feedback, advice and recommendations to the building principals and district staff/leadership with an overall goal of helping to realize the district's vision for developing successful children.

Specifically, the advisories will help the building principals and district in three overlapping ways to:

- empower and engage all stakeholders – internally and externally--in order to help them take an active role in improving and supporting the district on behalf of the community we serve.
- more efficiently catch and revise any district actions, policies or protocols that result in outcomes not aligned with the vision of the district.
- respond more nimbly to the expressed needs of students, teachers, families and the community.

Through respectful, engaged social forums and other communications processes that are transparent and equitable to all stakeholders, the advisories will help guide building principals and the district in regard to the vision identified within the reformation plan.

In summary:

Students, Teachers, Staff, Family and Community advisories will —

- Share and support the vision of the district
- Help develop a student-centered culture
- Engage all stakeholders of the district and the community
- Gain meaningful insight from the various stakeholders of the district and the community



## NSD REFORMATION PLAN

- Provide a voice and to those who have traditionally not been heard or listened to
- Provide opportunity to gain better understanding of needs, issues, challenges, and opportunities
- Avoid unexpected outcomes of policy and protocol decisions
- Provide a transparent communication structure, a vehicle to host an authentic, meaningful dialogue
- Engage others in the resolution of district problems thus providing opportunity to model the constructivist philosophy
- Hold the district and building principals accountable for developing successful children according to the new reformation plan

## Closing Remarks: Missouri's Opportunity

**T**his moment in North St. Louis County, Missouri marks an unprecedented reckoning in the history of public schooling in America. We the people of Normandy School District are not talking about catching up with districts like Francis Howell or Clayton. We are not begging for additional time to chase more programs, implement more policies, dismantle our school board, or crack the whip even harder on our teachers to raise test scores *or else*. We acknowledge how vexed the public school funding process is in our state, and trust our state representatives to figure out a workable and fair solution that will end the unjust effects of the transfer law that has nearly pushed our district off the cliff, and is likely to push Kansas City, Riverview Gardens, and the 11 provisionally accredited districts off the cliff as well. Overall, we do not look with envy at other districts' academic achievement, given that just 55 percent of tested Missouri students scored proficient or advanced in English language arts on last year's MAP. All of this we set aside.

Although embedded in that story, the Normandy story we tell in these pages is not that story. The story we have told is our story and ours alone.

Now is the time for our fellow Missourians to realize, as we do ourselves, that Normandy School District is on a special mission, one that will lead the way in school reform statewide, if not nationwide. The combined perspectives, experience, and collective expertise of Normandy veterans and Normandy newcomers and the historic position we find ourselves in has sparked a months-long period of creative energy all across the ten square miles that is Normandy.

Since last July, we have been digging deeply into the processes and systems here, and building the trusting relationships we will need to move forward. Mindful of the myriad ways in which, for 17 years, we have been on the wrong track given the needs of our students, our teachers, and this community, our forward-thinking approach to school reform integrates dynamic, culturally responsive and socially relevant curriculum and instruction with carefully designed systems of social and emotional support. Our methods of comprehensive, ongoing, whole-child and whole-family assessment in the context of academic performance will be groundbreaking. And every innovation we have introduced, are currently implementing or are planning to do is backed by solid empirical and theoretical educational research.

**Normandy School District is creating a future in which all children are intellectually and morally empowered to construct and direct their own lives as engaged citizens.**

As our plan is operationalized, it will remain a living document that will itself evolve in response to our financial plight. But we take great pride in the fact that what we have designed will comprehensively meet the needs and benefit the 2,100 families who chose to remain in the district. These families have seen \$50 million of investment by our partners in the private and non-profit world, investment in housing, health care, and economic development since 2010. Our plan honors the good faith of our community by rising to the challenge of educating the children of Normandy for success in the 21st century.

We will repeat the words that have accompanied every one of us to school every morning for the last seven months: Normandy School District is creating a future in which all children are intellectually and morally empowered to construct and direct their own lives as engaged citizens.

Until this very sentence, the word we has signified the we of Normandy. But now we must expand the very idea of we, for we are a far larger community than any one district. We are the people of the State of Missouri, interconnected by economy, by employment, by roads, by rivers, by health care, by recreation, by family, by friendships, by faith. As Missourians, the only thing any of us can do right now is think deeply and personally about how to act in the historical moment we happen to be sharing, a moment when the lives of 3,000 children, each one of whom carries the hopes and dreams of their family, are at stake. Every single one of us has a role to play in what happens next. Just ask yourself this: who am I and how do I fit in?

## Key District Initiatives

**U**nlike many so-called district turn-around strategies circulating about, we believe that all programming and partnerships should be driven through the lens of our learning philosophy and vision for successful children. Too often, proposals are put forth that start with mechanistic structural changes devoid of learning strategies. This harms children and their teachers. With that in mind, we have identified key initiatives that are aligned with, and flow from, our strategies around learning and development as well as parent/community engagement.

**Early Childhood Education**

**STEM in Normandy School District**

**Summer School & Extended Day Learning**

**Faculty Craftsmanship & Efficacy**

**Transitional Classrooms**

**University Partnerships**

**Other Key Partnerships**

## Early Childhood Education

The need for quality early childhood education is clear. Our assessments show that 56% of students enter kindergarten not developmentally prepared. Academically, many students begin school in Normandy two grade levels behind. Numerous studies have shown that quality early childhood education is critical to a child's long-term success and impacts the economic vitality of our neighborhoods, state and nation. Due to this reality, it's not surprising that many education reform initiatives call for bold action in early childhood education. Sadly, in most communities these ideas have led to little action. But the Normandy School District and key partners have already taken several exciting steps to better prepare our children for kindergarten and life.

We embrace the importance of Universal Pre-Kindergarten, and pending new sources of state or federal funds, we stand ready to expand our own Pre-K offering. The Normandy School District Early Childhood Center currently provides quality early learning for over 100 children each year. But we know of many hundreds more children in our community that we cannot serve directly. Many of these children are receiving early education from privately operated, state licensed child care programs located in the local neighborhoods. This is where our children are, so this is where we must serve them.

That is why for the last three years, our partner United 4 Children has brought together a collaborative of 15 local child care providers in a robust quality improvement initiative. This effort engages nearly half of all the early learning providers in the Normandy School District area. Our child care partners receive ongoing on-site consultation and training to ensure children are in a developmentally appropriate learning environment. The child care directors undergo business and financial coaching. Child care teachers learn real world job skills through a professional credential. Classrooms are equipped with instructional materials and play equipment. All this helps better prepare more children for school.

The local collaboration of child care programs committed to quality forms a pipeline of children that will enter the Normandy School District. The school district will coordinate intentionally with these child care providers in several key ways. First, the district will target its Parents as Teachers services to children in these child care settings. A coordinated strategy of home visitation, parent education, and developmental screenings will allow for early intervention in the developmental needs of children. Second, the district will engage in a robust professional development exchange so that many child care operators in the community are all working toward common expectations of Missouri's early learning standards. This will include establishing a shared definition of kindergarten readiness with parents in the community so that all can understand how they can best prepare their children for school.

But early childhood development is more than just the cognitive development that occurs in early learning classrooms. It cuts across a holistic range of developmental areas, including social-emotional needs, access to health care, and parenting education. That is why in the Normandy community we have built a partnership with over twenty agencies that begin serving moms prenatally, and support young children with holistic services up through kindergarten entry. For example, partner agency Nurses for Newborns has dedicated funding to serve over 100 new moms in the Normandy community. Family Resource Center is embedding behavioral health services in local child care programs. And Ready Readers is ensuring books are in our children's homes.

This is a unique model that has been built in the Normandy community in partnership with Beyond Housing and the community's 24:1 Initiative. Beyond Housing convenes the partner agencies on a monthly basis to coordinate activities, share data, and better target services to reach more families. This model reduces reliance on government funding by more efficiently utilizing the non-profit infrastructure already in place. The model also makes it easier for service agencies to deliver more effective services to more families in our community, meaning more children are getting the support they need to be kindergarten ready.

**SUMMARY OF EARLY CHILDHOOD EDUCATION STRATEGY:**

- Expand the school district's offerings of Parents as Teachers to more households
- Grow partnership with Nurses for Newborns to offer early home visiting and health services to over 150 local families
- Normandy's Parents as Teachers staff will coordinate developmental screenings to 500 children in local child care partners to ensure that needs are identified early in life
- Continue robust quality improvement and professional development efforts for 15 local child care programs in the Normandy community
- Seamless collaboration with a holistic array of over 20 early childhood agencies to better leverage resources, identify more families for services, track progress, and improve efficiency

**EARLY CHILDHOOD PARTNER AGENCIES:**

- Belle Children's Services of St. Louis Arc
- Epworth
- Family Resource Center
- First Steps/AWS USA
- Lutheran Family and Children Services
- Nurses for Newborns
- Parents as Teachers National Center
- Ready Readers
- Special School District of St. Louis County

**ST. LOUIS COUNTY HEALTH- NURSE FAMILY PARTNERSHIP**

- UMSL College of Education
- United 4 Children
- Youth in Need
- YWCA Head Start

## STEM in the Normandy School District

Education's focus on STEM (Science, Technology, Engineering and Math) arose from the desire to prepare students for the 21st century. Many of society's problems, such as meeting the food and energy demands of earth's growing population, will require individuals to work collaboratively with others toward a solution. Those solutions will require the integration of math, science, engineering and technology fields. The focus of STEM education is keeping with the district's vision of promoting collaboration and communication amongst our students and preparing them for the 21st century workplace.

There are many avenues for increasing STEM education in a district, ranging from increasing the number of STEM classes offered, to developing classes that integrate concepts from all four disciplines. Normandy's STEM initiative will center on the later strategy, as it provides multiple benefits for our students. A cornerstone of the constructivist learning theory and problem based learning is authenticity. Students should be engaged in learning activities similar to what professionals would do in the field. As stated earlier, professionals in STEM fields utilize and integrate mathematic, scientific, technological and engineering concepts and skills in their day to day practices in order to solve problems. We cannot adequately prepare our students if we treat STEM subject areas as separate, but equal.

STEM at the elementary level will call for the integration of math, science, technology and engineering into thematic units. An example of such units include a unit on modifying an individual's home to make it wheelchair assessable. Students would need to use physics and geometry concepts to develop a solution to the problem. Teacher professional development will focus on creating problem-based units for study. The training will also include instruction on how to develop authentic assessments for students. Finally the district will pilot a STEM elementary school where all subjects will focus on STEM topics.

STEM at the middle school will continue with the integration of math and science into thematic courses. These courses will be aligned to the math Common Core standards and the Missouri Science GLE's/NGSS. Students will also be able to choose a Science, Engineering and Technology pathway at the middle school. This pathway will allow students to choose STEM related classes such as, Design and Modeling, Automation and Robotics, and Computer Programming.

At the high school, students will be able to continue on the Science, Engineering and Technology pathway. They have the opportunity to take courses that best prepare them for STEM fields. Courses could include Biomedical Innovation, Medical Interventions, AP Physics, Chemistry, Biology, Computer Science, and Software Engineering.

All Normandy students will have the opportunity to engage in afterschool STEM related clubs. Clubs like FIRST LEGO League and Robotics introduce students to engineering design. Clubs like MOUSE Squad expose students to possible careers in the field of technology support by allowing them to become the digital experts of their school.

The district will establish partnerships with industry and educational agencies that provide authentic learning experiences. The partnerships will provide afterschool and summer programs and internships for high school students in STEM related fields. Teachers in the district will be provided professional development through these partnerships to perfect their craftsmanship.

## Summer School

In place of traditional summer school models we will offer Summer Learning Institutes where students are engaged in problem based learning (PBLs). These PBL's will be highly engaging, rigorous learning activities that are relevant to students' lives. Embedded in the learning is performance values of Character Education. First and foremost a focus on creating a caring school community that exemplifies a safe environment. Students will be able to choose from a plethora of activities or even create their own activities. They will keep journals of progress and portfolios of learning.

Together teachers and students will plan individualized learning activities. In the planning stage students will demonstrate what they know about a topic and then set goals of learning. This will allow them autonomy by choosing topics of interest. Every student will be expected to produce a piece of work that demonstrates learning. Students will then display and defend their learning while presenting learning.

Classes from early childhood to high school will focus on information literacy skills. In doing this students will engage in research to solve questions and find answers. Students will use reading, writing, listening, and speaking to be able to justify work. It will be required to use multiple, credible sources in their research. Teachers will model how to vet information for accuracy.

## Extended Day/Learning

Extended days will be structured in a way that students become highly engaged in learning. First, studies have shown that the majority of students' risky behaviors occur between 3pm and 6pm; extended learning opportunities play a huge role in preventing students' making poor choices in the hours after school. But more than just helping students avoid risks, extended learning programming with leadership, character and cultural content helps students build the life skills necessary to consciously make the empowered, productive choices that lead to lifelong success.

The programming we offer will be based around the community partnership model. Together we will join forces with community agencies like Girls Inc., Boys and Girls Club, Boy Scouts and Girl Scouts of Eastern Missouri, Better Family Life, and Sista Keeper, among others. Students will be highly engaged and will become a member of a community of learners.

Additionally, we will offer classes for young adults in the evening. These are second chance extended learning. Students who do not have a high school diploma will have the opportunity to come to the Normandy Campus and enroll in computer based preparation classes.

## Tutoring

Benjamin Whichcote once said, "There is no better way to learn than to teach." Our goal is to build cooperative partnerships with students and the community to offer tutoring opportunities.

Our plan is to expand our tutoring programs in four ways. First, community tutoring. The OASIS program will be increased so that children who need additional experiences will work with senior community members. Regular schedules will be set up to take advantage of the opportunity for students to learn from them.

Secondly, we are expanding our A+ tutoring program. This program gives high school students two years



of free college. In order to fulfill the requirements of A+ high school students must do volunteer work. Our A+ coordinator is working with the high school students by placing them in tutoring situations at our elementary schools. The students are being placed close to home so they can walk home after the tutoring session. It is our goal to require all high school students to participate in the A+ program. This will increase our high school tutors and allow for more of them to work in the elementary schools.

In addition, UMSL is offering their college students reading classes on our campuses. They are calling these literacy clinics. During the clinic time, college students are tutoring Normandy elementary students.

Finally, we are structuring after school tutor sessions of high school and middle school students. Teachers of different contents will offer individual and small group tutoring for students that are below 70% in academic work. Teachers at high school will also offer "power lunches" when students are able to work with the teacher during their lunch time to get "caught-up" on specific skills.

