Summary of SC92125, Jordan Danielle King-Willmann, a minor child, by her mother and next friend, Sherrill Christine King, and Sherrill Christine King, Individually, and Keith Willmann, Individually v. Webster Groves School District

Appeal from the St. Louis County circuit court, Judge Barbara W. Wallace Argued and submitted Feb. 15, 2012; opinion issued March 6, 2012

Attorneys: The Webster Groves district was represented by Doug A. Copeland and Stephen C. Hiotis of Copeland Thompson Farris PC in St. Louis, (314) 726-1900; and King-Willmann, King and Willmann did not submit a brief or argue in this case. The state, which submitted a brief and argued as a friend of the Court, was represented by Robert Presson and Solicitor General James R. Layton of the attorney general's office in Jefferson City, (573) 751-3321. The Special School District of St. Louis County, which also submitted a brief as a friend of the Court, was represented by James G. Thomeczek and Sandra A. Padgett of Thomeczek & Brink LLC in St. Louis, (314) 997-7733.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

**Overview:** A school district appeals an order mandating that it enroll a student who allegedly lives in a neighboring unaccredited school district. In a unanimous per curiam decision that cannot be attributed to any particular judge, the Supreme Court of Missouri reverses the trial court's judgment and remands (sends back) the case. Because the parties disagree as to material issues of fact, the judgment is not supported by sufficient competent evidence in the record. On remand, the school district may not raise the Hancock amendment as a defense because it is not a "taxpayer" entitled to raise such a claim.

**Facts:** A student who alleges she lives in the unaccredited St. Louis school district applied for transfer to the neighboring Webster Groves school district. When Webster Groves did not admit the student, she and her parents filed a petition seeking a writ mandating that Webster Groves admit her. In their pleadings, the two parties disagreed whether the student lived in the St. Louis school district, whether she had completed the school work necessary to enroll in the ninth grade and whether Webster Groves was required to enroll the student. The district also asserted several defenses and requested an evidentiary hearing. The trial court did not grant an evidentiary hearing. Relying on the pleadings and the parties' arguments of various motions, the court issued the required writ. The school district appeals.

## REVERSED AND REMANDED.

Court en banc holds: The judgment here must be reversed because the parties disagree as to material issues of fact and, therefore, it is not supported by sufficient competent evidence in the record. On remand, the trial court may not consider Webster Groves' defense that the statute providing for transfer of students from unaccredited districts violates the Hancock amendment of the state constitution (article X, sections 16 to 24). Under the provisions of the Hancock amendment, "any taxpayer" has standing (legal ability) to bring a suit to enforce the amendment.

The school district, however, is not a taxpayer. The fact that it is raising the Hancock amendment as a defense and is not bringing suit under the amendment does not change its lack of standing.