Who is my Neighbor? Turner v. Clayton: A Watershed Moment in Regional Education

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This article describes how the impact of state accountability penalties at the school-district level are not limited to the sanctioned school systems classified as low performing or unaccredited. Instead, by law in Missouri, there is a regional effect that is largely ignored in most discussions of high-stakes accountability. The goal of this article is to examine two local student transfer legal cases (Turner v. Clayton, 2010 and Breitenfeld v. Clayton, 2013) with a specific focus on the inter-district implications. This case study provides a unique example of how accreditation decisions have the potential to foster unanticipated inter-district student assignment patterns and interdependent regional educational responsibilities. The transfer cases are not technically desegregation cases, yet in the St. Louis metropolitan region they represent the continuation of desegregation policy in that both called for inter-district student access in the region. We conducted this case study to understand more clearly how equity, achievement, and attainment might be supported among children in a metropolitan region. The transfer cases are important legal decisions in that they call on a metropolitan community to be responsible for the education of young persons.

Keywords: accountability, desegregation, school reform, equity, geospatial disparities

There would be a watershed of students from the city and from Riverview Gardens just descending upon all St. Louis County schools, and we would have no ability to turn them away.

–Chris Tennill, Chief Communications Officer, Clayton Public Schools

(Adolphy, 2010, para. 11)

School accreditation is granted by states to local districts to certify their competency and authority to provide a K-12 education. An unaccredited school district does not have state authorization to offer a K-12 education. In Missouri, the process of accrediting school districts is mandated by state law and by State Board of Education regulation. In October 2012, the Missouri Department of Elementary & Secondary Education (Missouri DESE, 2012) reported that 506 of 520 school districts in the state were accredited. This article focuses on four of the 14 school districts that are classified as provisionally accredited or unaccredited. All four of these districts are in metropolitan St. Louis. In 2012, over 30,500 Black students attended schools in St. Louis, Normandy, Riverview Gardens, and Jennings school districts (Center for the Study of Regional Competitiveness in Science & Technology, CSRCST, 2014). All four of the school districts are predominantly Black with three of the districts serving over 97% Black students. In terms of poverty, at least 75% of the students attending schools in the four districts receive free or reduced price lunch.

The accreditation status of these four school districts will influence students’ inter-district school assignment options. In the state of Missouri students from unaccredited schools are legally able to attend schools in nearby districts. The purpose of this article is to provide a case study of two local student transfer cases (Turner v. Clayton, 2010 and Breitenfeld v. Clayton, 2013,
hereafter referred to jointly as the transfer cases) with a particular focus on inter-district school assignment. The guiding research question for this case study is how do the student transfer cases relate to prior desegregation and current accountability policies in the St. Louis, Missouri metropolitan region?

The case study is important because it offers insight into education accountability policy and civic responsibility. The student transfer cases in Missouri reflect a shift in philosophy about access to K-12 public education. Two different conceptions of neighbor provide insight into the change. One conception of neighbor involves geographic proximity, and it is defined as “one who lives near another” (Webster, 2000). In Missouri and throughout the United States, this conception of neighbor is associated with the construction of K-12 school district attendance boundaries. The borders restrict the educational service beneficiaries to residents living within their limits. The link between residential boundaries and property taxes, a primary revenue source for schools, is direct. If an individual pays local property taxes, then he or she benefits. Prior to the transfer case litigation, this residential conception of neighbor was an important influence on Missouri’s approach to oversight of local school districts. Local school districts were granted authority by the state to determine student access to their services. A majority of the districts restricted access to educational services to residents living within specific political boundaries. A few exceptions included students participating in the voluntary desegregation transfer programs and those whose parents arranged special tuition agreements with neighboring school districts.

For a majority of Missouri, the residential conception of school district attendance boundaries remains intact. However, in the St. Louis metropolitan region, the student transfer case shifted the guiding conception of neighbor to another definition of “anyone who needs help, or to whom we have an opportunity of doing good” (Webster, 2000). Loss of accreditation is a signal that one’s neighbor in an adjoining school district needs help. Doing “good” comes in the form of providing access to educational services across residential boundaries.