## Teacher Craftsmanship & Efficacy

Great teachers help create great students. In fact, research shows that an inspiring and informed teacher is the most important school-related factor influencing student achievement, so it is critical to pay close attention to how we train and support both new and experienced educators. High quality professional development is an essential piece that will be addressed individually for the veteran teacher, new teacher and preservice teacher. All involved in education should strive to promote their craft through ongoing and regular opportunities to learn from each other. Ongoing professional development keeps teachers up-to-date on new research on how children learn, emerging technology tools for the classroom, new curriculum resources, and more. The best professional development is ongoing, experiential, collaborative, and connected to and derived from working with students and understanding their culture. This model of professional development applies to all layers of the district, including support staff, coaches, coordinators and administrators and not just teachers. Every employee of the district will continually reflect on his/her practices to ensure that everything is being done to promote student achievement and growth. Promoting craftsmanship in our staff will require professional development opportunities both in and out of school as well as summer institutes.

In school, professional development will be embedded and ongoing throughout the academic year through the promotion of collaboration in Professional Learning Communities (PLCs). When a school begins to function as a professional learning community, however, teachers become aware of the incongruity between their commitment to ensure learning for all students and their lack of a coordinated strategy to respond when some students do not learn. The staff addresses this discrepancy by designing strategies to ensure that struggling students receive additional time and support, no matter whom their teacher is. Teachers will use data to collaboratively plan and guide instruction, and reflect on student artifacts to further refine instructional practices and lesson planning. This adheres to the district's philosophy of constructivism, in that we want teachers to build their understanding of effective teaching strategies in order to become masters of their crafts. This will include content area PLCs and also interdisciplinary, grade level PLCs to promote crosstalk and planning across grade level.

Instructional coaches in all of the major content areas and educational technology will deliver job embedded professional development. Their expertise will allow them to provide resources and support for the teachers. They will be equipped to assist teachers in both content and pedagogy. They will routinely model exemplary, research-based instructional strategies and practices which promote a sense of collaboration between the individual teachers and administration.

As a district, we will redevelop the district created PD for our teachers. The teachers will become included as an integral part of the planning of PDs through the creation of district and building level professional development committees (PDCs). As teachers become more empowered to improve their craftsmanship, their voice will be key in identifying areas in which they desire growth. As a result the PDCs will become an avenue to effectively meet the needs of our teachers. Teacher-leaders will be developed to help plan and facilitate the district PD. These teacher leaders will continue to directly assist the staff in their individual buildings.

Opportunities for improving craftsmanship of our teachers will require assistance from outside the district. We will move toward multiple external professional development opportunities designed to link school professional communities with new advances in knowledge about subject content, learning, and teaching, opportunities to understand students and their diverse communities, and externally developed tools and materials. These goals are best met by working with universities, professionals in industry and academia. We will strive to both plan with and bring in experts for building and district level professional development. Teachers and other district personnel will be sent to workshops and conferences.

The summer institute program will utilize both internal and external partners. The focus of these institutes will be both academic and pedagogic. This is where the process of systemic change will be initiated. Later professional development will build off of the work started here.

Through the use of professional development both in and out of district, we will create change. Professional development is the strategy that we will use to ensure that educators and staff continue to strengthen their practice throughout their career. It will ensure that we continue our focus on students and student learning by engaging educators to focus on the needs of students and problem solving together to ensure all students achieve success.

## Transitional Classrooms

Understanding that children learn in many different ways, and addressing these differences will make Normandy School District more effective in preparing students to become successful, independent learners. The Transitional Classroom reflects awareness of differences in children's learning styles as they pursue the district's rigorous curriculum. The rationale for the program is based on the assumption that reduced class size, teachers trained in remedial techniques and the use of specialized materials can be combined to relieve many of the specific difficulties of underachieving children. The Transitional Class is designed for short term academic intervention for elementary students who are newly enrolled in the district or who are experiencing learning difficulties in the grade level classroom.

### **OBJECTIVES: THERE ARE TWO MAJOR OBJECTIVES FOR TRANSITIONAL CLASSROOMS.**

One major objective for Transitional Classrooms is to address the needs of the large numbers of newly enrolled students to the district throughout the school year. Newly enrolled students are placed in a Transitional Classroom upon enrollment in order to determine their academic level and needs, to get them acquainted with the school culture, to ascertain where their best placement would be and to transition them into the grade level classroom as quickly as possible. Historically these students have gaps in their learning and have difficulty catching up to the grade level classroom to which they are assigned. Those gaps can quickly be identified by the Transitional Classroom teacher so that the students can be brought up to grade level and then assigned the appropriate grade level classroom. Students found to be on grade level at the time of enrollment will immediately be assigned to the appropriate grade level classroom.

The other major objective for Transitional Classrooms is to enable underachieving students to resolve learning problems so that they can be successful in the grade level classroom. Enrollment in the Transitional Classroom provides these children with a remedial program in reading, language arts and math taught by specially trained teachers using remedial techniques and special materials in small classes. Requests for enrollment are made by the grade level classroom teacher in consultation with parents, administrators, counselors, social workers, and interventionists. Once an agreement is reached by all parties involved, a complete educational assessment will be administered by an appropriate professional. The amount of service provided is determined by the results of the assessments. Depending on individual needs, some children may be placed in the Transitional Classroom for the entire day to receive services in all areas. Other students may receive instruction in ELA, Math and/or social skills in the Transitional Classroom one to five times per week depending on individual needs, to support the grade level instruction in areas of deficit. The main goal of this program is to build academic and social skills and to develop strategies so that the student can return to the grade level classroom instruction full-time as soon as possible. Over time, as students meet grade level standards the amount of support will decrease.

Once newly enrolled students and students of concern are assessed to determine instructional deficiencies, an Instructional Profile is created to outline each student's instructional needs and academic goals. Students are reassessed regularly to determine readiness for transitioning into the grade level classroom. Class size for a Transitional Classroom is limited to no more than 15 students per teacher to ensure that students receive individualized attention to address their academic and social needs.

### **OUTCOMES: EXPECTED IMPROVEMENTS IN ACADEMIC ACHIEVEMENT, SOCIAL SKILLS AND PARENTAL SUPPORT**

The following changes are expected to take place in program participants as a result of their experience in the program:

- Read at grade level
- Demonstrate adequate listening skills and the ability to follow directions
- Know and apply grade level phonics and word analysis skills in decoding words
- Read with sufficient accuracy and fluency to support comprehension
- Engage in collaborative discussions to expand vocabulary
- Understand grade level mathematic skills and concepts

The following behaviors are expected to affect the students' general school performance and their lives outside of school.

- Improved academic performance in all academic disciplines
- More effective study habits
- Increased ability to work independently
- Ability to work effectively with classmates
- Increased self-confidence
- Ability to express feelings in socially acceptable ways - i.e. through verbal rather than hostile physical actions
- Increased self-knowledge and self-acceptance
- Increased acceptance of peers
- Ability to practice self-discipline
- Decrease in tardiness and absences
- Sense of personal worth

The following benefits are expected to occur for students' families as a result of the program:

- When parents see their child's increased academic achievement and improved social skills, parents will be able to develop a more positive attitude toward the school community
- Parents will receive regular communication about their child's academic and social progress to better understand their needs and ways that they can assist with addressing their academic deficiencies

### **CHARACTERISTICS OF THE TRANSITIONAL CLASSROOM**

- The program is highly individualized. The sequence for each child is determined on the basis of his or her individual needs.
- Activities are designed to direct each child toward greater independent work.
- Large and small group instruction/discussion
- Working on individual and small group projects
- Writing and reading original stories and poems
- Self-expression
- Role playing

## Transitional Classroom Team

POSITION	SUPPORTING ROLE
<b>Parent</b>	Caring, partnering, adding home perspective
<b>Transitional Classroom Teacher</b>	Assess students initially and throughout student enrollment to determine needs and progress, design and follow individual plan for each student, coordinate scheduling and logistics with Grade Level Classroom Teachers, Maintain communication with parents and Transitional Classroom Team
<b>Principal</b>	Maintaining the program, advise teachers with specific problems, helps identify students for the program
<b>Assistant Superintendent of Curriculum and Instruction</b>	Coordinates the program in all schools, has ultimate control of the instructional aspects of the program
<b>Instructional Coaches</b>	Provide resources for the transitional classroom teacher, aid principals in enlisting and maintaining faculty support
<b>Grade Level Classroom Teacher</b>	Identifies students with academic and social difficulties, coordinates scheduling and logistics with Transitional Classroom Teacher
<b>Counselor</b>	Helps identify students, work with students having behavioral concerns, advise teachers about behavioral modification techniques
<b>Social Worker</b>	Establishes and helps to maintain contact between home and school, follows up on attendance, tardiness, and other problems of school adjustments
<b>Medical Staff</b>	Identifies and follows up on medical or nutritional concerns which may affect academic performance

## University Partnerships

Normandy School District will continue to grow and maintain partnerships with regional universities. The partnerships will serve us two ways, building academic success for our students and assisting in social, emotional health initiatives.

### Academia:

- Adding additional support by placing pre-service teachers in classrooms
- Continue to offer the literacy clinic and expanding it to more schools
- Support in grant writing
- Planning and implementing professional development
- Offering classes for staff at a reduced tuition rate
- Serving on district committees

### Social Emotional:

- Building partnership with university agencies
- Identifying needs
- Community support through programs
- Helping design and identify appropriate assessment tools
- Providing clinical interventions such as eye exams and wellness checks

The University services will support teachers, administrators, students and go beyond by supporting families. These partnerships will help NSD become even more strategic and deliberate when working with our students.

A main goal in the partnerships is sustaining long term desired results that will be built by working closely with the university experts. We will continue to work closely with university partners and hold monthly meetings that will discuss progress and work to achieve the partnership goals.

Current academic programs will continue to grow with assistance and support. Some of the programs currently being implemented and supported by the universities: UMSL at Normandy High, a program that prepares Normandy HS students for college, professional development for staff, current professors are teaming with the university to support all levels of curriculum and instruction with an emphasis on literacy and STEM are among a few.

We currently have university partnerships with University of Missouri, Washington University, University of Missouri St. Louis, Fontebonne University, Lindenwood University, St. Louis University, and St. Louis Community College.

**#NormandyStrong** 



 ST. LOUIS POST-DISPATCH

## TRANSFERS

### Money being paid by Normandy, Riverview Gardens to other districts not being spent



FEBRUARY 10, 2014 12:30 AM • BY ELISA CROUCH  
ECROUCH@POST-DISPATCH.COM 314-340-8119 AND  
JESSICA BOCK JBOCK@POST-DISPATCH.COM 314-340-  
8228

The 2,200 transfer students have fanned out across the St. Louis region in search of a better education than they were getting in the troubled Normandy and Riverview Gardens school districts.

And where they have gone, tuition money has followed.

So far, school systems that have enrolled the students have billed Normandy and Riverview Gardens more than \$9 million, hurting the two districts' budgets in the process. Annual tuition payments paid on behalf of the students can reach \$20,000 per child, with districts determining the amounts using a loosely defined formula in the state law.

Yet large portions of that money has not been exclusively set aside for the education of those students, particularly those who struggle academically.

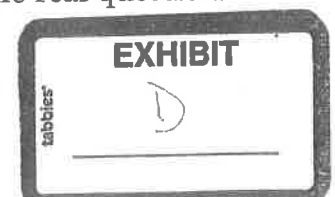
A Post-Dispatch inquiry has found that in some districts, tuition payments have instead been absorbed into districtwide budgets. And while other districts have hired additional instructors and support staff, large amounts of the tuition payments remain unspent in school district bank accounts.

There's little dispute that transfer students have created new financial burdens for the districts now paid to serve them. Like all students, they require art supplies, desks, textbooks and even paper towels.

But with few exceptions, the new students have been absorbed into existing schools without the need of more teachers and new classrooms.

The paradox has led to a larger conversation in the region and in Jefferson City about whether a limit should be placed on the amount school districts charge for tuition.

"What do they really need to do to support these kids?" said Carole Basile, dean of the College of Education at the University of Missouri-St. Louis. "That's the real question."



That debate is building as the tuition payments continue to cripple the unaccredited Normandy and Riverview Gardens districts. Without an influx of cash, Normandy could go bankrupt this spring.

Now, some superintendents in the receiving districts are questioning whether they should return part of the money to Normandy to stave off its collapse.

In 11 districts that have received 90 percent of the cash from the transfer program, fewer than half of them have added teachers and staff as the result of the influx of transfer students.

One district — Ferguson-Florissant — hired 10 new teachers directly resulting from the 440 transfer students enrolled there.

Another three districts — Francis Howell, Pattonville and Clayton — have dipped into their tuition payments to add support staff such as reading specialists, teachers aides, substitute teachers or after-school supervisors. Mehlville and Kirkwood have budgeted some tuition revenue for after-school activity buses.

Hazelwood and Ritenour officials say they're using the payments for general education instruction and programming.

While Kirkwood, Mehlville and Ladue have added teachers this year, it was in response to overall district growth and not a direct result of transfer students, officials there say.

“Of the money that we have, the majority of it we haven't spent. We've put it aside,” said Susan Dielmann, communications director for the Ladue School District. “We didn't want to count on that money. We didn't know how this would play out.”

Only University City officials did not provide answers to questions concerning the \$340,000 that the district has so far received.

### **AN UNCERTAIN SITUATION**

Last summer, the Missouri Supreme Court upheld a law that allows children in unaccredited districts to transfer to better schools at their home district's expense. The ruling led to an unprecedented migration of students from two north St. Louis County school districts into 23 higher-performing school systems across the region.

The transfer law clearly gives failing districts the responsibility of paying tuition and transportation costs for students who transfer under the statute. But it is silent in how receiving school districts spend the money.

For the most part, transfer students have been widely dispersed, with no more than a small handful in any one elementary school classroom, for example.

The Missouri education department advised districts last summer to turn transfer children away once class size limits had been met. That ability to cap class sizes has alleviated the need to hire dozens of teachers, even in districts that have accepted hundreds of transfer students.

Last summer, many school officials expressed reluctance to commit tuition funds to staff salaries, in the event either unaccredited district failed to pay tuition bills.

While the bills have been paid on time, no one is sure how long tuition payments will continue. The cost to Normandy and Riverview Gardens is expected to be about \$30 million this year. In October, the Normandy School Board voted against paying tuition bills after authorizing the closure of an elementary school and 103 layoffs to offset transfer costs. The board later reversed its decision, but concerns remain.

