

Summary of SC89139, *Board of Education of the City of St. Louis, et al. v. The Missouri State Board of Education, et al.*

Appeal from the circuit court of Cole County, the Honorable Richard G. Callahan.

Attorneys: The city school board was represented by Kenneth C. Brostron, Dirk DeYong and Ms. Christin M. Bujnak of Lashly & Baer PC in St. Louis. The state board was represented by Paul C. Wilson, Dustin Allison and Daniel Y. Hall of the attorney general's office in Jefferson City. The special administrative board of the transitional school district was represented by John R. Munich, Jane Dueker and John R. Phillips of Stinson, Morrison, Hecker LLP in St. Louis and Charles W. Hatfield of Stinson, Morrison, Hecker LLP in Jefferson City.

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: The St. Louis city board of education appeals the circuit court's decision that the city's public school district lost its accreditation in March 2007 and that the school board's authority properly was transferred to the transitional school district's special administrative board in accordance with section 162.1100, RSMo Supp. 2007. In a 7-0 decision written by Judge Patricia Breckenridge, the Supreme Court of Missouri affirms the circuit court's decision. The special administrative board now has the powers over the city's public school district that the city's school board had, except auditing and reporting.

Facts: In March 2007, the state board of education reviewed assessments of the city's public school district's financial status, accreditation history, performance from 1998 to 2006, and annual performance reports; the Department of Elementary and Secondary Education's evaluation of the school district and of whether the district met certain criteria; and all data on which the department relied in making its determinations. The state board decided that the city's public school district should be unaccredited but stayed the effective date of its determination until June 15, 2007. The city board filed a declaratory judgment suit challenging the validity of the loss of accreditation and the constitutional validity of statutes governing the consequences of that decision. The city board moved for a temporary restraining order, seeking to restrain the state board from giving effect to its decision and to extend the district's provisional accreditation of the St. Louis public school district. The circuit court overruled the motion, and the school district lost its accreditation June 15, 2007. The special administrative board subsequently took control of the district pursuant to sections 162.621, RSMo 2000, and 162.1100.

AFFIRMED.

Court en banc holds: (1) Voter rights in the city of St. Louis were not violated. Before constituents voted for school board officials, Missouri statutes indicated that these elected officials might have their powers modified. Because voters were aware, or should have been aware, that the elected officials might lose certain powers, there is no post-hoc nullification of their votes.

(2) No due process violation occurred because the elected officials' powers were modified. Their powers were modified consistent with the statutes that were in effect at the time they were elected.

(3) There is no violation of the Missouri Constitution's prohibition on special legislation. Although the legislation applies to only one school district, a substantial need exists to address problems unique to the city's public school district.

(4) The state board of education's decision that the city's public school district should lose its accreditation was supported by substantial and competent evidence.

(5) The suit was not filed under the provisions of Missouri's administrative procedure act in chapter 536, RSMo, but even if it were, it would not have had any effect on the outcome of the case.

(6) All powers, except those of auditing and reporting, transfer from the city's school board to the transitional school district's special administrative board, including powers given to the city's school board after August 1998. As such, the city board currently does not have the ability to collect sales tax and collect and expend the debt service levy.