**RACE, PLACE, AND OPPORTUNITY TO LEARN**

Racial segregation has contributed to educational disparities in Missouri and in the St. Louis region (Morris & Monroe, 2009). Hogrebe and Tate (2012, in press) found that race and poverty were positively correlated with high school students’ academic outcome measures used in Missouri’s accountability system. The strength of the relationships varied across the state and clustered in regions. Urban school districts in metropolitan St. Louis with predominantly Black student populations experienced the strongest associations between demographic characteristics (i.e., race and poverty) and student testing outcomes in the state. They argued that place matters in terms of performance on Missouri’s accountability metrics. Earlier research of Missouri schools by Hogrebe and Tate (2010) found that schools with more students classified as minority and free-and reduced-lunch (FRL) recipients achieved higher science proficiency scores when they had a greater percentage of courses taught by highly qualified teachers and more teachers with regular certification. Consistent with the status attainment and geography of opportunity literatures, they found that the school composition variables of FRL percentages and minority percentages are related significantly to students’ academic proficiency (see also, Logan & Oakley, 2012).

The status attainment literature suggests that place is an important consideration for accountability policy. For example, Galster (2012) argued that the educational opportunities of most Black students are linked intimately to inner-city school districts in large metropolitan regions. Typically racially, socially, and economically isolated, he theorized that the young persons in these districts experience a cumulative segregation effect that negatively influences the ability of their assigned school districts to support student learning. Local school district revenue disparities, teacher inequality, insufficient cognitive demand of implemented curriculum and limited out-group student contact contribute to lower student performance and learning in segregated urban school districts (Galster, 2012; Levin, 2012; Raudenbush, 2012).

Missouri is one of many states that have responded to school districts’ low performance on accountability measures. Federal policies like the *No Child Left Behind Act* (2002) and Race to the
Top (2009) have encouraged states to use their system-changing authority to create alternative educational arrangements for students. In their attempts to improve schools struggling academically, Louisiana, Tennessee, Michigan, and Virginia passed laws that established state-run school districts (Meola, 2013; Zubrzycki, 2013). Other states have a longer history of more direct control of school districts. In 2013, New Jersey took over the Camden City Public Schools (Calefati, 2013). The state has controlled Newark, Paterson, and Jersey City schools for up to 20 years, but students in those districts still struggle to pass state tests and to graduate from high school. In their Camden Plan, the New Jersey state officials will appoint the new superintendent. The proposed plan includes the creation of a portfolio of new charter schools. Under the state intervention, the local school board’s role will shift to advisory only. As a policy response to accreditation loss, a state-controlled school district is very different from an inter-district transfer option. The latter policy option impacts both accredited and unaccredited school districts. Nonetheless, both are a part of the portfolio of policy tools available to state education boards.

A more thorough examination of the transfer cases and their aftermath is warranted, as inter-district student assignment is a controversial policy tool that may hold promise as an instrument of change in high-stakes accountability. Grant’s (2009) study of metropolitan Raleigh, North Carolina suggested that improved academic outcomes can result from school district mergers. The city of Raleigh, with many pockets of concentrated poverty and minorities, was merged with more affluent Wake County. The outcome of the merger was very similar to an inter-district transfer arrangement. The study indicated that socioeconomic integration effectively reduced Whites’ departures from public education. Racial gaps in academic achievement also narrowed. The first finding is central in desegregation discussions, and the latter finding is very important to school accountability debates. Despite its successes, the Raleigh-Wake County effort experienced political challenges and was ultimately ended (Sturgis, 2012).

The Missouri school transfer cases represent another chapter in the school accountability movement. However, their origins are linked to local desegregation practices including inter-district transfer policy. In this article, the authors describe how the effects of state accountability sanctions at the school-district level are not restricted to the targeted school systems classified as low performing or unaccredited. Instead, by law in Missouri, there is a potential regional effect that is largely ignored in most discussions of high-stakes accountability.