“We’ve received \$640,000. I don’t know if we’ll get another penny,” Mehlville Superintendent Eric Knost said. “It’s dangerous for me to make decisions, long-term contracted decisions, based solely on the dependency of this money. That’s just not sound decision-making.”

Mark Stockwell, chief financial officer for the Parkway schools, said his district also has not spent the bulk of its tuition money for similar reasons.

### **SUPPORTING STUDENTS**

But amid the funding debate, parents in the transfer program say they’re happy with the attention their children are getting in their new classrooms.

“I’ve only heard good things about the plethora of services that they didn’t have back at the home districts,” said Amanda Schneider, staff attorney at Legal Services of Eastern Missouri, whose clients include families who left Normandy and Riverview Gardens.

Carmen Summers, whose son, Jayden, transferred to Kirkwood from Riverview Gardens, says she believes he has benefited from every advantage afforded to children within the district.

“He’s able to come home and explain his homework assignments,” Summers said. “I see a big difference. It’s been beneficial.”

The academic skills of transfer children span the spectrum.

That’s true at Oakville Middle School in Mehlville, where a transfer student is part of the gifted program. For those who are behind academically, the school is able to meet their needs just as it does resident children — using existing staff.

“Some have challenges,” Principal Mike Salsman said. “We address those challenges throughout the day.”

At Rose Acres Elementary School, which has the most transfer students within the Pattonville district, two staff were hired with tuition revenue for the benefit of the 26 transfer students.

In four months, Nancy Stevens-Martin has helped third-graders who hadn’t mastered their multiplication tables by putting them to song. She’s worked with children having trouble counting coins. She’s helped pupils struggling to read paragraphs.

“I’ve been paid to come here because they’re here,” said Stevens-Martin, a reading and math specialist. “It feels gratifying.”

Among the transfer students making gains is Orney Walker IV, a fourth-grader who just landed the starring role in the school musical. He started the year reading picture books. Now he's choosing chapter books like Encyclopedia Brown at the school library.

Ron Orr, Pattonville's chief financial officer said his district tracks every dime collected in tuition. Support staff has been added throughout the district to help transfer students academically. With the money comes responsibility, he said.

"As those resources are coming to us, we're developing a plan to support those students the best we can," he said.

Like Pattonville, Francis Howell hired support staff to meet the needs of transfer students. In some middle and high school courses, sections were added because of course requests. The district has also added supervision for those waiting bus pickups, as well as after-school snacks.

Kirkwood is paying for activity buses so the children from Riverview Gardens can participate in after-school activities.

"It's the right thing to do," Superintendent Tom Williams said.

Ferguson-Florissant hired 10 teachers in the fall because class sizes were going to be too large due to the influx of transfer students, School Board President Paul Morris said. But the nearly \$4 million in tuition this year also could help the district erase its own budget deficit.

One school district, St. Louis Public Schools, is waiting until the end of the school year — if at all — to bill for the 27 transfer students who have attended its schools, a district spokesman said. Just two years ago, when the city district was unaccredited, school system attorneys argued that the potential transfer of tens of thousands of children would quickly lead to bankruptcy.

## SETTING LIMITS

As the tuition payments cut deeper into Normandy's dwindling reserves, some are asking whether the tuition being charged by receiving districts is too steep.

In some cases, Normandy and Riverview Gardens are paying more in per-pupil tuition than they are receiving in per-pupil revenue. It's why the two districts have 30 percent less money, but 20 percent fewer students. At the same time, there's increased pressure on them to improve.

Educators throughout the region are aware of the problem.

"To have this amount of funding come out of these districts that are already struggling just doesn't make any sense," said Dielmann of Ladue. "We're not going to decline the funding, but it is not an ideal situation."

Some argue that without a cap of tuition, the situation is unsustainable.

"We saw with Wellston exactly what happens with what's in place," said Chris Tennill, Clayton schools spokesman, referring to the failing district just outside St. Louis that

folded in 2010. When about 100 of the district's students transferred, Wellston struggled to pay the bills. Ultimately, the state dissolved the district and sent its students to Normandy.

"The law as it stands right now is forcing these unaccredited districts to hemorrhage money," Tennill said.

Others say such a cap could create an economic burden on district taxpayers to support children beyond their borders.

"Why would a nonresident, a nontaxpayer, be entitled to a better price for the same quality of education?" said Kevin Supple, chief financial officer of Francis Howell, which stands to receive \$3.4 million from Normandy this year.

### **Sustaining Normandy**

Superintendents in the region are talking about April 1 — the potential date when Normandy could become insolvent. A request for \$5 million in state funds to keep its doors open through the last day of school appears to have little traction in Jefferson City.

Normandy School Board member Terry Artis regularly votes against making the payments. He has watched as transfer tuition has almost destroyed the district's once-healthy fund balance.

"All of it to me is an affront to the taxpayers of the Normandy School District," he said. "Whether people have spent it or not is incidental. Us paying money to another school district is egregious."

A Normandy bankruptcy would trigger the immediate dislocation of its 3,000 children. Some of those students could land in school districts that are receiving transfer students and their tuition.

As a result, a few superintendents are talking about the possibility of returning some of the tuition money to keep Normandy afloat. Such action would require approval from their school boards.

"You're forced in a situation where you look at the lesser of two evils," said Knost, the Mehlville superintendent.

Someone, he said, has to step up to keep Normandy schools open, if only for the rest of the school year.

"Just dissolving everything in front of kids' eyes, there's nothing child centered about allowing that to happen," he said.

*Walker Moskop of the Post-Dispatch contributed to this report*

### **Transfer student tuition rates**

Tuition for transfer students at area districts varies widely. It is calculated based on a statutory formula that accounts for things such as operating costs and debt service.

Clayton • \$18,869 (elementary) \$20,355 (middle) \$20,768 (high school)

Brentwood • \$16,511; \$19,753

St. Louis Public Schools • \$15,658

Maplewood-Richmond Heights • \$15,088

St. Charles • \$15,038; \$10,889; \$15,254

Webster Groves • \$14,666

Ladue • \$14,535

Pattonville • \$14,406

Parkway • \$12,250; \$12,849; \$13,514

Kirkwood • \$11,523; \$12,095; \$12,367

University City • \$11,515; \$10,781; \$12,928

Jennings • \$11,500

Orchard Farm • \$11,382

Francis Howell • \$11,034

Hancock Place • \$10,846

Ferguson-Florissant • \$10,846; \$10,698

Hazelwood • \$10,430

Rockwood • \$10,073; \$10,607; \$10,712

Lindbergh • \$10,039

Fort Zumwalt • \$9,918; \$9,696; \$9,456

Ritenour • \$9,617

Wentzville • \$9,058

Mehlville • \$7,927

*Source: School districts.*

# Department Denies Normandy Expense to Sue State, Districts

**For more information, contact:**

**Sarah Potter**

Communications Coordinator

Department of Elementary and Secondary Education

**Phone: 573-751-3469**

**communications@dese.mo.gov**

**Thursday, May 22, 2014**

## ***Letter says action violates terms for local board to remain***

Based upon media reports on May 21, the Department of Elementary and Secondary Education has **notified** the Normandy School District that expenses related to a lawsuit against the State Board of Education and area school districts would not be approved.

The State Board voted unanimously in February to take financial control of the district to ensure that students would be able to finish the school year in the Normandy district. On February 26, 2014, an oversight plan was provided to the Normandy District that called for Department approval of all expenditures of the district. Further, it called for the District to notify the Department and gain approval before extending any new contracts or handling any unanticipated financial obligations. The district did not notify the Department of the cost to file such a suit. This action violates the terms in which the local school board would remain in place through the end of the school year.

"Normandy's finances are very fragile, and we need to make every effort to allow students to finish the school year in June," said Deputy Commissioner Ron Lankford.

The Department has not received the lawsuit and cannot comment on its merits.

**Editorial Section:**

**Communications**



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

**NORMANDY SCHOOL DISTRICT,** )  
**et al,** )  
 )  
 **PLAINTIFFS,** )  
 )  
**vs.** )  
 )  
**STATE OF MISSOURI;** )  
**MISSOURI STATE BOARD OF EDUCATION;** )  
**and** )  
**MISSOURI DEPARTMENT OF** )  
**ELEMENTARY AND SECONDARY** )  
**EDUCATION,** )  
 )  
 **DEFENDANTS.** )

Case No: 14SL-CC01721

Division 12

**AFFIDAVIT OF MICK WILLIS  
ASSISTANT SUPERINTENDENT OF OPERATIONS  
FOR NORMANDY SCHOOL DISTRICT**

Comes now the undersigned, Mick Willis, being first duly sworn upon his oath, and states as follows:

1. My name is Mick Willis. I am over the age of eighteen and have personal knowledge of all matters set forth herein.
2. I am the Assistant Superintendent of Operations for the Normandy School District, a position I have held since July 1, 2013.
3. Prior to becoming Assistant Superintendent of Operations for the Normandy School District, I was Chief Financial Officer for Ferguson-Florissant School District – and have, since 1995, served as chief financial officer for public school districts in the St. Louis metropolitan area.
4. As Assistant Superintendent of Operations for the Normandy School District, I am the District’s chief officer responsible for overseeing and monitoring the financial affairs of the District, including maintaining the financial books and records of the District, preparing budgets for submission and vote of the District’s Board of Education and generally overseeing the District’s revenue receipts from all sources, disbursements, tax levy rate, receipt of tax revenues, and projected financial needs and requirements for the entire District. I am directly involved in monitoring the charges and payment of tuition to other school districts for those Normandy School District children who have transferred to other accredited school districts in St. Louis County or other adjacent counties for the 2013-2014 school year. I also am directly



involved in the contracts, charges and payments for bus transportation to transport the aforesaid transferring students to the Francis Howell School District. I regularly attend District School Board meetings, provide budgets and financial information to the School Board and frequently make presentations to the Board regarding the District's budget and financial situation. I am competent and have personal knowledge to testify regarding all matters set forth in this affidavit.

5. It is in the regular course of business of Normandy School District, for an employee or representative of the District, including myself, with knowledge of the act, event, condition, or opinion recorded to make a record of all financial transactions for the District, such as receipts of income, expenditures or disbursements, or to transmit information thereof to be included in such record; and such records are made at or near the time of the act, event, condition, or opinion. I have access to and am custodian of such records of the District.

6. For the 2013-14 school year, approximately 1000 children residing in the Normandy School District have transferred to one of the Receiving Districts. About 250 of those approximate 1000 children had not attended Normandy School District in the 2012-2013 school year, which included children who had recently moved into the District before the 2013-14 school year and children who had been attending private or parochial schools. As a result, Normandy School District has paid and incurred more than \$2,000,000 in tuition payments for these 250 children who were new to the District's public school system. This expense was particularly detrimental to the District. The District receives substantial revenues from the State under the Foundation Formula, which is based in part on daily attendance figures. Generally, the greater the number of students, the greater the State Foundation Formula funds paid out. Because these approximate 250 children never attended the District in the prior school years, there was no portion of the 2013-2014 Foundation Formula payments that took these 250 children into account in the amount of Formula funds paid to the District during the 2013-2014 year – since these payments were based, in part, on historical attendance.

7. 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 tuition payments to the Receiving Districts for transferring pupils as a direct result of §167.131.

8. 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 student transferees through the dates indicated therein. I prepared Exhibit A based on the District's books and records in my custody and control and the information set forth in Exhibit A is accurate and complete based upon the District's records.

### **INCREASED TRANSPORTATION EXPENSES**

9. 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...."

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

11. On a typical school day for the 2013-14 school year, Normandy School District has paid 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.

12. Because of the number of District children transferring to Francis Howell and other school districts, the District was able to eliminate five bus routes for transporting District pupils who remained in attendance at Normandy School District schools. This resulted in some cost savings (less than \$150,000) to Normandy School District, but that savings was far outweighed by the substantial additional costs to provide transportation to Francis Howell School District. For example, for the 2013-2014 school year, the District has already paid approximately \$793,000 for bus transportation to Francis Howell School District schools thru May, 2014.

13. As a result, Normandy School District has paid and incurred over \$600,000 more in transportation expenses during the 2013-14 school year 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 within the District. These increased expenses are on-going and will continue.

14. The State of Missouri does provide some reimbursement to Missouri public school districts for the cost of transporting students pursuant to Mo.Rev.Stat. § 163.161. However, that partial reimbursement is not paid until the next school year, i.e. the reimbursement for the 2013-2014 school year expense will not be received until after the 2014-2015 school year commences. Nor will any future reimbursements under § 163.161 RSMo in any way fully reimburse Normandy School District for the hundreds of thousands of dollars of total increased transportation expenses to provide transportation to students transferring to schools within the Francis Howell School District. I am familiar with the reimbursement rates that the District has historically received under Mo.Rev.Stat. § 163.161. The reimbursement amount is based upon a percentage of the "allowable cost" of the total transportation expense. For the 2011-2012 school year, the reimbursement rate was 17.5% of the District's allowable transportation costs. For the 2012-2013 school year, the reimbursement rate was 19.4% of the District's allowable transportation expense. These reimbursement rates have been relatively consistent for many of the past school years. Thus, it is expected that the State reimbursement rate for the additional approximate \$793,000 total expense to transport children to Francis Howell School District will be less than 20% of the District's allowable costs. And again, that reimbursement will not be received until next school year.

#### **TUITION EXPENSES FOR TRANSFER STUDENTS**

15. Prior to the 2013-14 school year, the District had a healthy reserve. The District had a 19% fund balance before it began paying the tuition and transportation expenses as directed by Mo. Rev. Stat. § 167.131.

16. 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.

17. 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. See Exhibit A attached.

18. For the current 2013-14 school year, for the period from August, 2013 to March, 2014, Normandy School District has paid approximately \$7,950,000.00 in tuition payments for transferring resident children to the Receiving Districts. The total April, 2014 tuition bills from Receiving Districts is approximately \$1,217,000.00. The May, 2014 tuition bills are expected to be at or near the amount billed for April, 2014.

19. The School District recognized early in the 2013-14 school year that it would not have sufficient revenues or income to meet all of its expense and debt obligations in order to complete the school year for its attending students and to pay tuition and transportation for its transferring District students. As a result, in December, 2013, the School District closed one of its elementary schools, moved those students into other schools within the District and laid off more than 100 employees in an effort to reduce expenses in an attempt to provide education services through the end of the school year to attending pupils and to pay for tuition and transportation for transferring children. While these steps and others reduced some of the District's expenses and liabilities, the District's debts for the 2013-2014 school year exceed the District's income and revenue for the school year plus any unencumbered balances from previous years.

