



**In the Missouri Court of Appeals**  
**Eastern District**  
**DIVISION THREE**

JANE TURNER, SUSAN BRUKER, GINA ) BREITENFELD and WILLIAM DRENDEL, ) Appellants, ) v. ) ) SCHOOL DISTRICT OF CLAYTON, ) BOARD OF EDUCATION OF THE CITY ) OF ST. LOUIS, and THE TRANSITIONAL ) SCHOOL DISTRICT OF THE CITY OF ) ST. LOUIS, Respondents, )	No. ED92226  Appeal from the Circuit Court of St. Louis County  Honorable David Lee Vincent, III  Filed: June 23, 2009
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**OPINION SUMMARY**

Appellants appeal from the trial court's grant of summary judgment in favor of Respondents and denial of Appellants' motion for summary judgment, upon Appellants' petition for declaratory judgment and restitution alleging that Section 167.131 RSMo 2000 compels the School District of Clayton to issue special tuition bills for the children of Appellants who attend schools within the School District of Clayton to the Transitional School District of the City of St. Louis, because the Transitional School District of the City of St. Louis is responsible for paying those tuition bills. Appellants maintain that the trial court erred in finding that Section 167.131 does not apply to the St. Louis Public School District; that SB 781 preempts Section 167.131 even if Section 167.131 did apply; and that Section 167.151 limits the application of Section 167.131 to Appellants.

**AFFIRMED** and **TRANSFERRED** to the Missouri Supreme Court pursuant to Supreme Court Rule 83.02.

**Division Three Holds:** Respondents are entitled to summary judgment on Appellants' claims because Appellants obligated themselves by contract to pay to the School District of Clayton tuition for Appellants' children to attend schools within the School District of Clayton.

Opinion by: Sherri B. Sullivan, J.     Robert G. Dowd, Jr., P.J. & Clifford H. Ahrens, J., concur.

Attorneys for Appellants:	Elkin L. Kistner and Sean M. Elam
Attorneys for Respondent School District of Clayton:	Mark J. Bremer and D. Leo Human

Attorneys for Respondent Transitional School District

and the Board of Education of the City of St. Louis: Richard B. Walsh, Jr. and Evan Z. Reid

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**