METHODS AND DATA SOURCES

This case study provides a unique example of how accreditation decisions have the potential to foster unanticipated inter-district student assignment patterns and interdependent regional educational responsibilities. The case is viewed as a paradigmatic example of regional responsibility for public education. Flyvbjerg (2006) defined the purpose of a paradigmatic case study as “to develop a metaphor or establish a school for the domain that the case concerns” (p. 230). This study uses document analysis as an analytical strategy to interpret and give voice and meaning to the transfer cases. Document analysis serves as analytical lens for investigating the ecological environment of the case through an understanding of the documents as objective statements of fact and socially produced material (Olson, 2010). The evidence consisted of case law, legislation, census data, observations of public meetings, media reports, state and district-level education data, technical reports, and historical records. The primary legislative and legal documentation for this article are listed in the appendix.

This case study uses geospatial modeling to demonstrate the implications of policy and case law. The case study data-gathering activities took place from September 1, 2010 through August 15, 2013. Any changes in the student transfer cases beyond this date are not included.

HISTORY OF ST. LOUIS REGIONAL EDUCATION

The transfer cases are not technically desegregation cases, but in the St. Louis metropolitan region, they represent the continuation of desegregation policy in that both called for inter-district student
access in the region. The authors conducted this study to understand more clearly how equity, achievement, and attainment might be supported among children in a metropolitan region. The transfer cases are important legal decisions because they call on a metropolitan community to be responsible for the education of young persons.

In March 2007, the Missouri State Board of Education de-accredited the St. Louis Public Schools (SLPS). As part of the state sanction, a three-person school board was appointed. This intervention occurred after the elected school boards struggled to support a quality educational experience for city students. In addition, between 2003 and 2007, the superintendency could be characterized as a revolving door, since six different superintendents held the top leadership position in the district.

The de-accreditation of SLPS was central to the transfer cases. These cases reintroduced the importance of two interrelated policy debates regarding education in the St. Louis metropolitan region. Inter-district student assignment policy had emerged as a policy intervention in high stakes accountability. Moreover, as the transfer cases center on student assignment within an inter-district context, they provided the opportunity to revisit the dialogue regarding the Liddell v. Board of Education (1972, 1980, 1983, 1999) school desegregation lawsuit and its resolution. Inter-district student assignment once again provides a legal remedy to address educational equity and opportunity in the metropolitan region. Currently, the dialogue concerning student assignment is a part of decisions regarding the accreditation status of school districts.

The authors start by describing the historical context of desegregation in the St. Louis region and by emphasizing the impact of the 1983-1999 St. Louis inter-district desegregation program; the largest in the country (Wells & Crain, 1997). This discussion of inter-district desegregation is foundational to understanding the history and the context of student assignment in the St. Louis metropolitan area. After providing this historical and contextual background, the accreditation process in Missouri will be discussed and how that process led to the de-accreditation of several districts with majority Black student enrollment. This is a crucial issue in the transfer cases and its related resolution as well as it being highly relevant in a time of increasing national focus on accountability measures. Next, the authors explore the findings of the court and the objections of both city and county district leaders to enforcement. Finally, a discussion of the current situation is offered with some thoughts about future options and policy-related considerations for reformers within a region.

**Inter-District Transfer Model**

Although Brown v. Board of Education (1954) ended de jure school segregation, de facto segregation continued in St. Louis and other cities. Minnie Liddell and other Black parents in St. Louis were dissatisfied with the manner in which the desegregation of public schools was occurring in St. Louis. In 1972, the parents filed suit against the St. Louis Board of Education. Liddell v. Board of Education (1972, 1980, 1983, 1999) set an important precedent for schooling in the St. Louis area, and the eventual resolution—an inter-district transfer policy—provides a context for the transfer cases. Facing concerns about forced desegregation, suburban school districts entered into a voluntary desegregation program with SLPS. The 1983 settlement established the St. Louis Voluntary Inter-District Desegregation Plan that some regard as the most robust inter-district plan in the country in terms of the recruitment of students, number of participants, and accessibility to the program (Wells et al., 2009). Under the plan, Black students from SLPS could transfer to suburban public schools and White suburban students could transfer to magnet schools in the city. The state of Missouri paid the districts receiving city students the tuition rate and transportation costs of the program. In addition, SLPS received funding from the state for capital costs of constructing magnet schools. The St. Louis Public Schools and 16 school districts in adjacent St. Louis County participated in the program. During the peak of implementation, the inter-district desegregation program enrollment exceeded 14,000 students,
nearly twice as many as in Indianapolis, which had the second highest number of participants in the country (Voluntary Interdistrict Choice Corporation, VICC, 2013; Wells et al., 2009). Initially, Black students attending magnet schools in the city of St. Louis outperformed their peers enrolled in neighborhood schools in the city and those participating in the inter-district desegregation program. During the elementary grades, scores of Black students participating in the program did not exceed those of their Black peers who remained in magnet schools in the city. Between eighth and tenth grades; however, the growth in participants’ scores significantly exceeded those of students enrolled in neighborhood schools or magnet schools in the city.