20. Exhibit B attached hereto and incorporated herein is my Cash Flow Projection for Normandy School District's 2013-2014 school year. As set forth in Exhibit B, I project that the District will have an approximate \$2,024,969 deficit by the end of June, 2014. (By law, the District has other funds, Debt Service and Capital Projects, but under Missouri law these funds are restricted to paying bond obligations and bond issue projects respectively, and may not be used to pay for expenses such as teacher or staff compensation, tuition payments for transferring students or bus transportation).

21. The District's financial situation will only get worse on and after July 1, 2014 through December 31, 2014. The District set a deadline of February 1, 2014 for other children residing in the District to inform us if they are transferring for the 2014-2015 school year. More than 120 new children have indicated that they intend to transfer, which would be another \$1,000,000 plus in tuition payments due to Receiving Districts. From July 1, 2014 through December 31, 2014, I am anticipating receipts of \$22 million. Expenditures during this same time will likely exceed \$23.5 million. This cash flow scenario is typical for our district. The \$2 million from the state only addresses uncovered expenses of the District through June 30, 2014. – which means July 1 reserves would at most be \$0.

22. As set forth above, the application of Mo.Rev.Stat. § 167.131's tuition payment requirements to Normandy School District burdened the District in the 2013-2014 school year

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. Even with the additional \$2 Million provided by the State, Normandy School District is left with virtually no reserves at the end of the 2013-2014 school year and will not have an ability to keep its schools open for the 2014-2015 school year if it must continue to pay the tuition expenses for transferring students under § 167.131.

**IT IS IMPOSSIBLE FOR NORMANDY SCHOOL DISTRICT TO COMPLY  
WITH ITS FINANCIAL OBLIGATIONS UNDER THE TRANSFER STATUTE**

23. The application of Mo.Rev.Stat. § 167.131 has driven the Normandy School District to the brink of financial collapse. The District has laid off more than 100 employees, closed one elementary school and taken other steps to reduce or minimize costs. As set forth above, however, the District will not have sufficient funds to continue to meet its financial obligations and remain open to provide educational services to its more than 3800 students during 2014 (and pay tuition and transportation for transferring children), nor for the entire 2014-2015 school year.

24. The application of Mo.Rev.Stat. § 167.131 has caused the District to incur more than \$10,000,000.00 on tuition and transportation expenses just for the transferring students for the 2013-14 school year. These transfer expenses have drained the District's reserves. As set forth in attached Exhibit B, the District cannot maintain financial solvency with the burden of more than \$10,000,000 of transfer expenses.

25. The Normandy School District only has limited sources of revenues to meet its day to day expenses for payroll and employee benefits, utilities, etc. plus the tuition and transportation expenses for transferring students. Even if the District raised its tax levy rates to the highest permitted by law without a new vote by District residents, the additional revenues would not even come close to providing sufficient revenues to cover the District's debts at the end of the 2013-2014 school year, nor for next school year (plus any new tax revenues would not be received for another year).

26. During the 2013-2014 school year, Normandy School District typically received about \$1.9 Million or more per month from the State of Missouri under the so-called "Foundation Formula" pursuant to Mo.Rev.Stat. § 163.031. If those funds are withheld from Normandy School District and applied by DESE to pay tuition amounts to Receiving Districts, the District will be further in debt and lack funds to continue to operate through the summer months. DESE's written "Guidance" stated that DESE intended to withhold State aid payments to the District and would pay those funds itself to Receiving Districts for overdue tuition amounts. Such payments are critical to the District's ability to meet its expenses and to continue to provide educational services. Section 163.031.1 expressly requires DESE to distribute the monthly state aid payments, i.e. the statute states DESE "shall calculate and distribute" the monthly aid payments to each school district.

## OVER-COMPENSATING THE RECEIVING SCHOOL DISTRICTS

27. For the 2013-2014 school year, about 52% of the District's revenues come from State foundation formula, § 163.031 (about 22% comes from local real and personal property taxes paid by Normandy School District taxpayers, about 8% from Proposition C revenues and the remaining 17% come from federal government and other sources.

28. The State foundation formula receipts are not nearly sufficient to pay for Normandy School District payroll and benefits for its employees and staff and the tuition and transportation expenses for transferring students. As a result, the District must use a portion of its local real and personal property tax receipts from District taxpayers to pay for the tuition expenses charged by the Receiving Districts for the 2013-2014 school year. On average, the District anticipates receiving \$11,850 per student, but anticipates its costs at \$14,900 per student. Not only is the District paying out over \$3,000 more per student than it expects to receive, but this amount is in excess of dollars received both from the state and locally

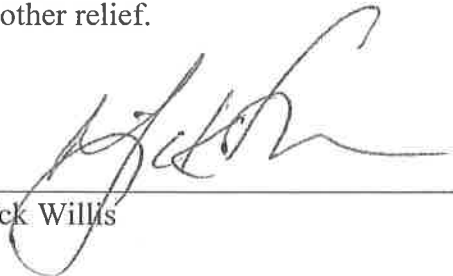
29. Reports indicate that of the 11 Receiving Districts receiving more than 90% of the tuition payments, less than half have added teachers or staff to deal with the transferring students. Hazelwood and Ritenour School District officials have indicated they are using Normandy's tuition payments for general education and instruction. In May, 2014, Ladue School District indicated it had not spent a majority of the money received. [Exhibit C, *St. Louis Post-Dispatch*, 05/22/2014]. Those three school districts alone – Hazelwood, Ritenour and Ladue – have received \$1,428,707.37 in tuition payments through March, 2014 from Normandy School District.

30. In light of the class size restrictions set by the Receiving Districts (as directed by the DESE Guidance), many of the Receiving Districts have put limits on the number of transferring children each would accept. Transferring students are also dispersed across many different grade levels at a Receiving District (e.g. transferring students can range from kindergarten to high school students, so the new students can be spread out among various different grade levels and classrooms in the Receiving District). As a result, many of the Receiving Districts have been essentially filling "empty seats" in their classrooms to increase some individual class sizes slightly, without hiring new teachers, new staff or having to build or find new classroom space. Those Receiving Districts furnish books, supplies and some other administrative services for transferring students, but the actual expenses incurred by many of the Receiving Districts is relatively minor compared to the tuition received from Normandy School District for each transferring student. Based upon my familiarity with the transfer program for the 2013-2014 school year and my familiarity and work experience with various Receiving Districts, those Receiving Districts who did not add teachers or other staff or make physical additions to schools would have expended less than \$5000 in actual out of pocket costs to provide educational services for each transferring student (while receiving per child tuition in the \$9000 to \$20,000 range).

31. In or about February, 2014, defendant Missouri State Board of Education voted to take over financial oversight of Normandy School District's financial affairs. I have been providing financial reports and other records to DESE as part of that financial oversight. This financial oversight has been in place from approximately February 26, 2014 to the present time.

32. In June, 2014, DESE asserted its financial control over the District by directing the District to pay Receiving District tuition bills for transfer students for the month of March, 2014 in the amount of \$784,128.57. (The March monthly tuition total was lower than the typical month because school was out for Spring break and tuition is based upon actual attendance days at the Receiving District schools). The Board of Education for the District had not approved payment of the \$784,128.57 in tuition bills. Citing its financial oversight, DESE directed the District to pay that amount, which was done in June, 2014.

33. On May 22, 2014, defendant Department of Elementary and Secondary Education (“DESE”) announced that it would not approve expenditures by the Normandy School District to pursue this action for declaratory judgment and other relief.

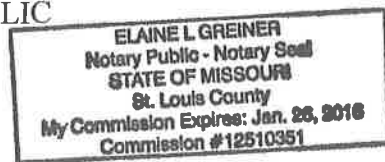
  
\_\_\_\_\_  
Mick Willis

STATE OF MISSOURI     )  
  )  
COUNTY OF ST. LOUIS    )     SS.

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:



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

	Bills Received											
	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	\$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	\$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	\$21,282.71	\$27,370.59	\$26,610.02	\$23,125.45	\$29,362.95	\$37,564.50	\$32,712.13	\$20,869.52			
MAPLEWOOD/RICHMOND HEIGHTS (21)	\$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			
PARKWAY (36)	\$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			
PATTONVILLE (25)	\$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			
RITENOUR (99)	\$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			
ROCKWOOD (2)	\$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			
UNIVERSITY CITY (85)	\$93,151.28	\$0.00	\$0.00	\$0.00	\$37,997.19	\$0.00	\$55,154.09	\$0.00	\$0.00			
Revised Oct Billing 12-18-13 & Dec Billing 3-5-14	\$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			
WEBSTER GROVES (11)	\$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			
<b>TOTAL TUITION COSTS</b>												

\* 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

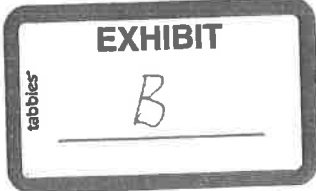
	YTD	March	February	January	December	November	October	September	August
BRENTWOOD (30)	\$399,981.39	\$41,219.16	\$50,492.60	\$49,033.80	\$42,363.87	\$51,377.74	\$64,714.42	\$59,158.88	\$41,620.92
CLAYTON (35)	\$478,699.24	\$49,061.30	\$60,749.44	\$55,660.01	\$51,890.37	\$64,379.67	\$75,395.62	\$73,569.28	\$47,993.55
FERGUSON/FLOISSANT (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	\$356,994.28	\$288,461.50	\$342,076.94	\$438,300.48	\$438,031.62	\$506,556.14	\$424,173.71
FT. ZUMWALT (1)	\$6,365.75	\$929.07	\$907.38	\$698.98	\$753.95	\$893.74	\$0.00	\$3,111.70	\$0.00
HANCOCK PLACE (1)	\$7,851.93	\$11,983.44	\$15,220.06	\$11,457.35	\$13,366.44	\$16,704.60	\$20,441.22	\$21,372.93	\$15,740.65
HAZELWOOD (17)	\$126,286.69	\$34,677.10	\$0.00	\$0.00	\$4,378.76	\$5,065.75	\$8,169.25	\$7,414.33	\$9,649.01
JENNINGS (5)	\$34,677.10	\$3,322.83	\$4,055.66	\$3,583.84	\$3,533.65	\$4,286.55	\$5,471.13	\$5,077.27	\$2,274.78
KIRKWOOD (4)	\$31,605.71	\$68,590.81	\$82,264.88	\$72,291.12	\$69,962.93	\$85,225.86	\$93,968.28	\$105,532.02	\$69,274.32
LAJUE (62)	\$647,110.22	\$81,004.35	\$12,462.21	\$9,692.83	\$9,692.83	\$11,769.86	\$15,923.93	\$13,154.55	\$8,308.14
LIMBERGH (12)	\$81,004.35	\$21,282.71	\$27,370.59	\$26,610.02	\$23,125.45	\$29,362.95	\$37,564.50	\$32,712.13	\$20,869.52
MAPLEWOOD/RICHMOND HEIGHTS (21)	\$339,519.23	\$35,771.04	\$44,167.39	\$35,138.61	\$32,677.27	\$42,665.02	\$56,657.92	\$53,851.93	\$38,989.85
PARKWAY (36)	\$301,151.96	\$63,337.13	\$82,387.11	\$69,089.00	\$64,018.20	\$89,338.34	\$114,097.73	\$109,843.13	\$38,080.03
PATTONVILLE (25)	\$655,310.46	\$1,629.31	\$1,994.87	\$1,576.27	\$1,359.94	\$1,905.74	\$3,276.51	\$2,302.01	\$1,634.09
RITENOUR (99)	\$14,678.74	\$64,137.09	\$90,335.47	\$70,250.36	\$33,394.28	\$92,016.78	\$53,193.32	\$104,931.05	\$48,465.91
ROCKWOOD (2)	\$556,724.26	\$0.00	\$0.00	\$0.00	\$37,997.19	\$0.00	\$55,154.09	\$0.00	\$0.00
UNIVERSITY CITY (85)	\$93,151.28	\$12,481.73	\$14,285.48	\$13,257.06	\$15,227.21	\$18,105.79	\$22,286.00	\$20,660.58	\$15,803.31
Revised Oct Billing 12-18-13 & Dec Billing 3-5-14	\$132,107.16	\$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
WEBSTER GROVES (11)	\$7,952,006.37	\$80,950.00	\$80,950.00	\$61,680.00	\$86,920.00	\$100,940.00	\$97,325.00	\$108,635.00	\$80,225.00
FIRST STUDENT TRANSPORTATION	\$616,675.00	\$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
<b>TOTAL FOR TUITION AND TRANSPORTATION</b>	\$8,568,681.37	\$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
<b>AMOUNT BUDGETED</b>	\$12,240,000.00	\$785,975.73	\$473,840.22	\$663,828.57	\$590,051.83	\$337,052.64	\$185,885.49	\$121,399.38	\$513,283.77
<b>PAYMENTS UNDER/(OVER) BUDGET</b>	\$3,671,318.63								

TOTAL TUITION COSTS

NORMANDY SCHOOL DISTRICT  
Cash Flow Projection for 2013-14

--- Operating Funds (General and Teachers Funds only) ---

	July	August	September	October	November	December	January	February	March	April	May	June	Total for Year
After Student Transfers													
Cash on Hand - Start of Year, July 1, 2013	\$ 9,620,696												
Projected Monthly Revenues	\$ 3,384,884	\$ 3,230,857	\$ 3,067,091	\$ 3,212,711	\$ 3,187,133	\$ 6,578,775	\$ 7,452,453	\$ 3,084,602	\$ 3,273,572	\$ 3,554,892	\$ 3,661,710	\$ 3,709,441	\$ 47,398,122
Projected Monthly Expenditures	\$ 2,073,015	\$ 3,317,663	\$ 4,953,460	\$ 5,064,402	\$ 5,201,049	\$ 6,185,820	\$ 3,229,315	\$ 4,296,135	\$ 3,890,066	\$ 3,869,244	\$ 6,694,942	\$ 10,288,675	\$ 59,043,786
Receipts Over/(Under) Spending - By Month	1,311,869	(86,806)	(1,886,369)	(1,851,691)	(2,013,916)	392,955	4,223,138	(1,211,533)	(616,494)	(314,352)	(3,033,232)	(6,559,234)	(11,645,665)
Receipts Over/(Under) Spending - Year-to-Date (Cumulative)	1,311,869	1,225,063	(661,306)	(2,512,997)	(4,526,913)	(4,133,958)	89,180	(1,122,353)	(1,738,847)	(2,053,199)	(5,086,431)	(11,645,665)	
Cash on Hand - Running Total By Month	\$ 10,932,565	\$ 10,845,759	\$ 8,959,390	\$ 7,107,699	\$ 5,093,783	\$ 5,486,738	\$ 9,709,876	\$ 8,498,343	\$ 7,881,849	\$ 7,567,497	\$ 4,534,265	\$ 2,024,969	\$ (2,024,969)
Projected Cash on Hand - End of Year June 30, 2014													\$ (2,024,969)



**ST. LOUIS POST-DISPATCH**

## TRANSFERS

### Money being paid by Normandy, Riverview Gardens to other districts not being spent



FEBRUARY 10, 2014 12:30 AM • BY ELISA CROUCH  
ECROUCH@POST-DISPATCH.COM 314-340-8119 AND  
JESSICA BOCK JBOCK@POST-DISPATCH.COM 314-340-  
8228

The 2,200 transfer students have fanned out across the St. Louis region in search of a better education than they were getting in the troubled Normandy and Riverview Gardens school districts.

And where they have gone, tuition money has followed.

So far, school systems that have enrolled the students have billed Normandy and Riverview Gardens more than \$9 million, hurting the two districts' budgets in the process. Annual tuition payments paid on behalf of the students can reach \$20,000 per child, with districts determining the amounts using a loosely defined formula in the state law.

Yet large portions of that money has not been exclusively set aside for the education of those students, particularly those who struggle academically.

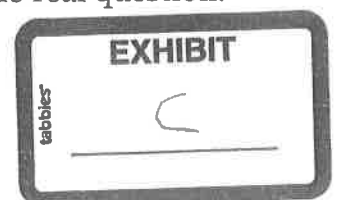
A Post-Dispatch inquiry has found that in some districts, tuition payments have instead been absorbed into districtwide budgets. And while other districts have hired additional instructors and support staff, large amounts of the tuition payments remain unspent in school district bank accounts.

There's little dispute that transfer students have created new financial burdens for the districts now paid to serve them. Like all students, they require art supplies, desks, textbooks and even paper towels.

But with few exceptions, the new students have been absorbed into existing schools without the need of more teachers and new classrooms.

The paradox has led to a larger conversation in the region and in Jefferson City about whether a limit should be placed on the amount school districts charge for tuition.

"What do they really need to do to support these kids?" said Carole Basile, dean of the College of Education at the University of Missouri-St. Louis. "That's the real question."



That debate is building as the tuition payments continue to cripple the unaccredited Normandy and Riverview Gardens districts. Without an influx of cash, Normandy could go bankrupt this spring.

Now, some superintendents in the receiving districts are questioning whether they should return part of the money to Normandy to stave off its collapse.

In 11 districts that have received 90 percent of the cash from the transfer program, fewer than half of them have added teachers and staff as the result of the influx of transfer students.

One district — Ferguson-Florissant — hired 10 new teachers directly resulting from the 440 transfer students enrolled there.

Another three districts — Francis Howell, Pattonville and Clayton — have dipped into their tuition payments to add support staff such as reading specialists, teachers aides, substitute teachers or after-school supervisors. Mehlville and Kirkwood have budgeted some tuition revenue for after-school activity buses.

Hazelwood and Ritenour officials say they're using the payments for general education instruction and programming.

While Kirkwood, Mehlville and Ladue have added teachers this year, it was in response to overall district growth and not a direct result of transfer students, officials there say.

“Of the money that we have, the majority of it we haven't spent. We've put it aside,” said Susan Dielmann, communications director for the Ladue School District. “We didn't want to count on that money. We didn't know how this would play out.”

Only University City officials did not provide answers to questions concerning the \$340,000 that the district has so far received.

### **AN UNCERTAIN SITUATION**

Last summer, the Missouri Supreme Court upheld a law that allows children in unaccredited districts to transfer to better schools at their home district's expense. The ruling led to an unprecedented migration of students from two north St. Louis County school districts into 23 higher-performing school systems across the region.

The transfer law clearly gives failing districts the responsibility of paying tuition and transportation costs for students who transfer under the statute. But it is silent in how receiving school districts spend the money.

For the most part, transfer students have been widely dispersed, with no more than a small handful in any one elementary school classroom, for example.

The Missouri education department advised districts last summer to turn transfer children away once class size limits had been met. That ability to cap class sizes has alleviated the need to hire dozens of teachers, even in districts that have accepted hundreds of transfer students.

Last summer, many school officials expressed reluctance to commit tuition funds to staff salaries, in the event either unaccredited district failed to pay tuition bills.

While the bills have been paid on time, no one is sure how long tuition payments will continue. The cost to Normandy and Riverview Gardens is expected to be about \$30 million this year. In October, the Normandy School Board voted against paying tuition bills after authorizing the closure of an elementary school and 103 layoffs to offset transfer costs. The board later reversed its decision, but concerns remain.

“We’ve received \$640,000. I don’t know if we’ll get another penny,” Mehlville Superintendent Eric Knost said. “It’s dangerous for me to make decisions, long-term contracted decisions, based solely on the dependency of this money. That’s just not sound decision-making.”

Mark Stockwell, chief financial officer for the Parkway schools, said his district also has not spent the bulk of its tuition money for similar reasons.

### **SUPPORTING STUDENTS**

But amid the funding debate, parents in the transfer program say they’re happy with the attention their children are getting in their new classrooms.

“I’ve only heard good things about the plethora of services that they didn’t have back at the home districts,” said Amanda Schneider, staff attorney at Legal Services of Eastern Missouri, whose clients include families who left Normandy and Riverview Gardens.

Carmen Summers, whose son, Jayden, transferred to Kirkwood from Riverview Gardens, says she believes he has benefited from every advantage afforded to children within the district.

“He’s able to come home and explain his homework assignments,” Summers said. “I see a big difference. It’s been beneficial.”

The academic skills of transfer children span the spectrum.

That’s true at Oakville Middle School in Mehlville, where a transfer student is part of the gifted program. For those who are behind academically, the school is able to meet their needs just as it does resident children — using existing staff.

“Some have challenges,” Principal Mike Salsman said. “We address those challenges throughout the day.”

At Rose Acres Elementary School, which has the most transfer students within the Pattonville district, two staff were hired with tuition revenue for the benefit of the 26 transfer students.

In four months, Nancy Stevens-Martin has helped third-graders who hadn’t mastered their multiplication tables by putting them to song. She’s worked with children having trouble counting coins. She’s helped pupils struggling to read paragraphs.

“I’ve been paid to come here because they’re here,” said Stevens-Martin, a reading and math specialist. “It feels gratifying.”

Among the transfer students making gains is Orney Walker IV, a fourth-grader who just landed the starring role in the school musical. He started the year reading picture books. Now he's choosing chapter books like Encyclopedia Brown at the school library.

Ron Orr, Pattonville's chief financial officer said his district tracks every dime collected in tuition. Support staff has been added throughout the district to help transfer students academically. With the money comes responsibility, he said.

"As those resources are coming to us, we're developing a plan to support those students the best we can," he said.

Like Pattonville, Francis Howell hired support staff to meet the needs of transfer students. In some middle and high school courses, sections were added because of course requests. The district has also added supervision for those waiting bus pickups, as well as after-school snacks.

Kirkwood is paying for activity buses so the children from Riverview Gardens can participate in after-school activities.

"It's the right thing to do," Superintendent Tom Williams said.

Ferguson-Florissant hired 10 teachers in the fall because class sizes were going to be too large due to the influx of transfer students, School Board President Paul Morris said. But the nearly \$4 million in tuition this year also could help the district erase its own budget deficit.

One school district, St. Louis Public Schools, is waiting until the end of the school year — if at all — to bill for the 27 transfer students who have attended its schools, a district spokesman said. Just two years ago, when the city district was unaccredited, school system attorneys argued that the potential transfer of tens of thousands of children would quickly lead to bankruptcy.

## SETTING LIMITS

As the tuition payments cut deeper into Normandy's dwindling reserves, some are asking whether the tuition being charged by receiving districts is too steep.

In some cases, Normandy and Riverview Gardens are paying more in per-pupil tuition than they are receiving in per-pupil revenue. It's why the two districts have 30 percent less money, but 20 percent fewer students. At the same time, there's increased pressure on them to improve.

Educators throughout the region are aware of the problem.

"To have this amount of funding come out of these districts that are already struggling just doesn't make any sense," said Dielmann of Ladue. "We're not going to decline the funding, but it is not an ideal situation."

Some argue that without a cap of tuition, the situation is unsustainable.

"We saw with Wellston exactly what happens with what's in place," said Chris Tennill, Clayton schools spokesman, referring to the failing district just outside St. Louis that

folded in 2010. When about 100 of the district's students transferred, Wellston struggled to pay the bills. Ultimately, the state dissolved the district and sent its students to Normandy.

"The law as it stands right now is forcing these unaccredited districts to hemorrhage money," Tennill said.

Others say such a cap could create an economic burden on district taxpayers to support children beyond their borders.

"Why would a nonresident, a nontaxpayer, be entitled to a better price for the same quality of education?" said Kevin Supple, chief financial officer of Francis Howell, which stands to receive \$3.4 million from Normandy this year.

### **Sustaining Normandy**

Superintendents in the region are talking about April 1 — the potential date when Normandy could become insolvent. A request for \$5 million in state funds to keep its doors open through the last day of school appears to have little traction in Jefferson City.

Normandy School Board member Terry Artis regularly votes against making the payments. He has watched as transfer tuition has almost destroyed the district's once-healthy fund balance.

"All of it to me is an affront to the taxpayers of the Normandy School District," he said. "Whether people have spent it or not is incidental. Us paying money to another school district is egregious."

A Normandy bankruptcy would trigger the immediate dislocation of its 3,000 children. Some of those students could land in school districts that are receiving transfer students and their tuition.

As a result, a few superintendents are talking about the possibility of returning some of the tuition money to keep Normandy afloat. Such action would require approval from their school boards.

"You're forced in a situation where you look at the lesser of two evils," said Knost, the Mehlville superintendent.

Someone, he said, has to step up to keep Normandy schools open, if only for the rest of the school year.

"Just dissolving everything in front of kids' eyes, there's nothing child centered about allowing that to happen," he said.

*Walker Moskop of the Post-Dispatch contributed to this report*

### **Transfer student tuition rates**

Tuition for transfer students at area districts varies widely. It is calculated based on a statutory formula that accounts for things such as operating costs and debt service.

Clayton • \$18,869 (elementary) \$20,355 (middle) \$20,768 (high school)

Brentwood • \$16,511; \$19,753

St. Louis Public Schools • \$15,658

Maplewood-Richmond Heights • \$15,088

St. Charles • \$15,038; \$10,889; \$15,254

Webster Groves • \$14,666

Ladue • \$14,535

Pattonville • \$14,406

Parkway • \$12,250; \$12,849; \$13,514

Kirkwood • \$11,523; \$12,095; \$12,367

University City • \$11,515; \$10,781; \$12,928

Jennings • \$11,500

Orchard Farm • \$11,382

Francis Howell • \$11,034

Hancock Place • \$10,846

Ferguson-Florissant • \$10,846; \$10,698

Hazelwood • \$10,430

Rockwood • \$10,073; \$10,607; \$10,712

Lindbergh • \$10,039

Fort Zumwalt • \$9,918; \$9,696; \$9,456

Ritenour • \$9,617

Wentzville • \$9,058

Mehlville • \$7,927

*Source: School districts.*



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

NORMANDY SCHOOL DISTRICT, )  
et al., )  
 )  
PLAINTIFFS, )  
 )  
vs. )  
 )  
STATE OF MISSOURI; )  
MISSOURI STATE BOARD OF EDUCATION; )  
and )  
MISSOURI DEPARTMENT OF )  
ELEMENTARY AND SECONDARY )  
EDUCATION, )  
 )  
DEFENDANTS. )

Case No: 14SL-CC01721

Division 12

**AFFIDAVIT OF WILLIAM H. HUMPHREY**  
**PRESIDENT, NORMANDY SCHOOL DISTRICT BOARD OF EDUCATION**

Comes now the undersigned, William H. Humphrey, being first duly sworn upon his oath, and states as follows:

1. My name is William H. Humphrey. I am over the age of eighteen and have personal knowledge of all matters set forth herein.
2. I have resided within the Normandy School District for the last 32 years.
3. I am currently the President of the Normandy School District Board of Education, a position I have held since April, 2013. The District's Board of Education currently is comprised of seven individuals, including myself, all of whom have been publicly elected by voters within the Normandy School District. I have served on the Board continuously since November, 2007.
4. The Board of Education is charged with general oversight of the entire Normandy School District, including consultation and approval of financial budgets, major expenditures and capital improvements; hiring the District superintendent and other personnel; curriculum approval; and many other aspects involving the operation and financial affairs of the School District.
5. As a member of the Board of Education, I have closely followed the impact that the transfer laws have had on Normandy School District after the Missouri Supreme Court's decision in the *Breitenfeld v. School Dist. of Clayton* case in 2013. Our Board has had many meetings concerning the impact the transfer law and the District's financial crisis as result of paying tuition and transportation costs for transferring students. Our Board has also had many

meetings to consider and implement cost reductions in an effort for the School District to be able to pay its staff and keep the schools open through the end of the 2013-2014 school year.

6. Early in the 2013-2014 school year, the Board, including myself, concluded that Normandy School District would not have sufficient funds to pay the District's teachers, staff, tuition and transportation expenses and other expenses through the end of the school year. As one of many cost-cutting measures, the Board, including myself, voted to close one of the District's elementary school buildings. Beginning in January, 2014, the District laid off more than 100 employees and transferred the elementary school students in the closed building to two other District elementary schools.

7. The Board of Education hired a new Superintendent for the District, Dr. Tyrone McNichols, who started his employment as Superintendent on July 1, 2013. Dr. McNichols had to begin his career in the District with the sudden and unbudgeted consequences of having more than 1000 District resident children transfer to other accredited school districts in St. Louis County and adjacent counties. Shortly after Dr. McNichols started with the District, the District was faced with the logistics of approximately 1000 students transferring to other districts and millions of dollars of new, unbudgeted tuition and transportation expenses.

8. Dr. McNichols and his staff have implemented many new programs, policies and ideas to improve the education and academic progress for Normandy School District pupils. I have been very excited about his plans and energy for the District, including the District's new Reformation Plan. Unfortunately, many of those efforts have been hampered by the District's financial crisis and the time and effort needed to deal with 1000 transferring children, closing a school building, laying off staff and trying to budget to survive to the end of the 2013-2014 school year.