The inter-district desegregation program improved Black students’ educational attainment as well. Freivogel (2002) noted that in SLPS, the graduation rate for Black students attending magnet schools was 52%; the rate was 24% for students in all-Black high schools; and only 16% for Black students in the city’s integrated high schools. The graduation rate was 50% for Black students who had transferred to public schools in St. Louis County. Additionally, among high school graduates, participants in the inter-district desegregation program were more than twice as likely to enroll in two-year or four-year colleges compared to graduates from SLPS (Freivogel, 2002; Wells et al., 2009).

Furthermore, Black transfer students reported improvements in attitude, in confidence, and in how they perceived their futures (Wells et al., 2009). It is important to note that many Black transfer students experienced racial bias and discrimination in the suburban public schools. Especially significant for the discussion is the prevalence of racially disparate curriculum tracking in which Black students were overrepresented in remedial courses and underrepresented in honors and Advanced Placement courses.

In 1998, Missouri legislators decreased the state’s financial support of the St. Louis inter-district desegregation program with the passage of Missouri Senate Bill 781 (1998). In addition to ending many of the funding provisions of the desegregation program, the bill enacted a total of 39 educational statutes key to the transfer cases. Following the passage of SB 781, the inter-district desegregation program was scaled down significantly beginning in fall 1999. Most school districts, including Clayton, continued to participate in the program, despite greatly reduced funding. As of September 2013, the program was still generating substantial demand. Almost 5,000 students were participating, with nearly 4,000 more applicants than available placements (VICC, 2013).

Regional voluntary desegregation provides an important context for understanding the transfer cases. As the Liddell v. Board of Education (1972, 1980, 1983, 1999) cases demonstrated, public schools in St. Louis City and in St. Louis County have historically been racially segregated. The voluntary inter-district transfer plan neither changed the segregated structure of schooling in the St. Louis area nor impacted the long-standing racial and educational disparities between SLPS and many suburban school districts in St. Louis County. To understand this educational inequality more fully, the authors examine the school accreditation process in Missouri and recent events regarding the de-accreditation of school districts in the St. Louis area.

Missouri Accreditation Process

The current process of accrediting K-12 districts in Missouri is primarily determined by an evaluation of 14 individual criteria on the Missouri School Improvement Program (MSIP 4). In each category, a district either meets the standard and earns a point or fails to meet the standard and earns no point; therefore, a district earns between zero and fourteen accreditation points. To simplify the discussion, these 14 standards were placed into three categories. The first category consists of measures that are dependent on testing outcomes. The second category is focused on student matriculation. The third category is a set of measures that track curriculum enrollment. See Table 1 for the specific indices in each category. To date, districts that are unaccredited have
earned no points in the testing outcome measures category. Districts must earn at least one point in this category for provisional accreditation (Missouri DESE, 2011). Student matriculation measures have been more successfully earned. Curriculum enrollment measures are largely a function of district decision-making, with all St. Louis area districts having earned those points.