9. As a member of the Board of Education, I thought long and hard about the appropriateness of bringing the lawsuit against the State, DESE, State Department of Education and the other parties. I received input from many other parents and friends of the District. I attended several public meetings held by DESE. The Normandy School Board had extensive deliberations concerning the legal action.

10 DESE itself recognized early on that the transfer law would cripple Normandy School District. As early as October 1, 2013, DESE's Commissioner, Chris Nicastro, testified at a joint House-Senate committee meeting as follows:

- "The costs are simply unsustainable for (the) sending districts."
- We believe it will be impossible for a sending district to continue to pay tuition under the current calculation and survive financially."

Nicastro further indicated the situation was particularly dire for the Normandy School District, and stated:

- "We believe that they [Normandy School District] are going to run out of money before the end of this school year."

[Exhibit A, October 1, 2013, *St. Louis Public Radio* article].

And in February, 2014, DESE's Deputy Education Commissioner, Ron Lankford, stated that for Normandy School District: "The potential of bankruptcy is not a matter of if. It's a matter of when." [Exhibit B attached, *St. Louis Post Dispatch*, February 18, 2014].

10A. DESE's Commissioner Nicastro has also acknowledged that the tuition payments from unaccredited to accredited District's overcompensates the Receiving Districts. For example, she has stated:

-- "We are working to get the tuition for transferred students reduced, not because we don't think the host districts deserve to be compensated, but because we think they are being compensated more than they should be. [Exhibit C attached, *St. Louis American*, April 18, 2014, p. 3].

11. The tuition and transportation expense requirements imposed upon Normandy School District by Mo.Rev.Stat. §167.131 creates an irrational and arbitrary system in which a financially struggling Normandy School District and its taxpayers are paying millions of dollars to neighboring School Districts in amounts far in excess of the actual costs incurred by the Receiving Districts to provide education services to students transferring from Normandy School District.

12. DESE itself has expected that Normandy School District's local tax revenues would have to be sent to the receiving districts to educate transferring students. [Exhibit D attached, *St. Louis Post-Dispatch*, 01/23/2014 at p. 2].

13. In February, 2014, the District's Board of Education, including myself, voted to bring this lawsuit, but to defer filing to learn whether the Missouri Legislature would revise the statutory transfer provisions to allow the District to remain open and be in financial position to improve educational performance of the District's attending students. No statutory changes to the tuition and transportation requirements were enacted into law.

14. As President of the Normandy School Board, I firmly believe that the application and effect of Mo.Rev.Stat. § 167.131 will continue to harm the provision of educational services to the more than 3000 students attending District schools.

15. The application of the transfer law in the 2013-2014 school year caused financial chaos for the District, required drastic cuts in the budget and hindered the District's ability to provide additional services to educate our children. The law will have that continuing effect in 2014-15 and beyond. That is why it is necessary for the Court to address the validity or unlawfulness of Mo.Rev.Stat. § 167.131 and its application to the children residing within the geographic boundaries of the Normandy School District.

16. The Normandy School District will not remain open if the tuition and transportation expense requirements continue to be imposed upon the District. The District will certainly be out of revenues to remain open before December 31, 2014.

17. The State of Missouri, DESE and the State Department of Education should not be allowed to halt or hinder the prosecution of this legal action, such as by denying funding for

the litigation, removing School Board members or attempting to dismiss the lawsuit as some “successor” to plaintiff Normandy School District. The Board members, including myself, were elected by the voting public to represent and look out for the best interests of the District and its students. The Board, including myself, believe it is in the best interests of the District and our students to bring this legal action to obtain a judicial declaration regarding, in part, whether Mo.Rev.Stat. § 167.131 is being applied unlawfully and unconstitutionally against the District and whether the State is violating the Hancock Amendment by the unfunded transportation mandate to transport students to the Francis Howell School District. To allow the State Defendants to retaliate or otherwise hinder or prevent this lawsuit challenging their actions would infringe on the Free Speech rights of myself as a public official speaking through his vote and support of this litigation, as well as the free speech rights of the Normandy School District, other Board members and the voters of the District who selected the Board members to act and speak and vote on their behalf on matters dealing with School District affairs such as the transfer laws.

18. The issues raised by Plaintiffs’ lawsuit in this action are likely to re-occur as to Normandy School District or any purported “successor” entity to the Normandy School District if the District remains in or returns to unaccredited status. Additionally, similar issues are capable of repetition with the two other Missouri districts: unaccredited Kansas City School District and/or Riverview Gardens School District. There are also 11 provisionally accredited Missouri public school districts, including the City of St. Louis Public Schools. Under Mo.Rev.Stat. § 167.131, any or all of these school districts could be facing the same issues dealing with the constitutionality and enforceability of the tuition and transportation expenses mandated by the transfer law

19. The State of Missouri, DESE and the Missouri Department of Education should not be allowed to hinder the prosecution of this lawsuit such as by withholding funding nor be allowed to proceed to lapse the Normandy School District under the purported authority of Mo.Rev.Stat. § 162.081 because Normandy School District has been driven to insolvency and financial distress by the unconstitutional and unlawful application of the tuition payment requirements created by the State of Missouri under Mo.Rev.Stat. § 167.131 and by the State Defendants’ knowing violation of the Missouri Constitution’s Hancock Amendment in requiring the District to pay for a new activity (transporting resident children to another school district for school attendance) without full appropriation or distribution to pay for such expenses all as set forth in Plaintiff’s Petition and Motion for Temporary Restraining Order filed in this action. It is inequitable, improper and unlawful to allow the State Defendants to hinder the prosecution of this lawsuit or lapse the District when the State Defendants’ own unlawful and unconstitutional actions created the financial distress the District now faces, including but not limited to the following:

A. In 2010, the Missouri Department of Education with DESE’s guidance lapsed another St. Louis County School District, the Wellston School District, and merged that entire school district into the Normandy School District. At the time, Normandy School District was only provisionally accredited (not fully accredited) by DESE and the Missouri Department of Education. As a result, the Normandy School District received an immediate influx of approximately 360 former Wellston School District students at various grade levels. The State Defendants did not provide any additional revenues or services (other than normal

Foundation Formula, etc. revenues) to assist Normandy School District in incorporating this sudden, large number of transfer students into the then provisionally accredited Normandy School District.

B. In light of the lapsing of the Wellston School District, DESE indicated that it would not take any actions against Normandy School District's provisional accreditation status for at least three years after the Wellston District students began attending Normandy School District schools. However, the Missouri State Board and DESE did not wait for three years, but instead designated Normandy School District as unaccredited effective January 1, 2013.

C. In July, 2013, the Missouri Supreme Court issued its decision in the *Breitenfeld v. School District of Clayton* case. DESE then issued its Guidance to the area school districts that Normandy School District (and the unaccredited Riverview Gardens School District) must pay the tuition rates as prescribed in Mo.Rev.Stat. § 167.131, must pay for transportation to at least one accredited school district and that the Receiving Districts could limit the number of potential transferring students by setting class size limits. DESE also indicated it would withhold State Foundation Formula payments from Normandy School District if the District was more than two months behind on its tuition payments and DESE would transfer the District's funds directly to any unpaid Receiving Districts.

D. Very early in the 2013-2014 school year, DESE knew that the transfer law would financially decimate the Normandy School District (see par. 10 above). By letter dated January 22, 2014, the District's Board of Education asked DESE and the Missouri Board of Education to at least take some interim steps to stop the financial destruction of the District, including some adjustment to the tuition monies payable to the Receiving Districts. (See Exhibit E attached, January 22, 2014 letter from School Board to DESE). Neither DESE nor the Missouri State Board of Education ever provided a substantive response to the School Board's request. Additionally, very early in the 2013-2014 school year, DESE was well aware of the District's alarm that the tuition rates from Receiving Districts would devastate the District's finances. At that time, I asked a DESE official if DESE could lower the Receiving District tuition charges submitted to Normandy School District pursuant to § 167.131 RSMo regarding disputes regarding the tuition calculation and the DESE official replied that the provision only applied to things like mathematical errors in computing the tuition rate to be charged by the Receiving District.

E. The State of Missouri, Missouri State Board of Education and DESE knew (or absolutely should have known) that Mo.Rev.Stat. § 167.131's requirement for Normandy School District to pay for transporting students to Francis Howell School District was an unfunded mandate in violation of the Hancock Amendment to the Missouri Constitution. (In the *Breitenfeld* case, the Missouri Supreme Court noted that the State of Missouri conceded that the transportation requirement to another school district was a "new activity" under the Hancock Amendment. 399 S.W.3d 816, 833). Rather than observe the Constitutional requirement, the State Defendants allowed Normandy School District to pay and incur hundreds of thousands of dollars in additional transportation expenses to transport children via eighteen bus routes to Francis Howell School District.

F. DESE has indicated in the past that Normandy School District's financial insolvency (when they run out of money), will require the lapse of the District. As set forth in Plaintiff's Petition and Motion for Temporary Restraining Order, the District's financial collapse has been caused by the application of the State's unconstitutional and unlawful tuition and transportation statutes applied to the District. The Normandy School District should not be lapsed by the unconstitutional and unlawful laws and procedures imposed by the State Defendants.

G. The complete lapse of Normandy School District is also not necessary to improve the educational services to our students. As set forth above, the District recently hired a new Superintendent and developed a new Reformation Plan. There are many ways that DESE and the Missouri Board of Education could work together with the Normandy School District to improve the educational process and results for our students without lapsing the District due to the application of unconstitutional and unlawful laws relating to the tuition payments and transportation expenses.

20. A copy of the Missouri State Board of Education's Resolution lapsing the District (as published on DESE's website) is attached hereto as Exhibit F.

21. In making the aforesaid decision to lapse the Normandy School District, the Missouri State Board of Education did not hold any type of hearing at which parties testified under oath or in which the District was allowed to present opposing evidence or contest the State Board's facts, reasoning or decision.

22. The Missouri State Board of Education had previously classified Normandy School District as unaccredited on or about September 18, 2012, with that classification effective January 1, 2013. At that time, the Missouri State Board of Education did not set forth any date for the lapse of Normandy School District.

23. On and after January 1, 2013 through the present time, the Missouri State Board of Education has not appointed any type of special administrative board to operate any part of the District. Rather, the publicly elected seven-member school board has continually served as the school board for the District at all times from January 1, 2013 through the present time.

24. Plaintiffs will suffer immediate and irreparable injury, loss or damage if the State Defendants are allowed to unlawfully lapse and eliminate a public school district in direct violation of the time periods mandated by §162.081.4 (RSMo, 2013 Cum. Supp.) and deny the District the Legislatively specified time period to seek to regain accreditation.

25. Plaintiffs will suffer immediate and irreparable injury, loss or damage if the District must make further tuition payments to Receiving Districts in that the continued payment of the prescribed tuition amounts to the Receiving Districts will continue to decimate the District's finances, will wipe out any reserve funds, and will prevent the District from continuing to operate in the future. In June, 2014, DESE asserted its financial control over the District by directing the District to pay Receiving District tuition bills for transfer students for the month of March, 2014 in the amount of \$784,128.57. (The March monthly tuition total was lower than the

typical month because school was out for Spring break and tuition is based upon actual attendance days at the Receiving District schools). The Board of Education for the District had not approved payment of the \$784,128.57 in tuition bills. Citing its financial oversight, DESE directed the District to pay that amount, which was done in June, 2014.

26. Normandy School District, the other Plaintiffs and the citizens and pupils of the District will suffer immediate and irreparable injury, loss or damage, and be prevented or hindered from access to the courts and obtaining a judicial determination of the statutory scheme that has driven the District to insolvency, if the State Defendants are allowed to deny funding for the prosecution of this lawsuit, control the prosecution of the lawsuit (such as by removing current members from the Board of Education, attempting to dismiss the Normandy School District as a party to the lawsuit) or otherwise taking steps to avoid or hinder a judicial determination of the legal issues raised in this action.

27. Normandy School District and its attending students will suffer immediate and irreparable injury, loss or damage if the Missouri State Board of Education, State of Missouri and DESE are not enjoined from lapsing the District. Normandy School District faces the imminent threat (by June 30, 2014) of being eliminated as a legal entity, a political subdivision of the State of Missouri, and such a result would:

A. Substantially disrupt and harm the administration of educational services for children attending or planning to attend District Schools for the 2014-2015 school year. Due to the chaos and uncertainty created by a lapse and State takeover, more students can be expected to transfer out of the District, further exacerbating the District's financial condition due to continuing payments of millions of dollars in tuition and transportation expenses under § 167.131 RSMo. The termination of all teacher and other employee contracts as mandated by the State Board (Exhibit F hereto) will cause many District teachers and other employees to seek other employment and may leave little or no time for the District to hire new staff needed to operate the school system.

B. Any new special administrative board would have the impossible task in less than two months to prepare for a new school year, hire or rehire an entire group of teachers and staff for the whole District, determine financial needs, budget, plan a curriculum and initiate steps for attempting to make academic progress for the District and its students;

28. Normandy School District and its students cannot be compensated for the losses associated with the unlawful attempt to lapse the District effective June 30, 2014 because the lapse would eliminate the Normandy School District and its publicly appointed Board of Education, and substantially harm the educational services offered to children attending District schools.

29. Further, affiant sayeth not.

*William H. Humphrey*  
William H. Humphrey

STATE OF MISSOURI     )  
  )  
COUNTY OF ST. LOUIS    )     SS.

Subscribed and sworn to before me this 12 day of June, 2014.

*Janice F. Ingram-Phillips*  
NOTARY PUBLIC

My Commission Expires:

Janice F. Ingram-Phillips  
Notary Public - Notary Seal  
State of Missouri  
St. Louis City  
My Commission Expires 8/09/2014  
Commission# 10458903





**ST. LOUIS POST-DISPATCH**

## TRANSFERS

### Money being paid by Normandy, Riverview Gardens to other districts not being spent



FEBRUARY 10, 2014 12:30 AM • BY ELISA CROUCH  
ECROUCH@POST-DISPATCH.COM 314-340-8119 AND  
JESSICA BOCK JBOCK@POST-DISPATCH.COM 314-340-  
8228

The 2,200 transfer students have fanned out across the St. Louis region in search of a better education than they were getting in the troubled Normandy and Riverview Gardens school districts.

And where they have gone, tuition money has followed.

So far, school systems that have enrolled the students have billed Normandy and Riverview Gardens more than \$9 million, hurting the two districts' budgets in the process. Annual tuition payments paid on behalf of the students can reach \$20,000 per child, with districts determining the amounts using a loosely defined formula in the state law.