Table 1

Missouri Accreditation Criteria by Category per MSIP 4

<table>
<thead>
<tr>
<th>Category</th>
<th>Criteria</th>
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<tbody>
<tr>
<td>Testing Outcome Measures</td>
<td>Grade 3-5 Missouri Assessment Program (MAP) Math Scores</td>
</tr>
<tr>
<td></td>
<td>Grade 3-5 MAP Communication Arts Scores</td>
</tr>
<tr>
<td></td>
<td>Grade 6-8 MAP Math Scores</td>
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<tr>
<td></td>
<td>Grade 6-8 MAP Communication Arts Scores</td>
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<td></td>
<td>MAP Algebra scores</td>
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<td></td>
<td>MAP English I Scores</td>
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<tr>
<td></td>
<td>ACT Scores</td>
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<tr>
<td></td>
<td>Percent of Sub-Groups Meeting Adequate Yearly Progress</td>
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<tr>
<td>Student Matriculation Measures</td>
<td>Attendance Rate</td>
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<td></td>
<td>Graduation Rate</td>
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<td></td>
<td>College Placement Rate</td>
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<tr>
<td></td>
<td>Career Education Placement Rate</td>
</tr>
<tr>
<td>Curriculum Enrollment Measures</td>
<td>Advanced Courses Taken (as rate of total grade 11-12 credits)</td>
</tr>
<tr>
<td></td>
<td>Career Education Courses Taken (as rate of 11-12 credits)</td>
</tr>
</tbody>
</table>


A district can receive credit in a category based on what MSIP 4 calls “status” or “progress” in each category. Status denotes whether the state’s minimum threshold has been met in a category, whereas progress denotes some measure of improvement in the category. Thus, a district can receive a point in a category based upon progress, even if the minimum threshold has not been met. It should be noted that MSIP 4 is determined by cross-sectional measurement; therefore, progress does not represent improvement of a cohort, but cohort-to-cohort differences over time (Missouri DESE, 2011). The authors recognize that this is not a true measure of progress; however, it is what Missouri DESE has chosen to use. There have been discussions about why this evaluative strategy is limited (e.g., Harris, 2011).

In addition to the MSIP 4 categories in Table 1, districts that fail to attain all 14 points can earn bonus points on the basis of two other standards. One point can be earned if any year-to-year improvement is shown in the majority of Missouri Assessment Program (MAP) categories. The second bonus point can be earned by a combination of participation and of performance rates on end-of-course exams for a set of voluntarily reported subjects (e.g., Algebra II, Geometry, English I, and American History).

On the basis of MSIP 4 performance, the Missouri State Board of Education, which consists of eight members appointed by the governor, can vote to reclassify a district as provisionally accredited or unaccredited. However, accreditation decisions are not merely technical interpretations of a district’s MSIP 4 performance, but it appears that the MSIP 4 measures offer only an indicator or guideline for accreditation decisions. There is no threshold at which accreditation status automatically changes. Historically, the number of MSIP 4 points has not been the sole basis for determining accreditation status. The bottom line is that accreditation status depends largely on the state officials’ interpretation of the metrics associated with the MSIP 4 and other factors.
Turner v. Clayton and Breitenfeld v. Clayton

The original plaintiffs in the two transfer cases (Turner v. Clayton, 2010; Breitenfeld v. Clayton, 2013) were a group of four parents who resided in the city of St. Louis and had individual arrangements to send their children to Clayton, a high-performing public school district in neighboring St. Louis County. Under these agreements, the parents paid tuition to Clayton so that their children could attend these schools. The racial background of the original plaintiffs is rarely discussed; therefore, it is important to note that the plaintiffs were White families. The impact of their lawsuit dramatically changed the opportunity structure of Black students in the majority minority SLPS.

When SLPS lost accreditation, the plaintiffs requested that Clayton seek reimbursement for their children’s tuition from SLPS per Missouri law (Missouri Rev. Stat. § 167.131, 2000). Clayton refused to seek reimbursement from SLPS. In 2007, the plaintiffs filed the suit in St. Louis County Circuit Court (Turner v. School District of Clayton, 2007).

The key question in this case was whether the Missouri constitution guarantees all children the right to attend accredited public schools. The St. Louis County Circuit Court made a summary judgment in favor of Clayton School District, but on appeal the Missouri Supreme Court reversed the decision in July 2010 (Turner v. School District of Clayton, 2010). The Missouri Supreme Court found that the language of Missouri Rev. Stat. § 167.131 (2000) plainly describes the obligation of unaccredited districts to pay for the tuition and transportation costs of students to attend schools in accredited school districts in their county or neighboring counties. Since St. Louis City and Riverview Gardens school districts were unaccredited, school-aged children residing in these districts had a right to transfer to any school in St. Louis County with tuition and transportation costs paid by the unaccredited district. Furthermore, the decision of the Missouri Supreme Court found that qualifying receiving districts could not refuse to accept students seeking to transfer to their schools.

Clayton contended that finding for the plaintiffs would undermine the existing voluntary inter-district desegregation plan by introducing a funding structure that would be more onerous to SLPS. Furthermore, the defendants asserted that the unique governance structure designating SLPS a “Transitional School District,” as laid out in state law Missouri Rev. Stat. § 162.1100 (1998), meant that SLPS was not a standard unaccredited district and, therefore, must be treated differently. The court disagreed with this logic and held that Missouri Rev. Stat § 167.131 (2000) superseded the other statutes and demanded the right of students to free and unimpeded transfer to any district in a neighboring county. The court remanded the case to the St. Louis County Circuit Court for implementation.

Upon remand of the case, now called Breitenfeld v. School District of Clayton (2013) to reflect the name of the only remaining original plaintiff, the Clayton School District argued that the Missouri Supreme Court decision was unconstitutional because it created an unfunded mandate, which is prohibited by the Hancock Amendment to the Missouri State Constitution, Article X, Sections 16-24. In addition, the district argued that implementing the transfer case would be “impossible” based on student transfer projections. The Clayton School District funded a study to estimate the likely number of student transfers (Jones, 2011). The lower court found in favor of Clayton, and the implementation of the transfer case was again uncertain (Bock, 2012a, 2012b; Young, 2012). The case was again heard before the Missouri Supreme Court, which in June 2013 rejected findings of the lower court and reaffirmed the initial ruling that students from unaccredited districts in the state must be allowed to transfer to accredited districts in the same or neighboring counties, with tuition and transportation costs paid by the unaccredited sending district (Crouch, 2013a).

Following the 2013 ruling, regional school districts have begun to move toward implementation of the student transfer decision (Gillerman, 2013). The Cooperating School Districts, a voluntary membership organization that coordinates initiatives among 61 member school districts in the metropolitan region, is developing procedures to facilitate student transfers...
and have drafted forms for parents to submit transfer preferences (Cooperating School Districts, 2013a).

Between the time of the findings issued by the Missouri Supreme Court in Turner (July, 2010) and Breitenfeld (June, 2013), SLPS was granted provisional accreditation and Normandy School District was de-accredited. This change in status means that students in the SLPS District are no longer eligible for transfer out of the district. Meanwhile, in the St. Louis area, students from Normandy and Riverview Gardens school districts are currently eligible to transfer to accredited districts in St. Louis City, St. Louis County, St. Charles County, Franklin County, or Jefferson County.

Under the specific provisions of the Breitenfeld v. Clayton (2013) decision, each of these unaccredited districts is required to provide transportation to one other accredited district of their choice. Both Normandy and Riverview Gardens selected districts that are geographically distant. Normandy selected Francis Howell School District in neighboring St. Charles County. Riverview Gardens picked Mehlville School District in south St. Louis County and then Kirkwood School District when Mehlville’s capacity was deemed insufficient. Ty McNichols, superintendent of Normandy, cited several reasons for selecting Francis Howell, including “how much room would be available for transfer students, the cost of tuition that Normandy would have to pay, and travel time” (Singer, 2013, para. 16).

Economic considerations are central to the transfer policy debate. The potential loss of school funding is an incentive to discourage transfer to other school districts. In addition, both Normandy and Riverview Gardens have an incentive to lower the cost of student transfers by selecting receiving districts with comparable or lower tuition rates. For the most recent year available, 2012, per pupil spending of Riverview Gardens and of Normandy school districts was $9,471 and $12,276, respectively (Missouri DESE, 2013a). Per pupil costs are proxies for tuition rates. The actual tuition rates are based on the per pupil costs of the receiving districts. The 2013 statutory tuition costs of the Mehlville and Francis Howell school districts are $9,306 and $11,034, respectively (Knost, 2013; Supple, 2013).