Yet large portions of that money has not been exclusively set aside for the education of those students, particularly those who struggle academically.

A Post-Dispatch inquiry has found that in some districts, tuition payments have instead been absorbed into districtwide budgets. And while other districts have hired additional instructors and support staff, large amounts of the tuition payments remain unspent in school district bank accounts.

There's little dispute that transfer students have created new financial burdens for the districts now paid to serve them. Like all students, they require art supplies, desks, textbooks and even paper towels.

But with few exceptions, the new students have been absorbed into existing schools without the need of more teachers and new classrooms.

The paradox has led to a larger conversation in the region and in Jefferson City about whether a limit should be placed on the amount school districts charge for tuition.

"What do they really need to do to support these kids?" said Carole Basile, dean of the College of Education at the University of Missouri-St. Louis. "That's the real question."



That debate is building as the tuition payments continue to cripple the unaccredited Normandy and Riverview Gardens districts. Without an influx of cash, Normandy could go bankrupt this spring.

Now, some superintendents in the receiving districts are questioning whether they should return part of the money to Normandy to stave off its collapse.

In 11 districts that have received 90 percent of the cash from the transfer program, fewer than half of them have added teachers and staff as the result of the influx of transfer students.

One district — Ferguson-Florissant — hired 10 new teachers directly resulting from the 440 transfer students enrolled there.

Another three districts — Francis Howell, Pattonville and Clayton — have dipped into their tuition payments to add support staff such as reading specialists, teachers aides, substitute teachers or after-school supervisors. Mehlville and Kirkwood have budgeted some tuition revenue for after-school activity buses.

Hazelwood and Ritenour officials say they're using the payments for general education instruction and programming.

While Kirkwood, Mehlville and Ladue have added teachers this year, it was in response to overall district growth and not a direct result of transfer students, officials there say.

“Of the money that we have, the majority of it we haven't spent. We've put it aside,” said Susan Dielmann, communications director for the Ladue School District. “We didn't want to count on that money. We didn't know how this would play out.”

Only University City officials did not provide answers to questions concerning the \$340,000 that the district has so far received.

### **AN UNCERTAIN SITUATION**

Last summer, the Missouri Supreme Court upheld a law that allows children in unaccredited districts to transfer to better schools at their home district's expense. The ruling led to an unprecedented migration of students from two north St. Louis County school districts into 23 higher-performing school systems across the region.

The transfer law clearly gives failing districts the responsibility of paying tuition and transportation costs for students who transfer under the statute. But it is silent in how receiving school districts spend the money.

For the most part, transfer students have been widely dispersed, with no more than a small handful in any one elementary school classroom, for example.

The Missouri education department advised districts last summer to turn transfer children away once class size limits had been met. That ability to cap class sizes has alleviated the need to hire dozens of teachers, even in districts that have accepted hundreds of transfer students.

Last summer, many school officials expressed reluctance to commit tuition funds to staff salaries, in the event either unaccredited district failed to pay tuition bills.

While the bills have been paid on time, no one is sure how long tuition payments will continue. The cost to Normandy and Riverview Gardens is expected to be about \$30 million this year. In October, the Normandy School Board voted against paying tuition bills after authorizing the closure of an elementary school and 103 layoffs to offset transfer costs. The board later reversed its decision, but concerns remain.

“We’ve received \$640,000. I don’t know if we’ll get another penny,” Mehlville Superintendent Eric Knost said. “It’s dangerous for me to make decisions, long-term contracted decisions, based solely on the dependency of this money. That’s just not sound decision-making.”

Mark Stockwell, chief financial officer for the Parkway schools, said his district also has not spent the bulk of its tuition money for similar reasons.

### **SUPPORTING STUDENTS**

But amid the funding debate, parents in the transfer program say they’re happy with the attention their children are getting in their new classrooms.

“I’ve only heard good things about the plethora of services that they didn’t have back at the home districts,” said Amanda Schneider, staff attorney at Legal Services of Eastern Missouri, whose clients include families who left Normandy and Riverview Gardens.

Carmen Summers, whose son, Jayden, transferred to Kirkwood from Riverview Gardens, says she believes he has benefited from every advantage afforded to children within the district.

“He’s able to come home and explain his homework assignments,” Summers said. “I see a big difference. It’s been beneficial.”

The academic skills of transfer children span the spectrum.

That’s true at Oakville Middle School in Mehlville, where a transfer student is part of the gifted program. For those who are behind academically, the school is able to meet their needs just as it does resident children — using existing staff.

“Some have challenges,” Principal Mike Salsman said. “We address those challenges throughout the day.”

At Rose Acres Elementary School, which has the most transfer students within the Pattonville district, two staff were hired with tuition revenue for the benefit of the 26 transfer students.

In four months, Nancy Stevens-Martin has helped third-graders who hadn’t mastered their multiplication tables by putting them to song. She’s worked with children having trouble counting coins. She’s helped pupils struggling to read paragraphs.

“I’ve been paid to come here because they’re here,” said Stevens-Martin, a reading and math specialist. “It feels gratifying.”

Among the transfer students making gains is Orney Walker IV, a fourth-grader who just landed the starring role in the school musical. He started the year reading picture books. Now he's choosing chapter books like Encyclopedia Brown at the school library.

Ron Orr, Pattonville's chief financial officer said his district tracks every dime collected in tuition. Support staff has been added throughout the district to help transfer students academically. With the money comes responsibility, he said.

"As those resources are coming to us, we're developing a plan to support those students the best we can," he said.

Like Pattonville, Francis Howell hired support staff to meet the needs of transfer students. In some middle and high school courses, sections were added because of course requests. The district has also added supervision for those waiting bus pickups, as well as after-school snacks.

Kirkwood is paying for activity buses so the children from Riverview Gardens can participate in after-school activities.

"It's the right thing to do," Superintendent Tom Williams said.

Ferguson-Florissant hired 10 teachers in the fall because class sizes were going to be too large due to the influx of transfer students, School Board President Paul Morris said. But the nearly \$4 million in tuition this year also could help the district erase its own budget deficit.

One school district, St. Louis Public Schools, is waiting until the end of the school year — if at all — to bill for the 27 transfer students who have attended its schools, a district spokesman said. Just two years ago, when the city district was unaccredited, school system attorneys argued that the potential transfer of tens of thousands of children would quickly lead to bankruptcy.

## SETTING LIMITS

As the tuition payments cut deeper into Normandy's dwindling reserves, some are asking whether the tuition being charged by receiving districts is too steep.

In some cases, Normandy and Riverview Gardens are paying more in per-pupil tuition than they are receiving in per-pupil revenue. It's why the two districts have 30 percent less money, but 20 percent fewer students. At the same time, there's increased pressure on them to improve.

Educators throughout the region are aware of the problem.

"To have this amount of funding come out of these districts that are already struggling just doesn't make any sense," said Dielmann of Ladue. "We're not going to decline the funding, but it is not an ideal situation."

Some argue that without a cap of tuition, the situation is unsustainable.

"We saw with Wellston exactly what happens with what's in place," said Chris Tennill, Clayton schools spokesman, referring to the failing district just outside St. Louis that

folded in 2010. When about 100 of the district's students transferred, Wellston struggled to pay the bills. Ultimately, the state dissolved the district and sent its students to Normandy.

"The law as it stands right now is forcing these unaccredited districts to hemorrhage money," Tennill said.

Others say such a cap could create an economic burden on district taxpayers to support children beyond their borders.

"Why would a nonresident, a nontaxpayer, be entitled to a better price for the same quality of education?" said Kevin Supple, chief financial officer of Francis Howell, which stands to receive \$3.4 million from Normandy this year.

### **Sustaining Normandy**

Superintendents in the region are talking about April 1 — the potential date when Normandy could become insolvent. A request for \$5 million in state funds to keep its doors open through the last day of school appears to have little traction in Jefferson City.

Normandy School Board member Terry Artis regularly votes against making the payments. He has watched as transfer tuition has almost destroyed the district's once-healthy fund balance.

"All of it to me is an affront to the taxpayers of the Normandy School District," he said. "Whether people have spent it or not is incidental. Us paying money to another school district is egregious."

A Normandy bankruptcy would trigger the immediate dislocation of its 3,000 children. Some of those students could land in school districts that are receiving transfer students and their tuition.

As a result, a few superintendents are talking about the possibility of returning some of the tuition money to keep Normandy afloat. Such action would require approval from their school boards.

"You're forced in a situation where you look at the lesser of two evils," said Knost, the Mehlville superintendent.

Someone, he said, has to step up to keep Normandy schools open, if only for the rest of the school year.

"Just dissolving everything in front of kids' eyes, there's nothing child centered about allowing that to happen," he said.

*Walker Moskop of the Post-Dispatch contributed to this report*

### **Transfer student tuition rates**

Tuition for transfer students at area districts varies widely. It is calculated based on a statutory formula that accounts for things such as operating costs and debt service.

Clayton • \$18,869 (elementary) \$20,355 (middle) \$20,768 (high school)

Brentwood • \$16,511; \$19,753

St. Louis Public Schools • \$15,658

Maplewood-Richmond Heights • \$15,088

St. Charles • \$15,038; \$10,889; \$15,254

Webster Groves • \$14,666

Ladue • \$14,535

Pattonville • \$14,406

Parkway • \$12,250; \$12,849; \$13,514

Kirkwood • \$11,523; \$12,095; \$12,367

University City • \$11,515; \$10,781; \$12,928

Jennings • \$11,500

Orchard Farm • \$11,382

Francis Howell • \$11,034

Hancock Place • \$10,846

Ferguson-Florissant • \$10,846; \$10,698

Hazelwood • \$10,430

Rockwood • \$10,073; \$10,607; \$10,712

Lindbergh • \$10,039

Fort Zumwalt • \$9,918; \$9,696; \$9,456

Ritenour • \$9,617

Wentzville • \$9,058

Mehlville • \$7,927

*Source: School districts.*

## Education commissioner Nicastro talks about Missouri's crisis in public education

By Chris King Of The St. Louis American | Posted: Friday, April 18, 2014 10:35 am

This morning, Missouri Commissioner of Education Chris Nicastro has on her desk 102 pages of the House committee substitute for the Senate committee substitute for a Senate bill that could make – or break – public education in Missouri.

She had not yet read the bill when she spoke to *The American* to update the community on pressing issues in urban education, though she knows the legislation is sure to go through more changes before it lands – if it does land – on the desk of Gov. Jay Nixon, who may – or may not – be willing to sign it into law.

At this precarious and uncertain moment, Nicastro spoke to us about St. Louis Public Schools being reauthorized as a transitional district, the school transfer crisis, tuition vouchers for faith-based schools, and whether public education in Missouri is headed for a “Mad Max Beyond Thunderdome” doomsday scenario.

*The St. Louis American:* The state school board just authorized St. Louis Public Schools to continue for two more years as a transitional district and it was barely treated as news in St. Louis.

**Commissioner of Education Chris Nicastro:** If people had perceived it as a bad thing, it would have been. I know the elected board would like the district to go back under their authority. I have had, and we continue to have, conversations with the elected board. The fact that they have stayed together and remained engaged is commendable.

Having said that, most of us are of the mind that the Special Administrative Board has established good stability in the district. While we are all disappointed with the pace of academic performance improvement, generally people are satisfied with fiscal management and oversight of the district.

Kelvin Adams would be the first to tell you they still have a long way to go, and we agree with that. But it is our opinion, and the state board concurred, that having stability there is good.

*The American:* Tell us about the status of the transfer student bill.

**Chris Nicastro:** I have on my desk 102 pages of the House committee substitute for the Senate committee substitute for Senate Bill 493 *et. al.* – the big bill that came out of the Senate. It has all kinds of things in there: transfer students, other school issues, charter school stuff. I just got the House committee substitute and have not had a chance to review it.





well as have the governor sign it. There is talk of vouchers, and it is clear what his position is on that.

*The American: By vouchers, do you mean tax relief for parents who send their student to private school, even if it's a faith-based school?*

**Chris Nicastro:** I'm anxious to read the bill and see what's in there on that. Most legislators realize there is a problem with the Blaine Amendment if you start sending public money to faith-based schools. Some only want vouchers for non-sectarian schools, and that appeases some people. We may be in a position where we have to take the worst among a bunch of bad solutions in order to get things done.

*The American: Many parents in host districts are complaining that their students are in larger classrooms, because of the transfer students. What do you say to them?*

I don't hear directly from them. They are focused on their local school districts. There is no reason for that situation. Those districts are getting more than sufficient money to afford to hire additional teachers. If parents are seeing a negative impact, that's an issue with the districts that could be addressed – and I have said that to superintendents. We are working to get the tuition for transfer students reduced, not because we don't think the host districts deserve to be compensated, but because we think they are being compensated more than they should be.

I am working here in the middle territory, between those who are typically called “school reformers,” who want to throw away public school, and those who think the status quo is fine. Neither is right. We have to have public schools. It's one of the bedrocks of our country and our communities. It's an equity issue – without public schools, there is no equity. Without public schools, only those who have money will have education. I can't conceive of a time when we go back to that approach.

But I am also past the point of telling the status quo folks, the people who don't want anything to change, that “folks, we have choice in our system already.” They can't keep arguing willy nilly against school choice. It's gratuitous by now.

We have charter schools – which are, by the way, public. Should we insist on quality? No question, but they exist and I don't think they will go away. Does the system need to change? Absolutely, but at the end of this, there has to be some option for parents to send their children somewhere else if their school district is failing.

And, frankly, I tell anyone arguing against some constrained, well-orchestrated, well-designed school choice option that they need to meet with parents and look them in the eye and tell them, “Your children don't deserve to go to a good school.” I am sorry if I am making it personal, but it is very personal. It is very emotional.

But the House worked to craft this substitute bill, and it's our understanding that it's going to be a priority for the House this coming week. If it's different than the Senate version, and I expect it is, this would have to go back to the Senate.

It's getting close to the end of the session, and the department has been clear from the beginning that it's *so* critical to have a tuition calculation fix, in order to have specific monies available in the community left to support schools in that community. Aside from that, there may be a lot of stuff in there.

*The American: We have written that this could lead to a domino effect of one bankrupt public school district falling after another. Do you feel in the pit of your stomach that we would be facing a kind of "Mad Max Beyond Thunderdome" for public education in Missouri?*

**Chris Nicastro:** Certainly, I would have fears if we keep attaching one district to another. If Normandy goes bankrupt and you assign all those children to a neighboring district, at some point you reach the end of that game.

There may be some people who think that's exactly what should happen. But if you look at the numbers of children, Normandy has 4,000 students. What happens to neighboring school districts if you assign these 4,000 kids to their population? What does their performance look like? What is the impact of that?

So we can't keep attaching one district to another. Even if it worked, it's not the right thing to do. It's really important to have schools in a community. You can't just close all the school buildings and ship the kids out and hope to have any viable community left for them to go home to at night. The relationship between school and home is important. Sadly, a lot kids bring baggage when they come to school, but the message can't be that there no longer will be schools in their community. I don't think anyone is prepared to deliver that message.

*The American: In your department's proposal of an alternative district for unaccredited districts, can you save these schools?*

**Chris Nicastro:** Only if we maintain taxing authority in that community. You have to have enough money to operate something. Those are the questions that need wrestling with, those are the questions the Transition Task Force is wrestling with. Under what structure do you maintain the schools that are there? – that's the question we are wrestling with.

And we don't have much time. The session is over in four weeks, and our board meeting is the Monday and Tuesday after the session. We can't do anything definite until Legislature is done, because we can't come out there with a plan only to have it undone by what they decide to do.

We need a transfer tuition fix, but it's clear we are not going to get a tuition fix by itself. The key is what else comes with that, and whether they can move that through the House and Senate, as

# TRANSFERS

## Normandy schools face sobering short-term realities as long-term plans are debated



5 HOURS AGO • BY ELISA CROUCH ECROUCH@POST-DISPATCH.COM 314-340-8119

**NORMANDY** • Normandy schools Superintendent Ty McNichols sat through a half-hour presentation Wednesday in which state education officials ran through various long-term proposals for his and other troubled school districts.

Then he asked the more immediate question.

Had anyone, McNichols wondered, considered what will happen to the 3,000 students in his schools, and Normandy's 1,000 transfer students throughout the region, if his district runs out of money before April?

The answer McNichols got wasn't the one he wanted. Education Commissioner Chris Nicastro referred him to a state statute that spells out what would automatically take place — its thousands of students would be sent to other districts.

When Normandy becomes insolvent, "the district becomes lapsed," Nicastro said, inside a meeting room packed with parents, community members and school district staff. "Once that happens, the state Board of Education has the responsibility to decide what happens to the children of Normandy, where they would go to school."

But absent from that state law are any details for where the money would come from to educate Normandy's students if they're assigned to other districts.

Those uncertainties highlight the struggles state officials face as they attempt to address the financial decline of the Normandy School District. At the same time, they are working to craft a long-term overhaul of how Missouri deals with its failing school districts.

The school system in north St. Louis County is expected to become the first to buckle under the weight of the school transfer statute, which allows children in unaccredited school districts to transfer to better schools at their home district's expense.

Normandy was financially solvent and stable prior to last summer's state Supreme Court ruling that upheld the transfer law, Nicastro said. But the resulting \$1.3 million in monthly tuition and transportation expenses has the district spending down its savings, potentially leaving it unable to meet payroll expenses by April.



McNichols has appeared before lawmakers numerous times in recent months to talk about efforts to improve literacy and strengthen academics in the midst of the financial challenges. This week, Nicasastro told an appropriations committee that it would be in the best interest of Normandy children to allow them to stay put until the end of the school year.

Gov. Jay Nixon has requested \$5 million from the Legislature to get Normandy schools through June. On Wednesday, Senate Education Committee Chairman David Pearce, R-Warrensburg, said getting that request through the Legislature would be an uphill battle. It would set precedence that lawmakers should be wary of, he said.

### **PLANS ON THE TABLE**

Meanwhile, members of the Senate Education Committee heard public testimony Wednesday regarding five bills that would modify provisions to school transfers, school accreditation and charter schools. A Normandy schools administrator told them that even if the district could survive this school year, it would face the insolvency issue again next year unless tuition amounts were capped.

Others pushed lawmakers to broaden the law to allow for more school choice.

“We would like to see the transfer statute amended so that kids can transfer into charter schools,” said Earl Simms, of the Missouri Charter Public School Association.

Inside the Normandy board room, Nicasastro reiterated the short-term uncertainty, despite what happens with the transfer law this session.

“The big urgency around that is the funding,” Nicasastro said. “If the Legislature does not appropriate the money, the district will lapse by law.”

The state has some experience in having to relocate thousands of children when schools close. In 2012, the State Board of Education voted to close six charter schools in St. Louis — the Imagine charter schools — after years of academic failure. Most of the 3,500 children enrolled in St. Louis Public Schools the following fall.

But placing students within city district schools was a given, considering the six Imagine schools were situated in St. Louis. In the case of Normandy, students could be parceled out to other schools throughout the region within the next two or three months.

### **PAYING THE BILLS**

McNichols asked if other school districts would have to take on the costs of educating Normandy students with their current revenue. Nicasastro said it was likely that local tax revenue from Normandy would be sent to those districts to pay for teachers.

“Would it be enough to pay the bills?” McNichols asked.

“It would have to be,” Nicasastro responded.

Although Normandy is at the epicenter of the school transfer situation, the threat of insolvency could play out next year in the unaccredited Riverview Gardens district if the transfer law remains the same. On the other side of the state, students in the

unaccredited Kansas City Public Schools are expected to begin transferring to higher-performing districts in the fall.

Across Missouri, more than 62,000 children attend school in unaccredited or provisionally accredited school systems, which the state rates based on academics, graduation rates and other performance measures.

Last year, the Legislature gave the Missouri Board of Education broader authority to intervene in these districts. Nicaastro intends to present her plan to the board on Feb. 18.

She and other top state education officials also appeared Wednesday before the Special Administrative Board in Riverview Gardens to present the six proposals they are considering as they craft this plan. They include proposals from the state's superintendents, the Indianapolis-based Cities for Education Entrepreneurship Trust and the Missouri Charter Public Schools Association.

In Normandy and Riverview Gardens, some aspects of the proposals were met with skepticism by local school board members. The meetings did not seek comments directly from the public.

Both districts have student populations that are overwhelmingly black and come from impoverished households. Decades of school improvement efforts by the Missouri education department have resulted in little to no progress in erasing the achievement gap that persists between black and white children, as well as across income levels, in schools across the state.

Some asked why they should believe any new plan would produce better results.

"The gross insensitivity to my school district is appalling," Normandy School Board member Terry Artis said. He pressed Nicaastro to resign.

Board member Henry Watts later added: "I don't feel that those who are making the decisions are making decisions that are in the best interest of this district. If you lapse a district you can destroy a community."

After the meeting, McNichols said he needed more time and resources to turn around the district. Results of benchmark tests show students are learning, he said. Behavior is better. "We're seeing progress already."

But the district recently laid off 103 staff — most of them teachers — and closed an elementary school to help make ends meet. Though that bought the district more time, it's not enough to get it through the last day of school. It's not even enough to get the district to April, when students take the Missouri Assessment Program — the test that determines a district's state rating.

And that's the part that appeared to worry McNichols the most on Wednesday.

"Kids want to know, are they going to have graduation here or somewhere else?" he said. "Are they going to have prom? I don't know what to tell them."

*Alex Stuckey of the Post-Dispatch contributed to this report.*



Normandy School District  
3855 Lucas and Hunt Road  
St. Louis, Missouri 63121-2919  
314-493-0400 (Phone) 314-493-0475 (Fax) [www.normandysd.org](http://www.normandysd.org) (Website)  
Tyrone McNichols, Ed.D.  
Superintendent of Schools

---

January 22, 2014

Dr. Chris L. Nicaastro  
Commissioner  
Department of Elementary and Secondary Education  
205 Jefferson Street  
Jefferson City, MO 65102

Re: Student Transfer Tuition

Dear Dr. Nicaastro:

On behalf of the Normandy School District, we wanted to propose a revision to DESE's "Guidance for Student Transfers from Unaccredited Districts to Accredited Districts." ("Guidance").

Our proposal would address the fact that millions of dollars of our School District revenues will be paid to the receiving districts in the 2013-14 school year in amounts that **far exceed** the actual costs incurred by the receiving districts. Our proposal would not affect the receiving districts from getting fully reimbursed, but would delay the payment of the "excess" amounts to give the Legislature a chance to adopt new provisions to address student transfers and student transfer funding. In this way, it may be possible for the Legislature to enact new provisions that in part would allow the excess amounts be returned to the sending districts.

Paragraph 10 of the Guidance provides that receiving district's tuition charge is calculated as prescribed in Section 167.131 RSMo based upon hours of actual attendance. Paragraph 11 of the Guidance provides that unaccredited districts should remit payments within 10 business days after receiving their monthly state aid distribution, and the failure to do so for two successive months will result in the Department withholding the tuition amounts due and distributing those amounts to the receiving districts.

We think it is clear to everyone involved in the school transfer process that the tuition payments made to receiving districts will greatly exceed the actual costs incurred by the receiving districts. For the most part, receiving districts have followed Guidance paragraphs 1 and 2 in setting class size standards that have resulted in little or no physical or personnel changes for the receiving district. As a result, we would suspect that most receiving districts may incur a relatively nominal increase in per student transfer costs (e.g. less than \$1000) while eligible to receive windfall full tuition reimbursement rates (e.g. \$10,000 or more). For convenience, we will refer to the difference between the receiving districts actual costs and the tuition payment received as the "surplus tuition payment."



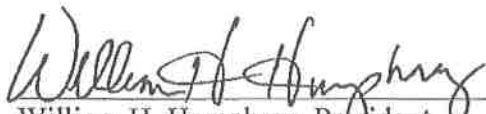
Everyone seems to be in agreement that the school transfer issues are on the Legislature's agenda. We do, however, have a concern that a Legislative "solution," if one is agreed upon, may not come soon enough for our struggling districts. One major concern is that Normandy and Riverview Gardens will never be able to recover the surplus tuition payments, which could very well exceed \$20,000,000 for the 2013-14 school year. Indeed, the receiving districts may believe they would not be permitted to transfer those funds back to the sending districts. It would be grossly unfair to the unaccredited Districts and our students, parents and staff to transfer more than \$20,000,000 in educational revenues to more than 15-20 receiving school districts whose expenses will have been fully reimbursed. Those surplus tuition payments are desperately needed in our school districts to continue in our efforts to improve our education systems and to regain accreditation.

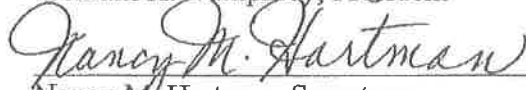
Therefore, we would request that the Department revise its Guidelines to provide that the receiving districts be fully reimbursed for their actual additional transfer student expenses, but that any excess would be held by the Department until August 30, 2014 to allow for the Legislature to hopefully enact new statutory provisions to address school transfers and school transfer funding.\* In this way, it would be hoped that the Legislature would adopt provisions allowing the surplus tuition payments to be returned to the sending districts.

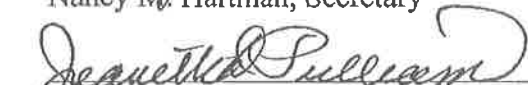
We would hope that the Department would give full and prompt attention to this proposal. We would look forward to meeting with you or the Department at any time to discuss this proposal further. Thank you.

Sincerely,

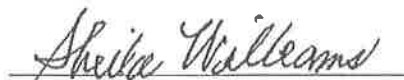
NORMANDY SCHOOL DISTRICT  
BOARD OF EDUCATION

  
William H. Humphrey, President

  
Nancy M. Hartman, Secretary

  
Jeanette D. Pulliam, Director

  
Henry Watts, Director

  
Sheila Williams, Vice President

  
Joyce R. McRath, Treasurer

  
Terry J. Artis, Director

\*We want to add that this proposal is not any type of solution to our District's financial distress caused by the implementation of Section 167.131. Additionally, in making this proposal, the District is reserving its right to challenge the statute and the DESE Guidelines in any respect under the law in the future.

## Resolution of the State Board of Education

WHEREAS, Article IX, Section 1(a) of the Constitution of the State of Missouri requires that a free public school system provide for the gratuitous instruction of all persons in this state under the age of twenty-one years; and

WHEREAS, Article IX Section 2(a) vests the supervision of instruction in the public schools in the State Board of Education; and

WHEREAS, Missouri Law, Section 162.081 (RSMo, 2013 Cum Supp), provides that, upon a district's initial classification or reclassification as unaccredited, that the State Board of Education shall review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or determine the date the district shall lapse and determine an alternative governing structure for the district; and

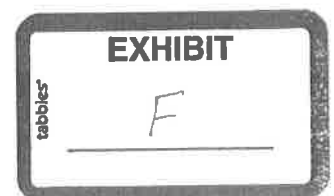
WHEREAS, the State Board of Education on September 18, 2012, classified the Normandy School District as unaccredited, with the classification effective January 1, 2013; and

WHEREAS, the Normandy Transition Task Force was appointed by the Commissioner of Education, with findings received by the Department of Elementary and Secondary Education on May 12, 2014; and

WHEREAS, the Normandy Transition Task Force made recommendations relating to an alternative governance structure within the existing boundaries of the Normandy School District, with the goal of providing children quality neighborhood schools.

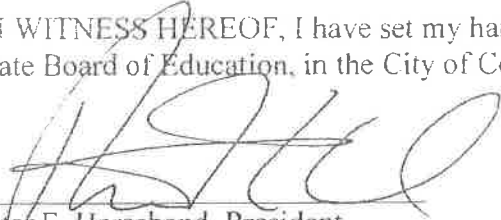
NOW, THEREFORE, we, the members of the State Board of Education, by virtue of the powers vested in this Board by the Missouri Constitution and laws of the State of Missouri, do hereby lapse the Normandy School District effective June 30, 2014, with contracts with the Normandy School District voided with district lapse, and hereby establish the Normandy Schools Collaborative effective July 1, 2014, to be governed as follows:

- 1) That, pursuant to Section 162.081.3 (2)(b) a Joint Executive Governing Board shall be appointed by the State Board of Education.
- 2) That from the members of the Joint Executive Governing Board, the State Board of Education shall appoint a chairman to preside over the Joint Executive Governing Board.
- 3) That the Joint Executive Governing Board shall be authorized to retain and exercise all authority granted to the Normandy Board of Education and to take actions necessary for the operation of the Normandy Schools Collaborative subject to the advice and consent of the State Board of Education.






IN WITNESS WHEREOF, I have set my hand and caused to be affixed the Seal of the State Board of Education, in the City of Columbia, on this 20<sup>th</sup> day of May 2014.



Peter F. Herschend, President  
State Board of Education

ATTEST:



Robin Barbour, Executive Secretary  
State Board of Education