While the costs between the sending and initial receiving districts are aligned, the selection of Mehlville and Francis Howell school districts is inconsistent with the preferences of parents/guardians residing in the unaccredited school districts. For example, results from surveys of transfer-eligible families indicated Clayton School District as one of the top three choices (Crouch, 2013b). The district is a consistently high performer on state accountability measures, places most graduates into post-secondary education, and continues to participate in the voluntary inter-district desegregation program. U.S. News and World Report (2013) ranked the high school in Clayton as the second best in the state. In addition, Clayton schools are geographically closer to the Normandy and Riverview Gardens school districts than are both the selected receiving districts. However, the statutory tuition amount the district will receive for each student transferring from the unaccredited school districts would be approximately $19,800 (Wilkinson, 2013). Despite families’ reported preference for the Clayton School District, the leadership of Normandy and Riverview Gardens districts opted not to provide transportation to a highly regarded, geographically closer schooling option. Long-term financial sustainability of the school districts informed their decisions (Singer, 2013).

It is unclear whether receiving school districts can limit the number of students that they can accept. The transfer case decisions indicate that districts cannot refuse students seeking to transfer, but guidance provided by the Missouri Department of Elementary and Secondary Education directs districts to create guidelines establishing how many students they can accept at each school and grade level (Breitenfeld v. Clayton, 2013; Missouri DESE, 2013b; Turner v. Clayton, 2010).

In the receiving districts, some parents and members of the community are exhibiting signs of resistance and resentment. Over 2,000 people attended an information session on the transfer policy at Francis Howell Central High School (Bock, 2013a, 2013b). Many angrily addressed “anticipated” issues regarding students’ safety and negative impacts on district achievement. Some Black parents who spoke during the meeting expressed shock and dismay at repeated...
stereotypically negative characterizations of potential Black transfer students. The populations of the Normandy and Riverview Gardens school districts were both 98% Black in 2012, while those of Francis Howell and Mehlville were 7% and 8%, respectively (Missouri DESE, 2013c). By stating that their families had moved far away from the urban core to escape “problems,” many White parents alluded to the regional history of White flight and general out-migration from the city proper (Gordon, 2009). Unlike school districts in St. Louis County, which have participated in inter-district desegregation since 1983, Francis Howell and other districts in St. Charles, Franklin, and Jefferson counties have had minimal experience educating non-resident Black students. Lack of experience aside, recent accreditation trends suggest that this phenomenon is likely to continue.

**Geospatial Perspective on the Transfer Cases**

There are four tiers of accreditation status in Missouri: (a) accredited with distinction, (b) accredited, (c) provisionally accredited, and (d) unaccredited. Accreditation status is an important part of the accountability movement in the state. The accountability indicators associated with accreditation are accessible to the public, and the State Board of Education and news reports discuss accreditation status as if it were representative of school district academic quality. For the purpose of this discussion, accountability indicators will serve as the primary proxy for academic performance. As Figure 1 demonstrates, in 2012-2013, of the 27 accredited receiving districts in the metropolitan region, 20 are accredited with distinction, five are accredited, and two are provisionally accredited. The majority of districts in St. Louis County earned distinction status. All of the districts primarily located in St. Charles County are accredited with distinction. None of the six districts that border Normandy or Riverview Gardens are considered districts of distinction. Superintendents from Normandy and Riverview Gardens indicated that they would only choose to provide transportation to districts of distinction, and each of the three receiving districts selected met this criterion (Hahn, 2013; KMOV, 2013).

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**Figure 1**

2013 Accreditation Status for St. Louis Area School Districts

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Jones (2011) polled parents in St. Louis City about which district characteristics would be most important to them when selecting a receiving district. Of the seven characteristics included in the poll, the three based on academic performance (graduation rates, college enrollment rates, and test scores) were found to be most important among parents who might choose to transfer their children to schools in accredited districts.

Preliminary data regarding transfer applications from Normandy and Riverview Gardens indicate that parental preferences are not limited to districts of distinction. Apart from the designated districts for which transportation is provided, three of the top four most popular choices were not districts of distinction in 2012 (Cooperating School Districts, 2013b). While parents and administrators agree that academic performance is important, they appear to evaluate academic quality differently.

**Cost and Distance**

Two cost considerations central to the transfer implementation process are discussed: tuition costs and the time and financial costs associated with transportation. The significance of these costs is different for parents and administrators in unaccredited districts. Unaccredited sending districts are responsible for paying tuition costs based on per pupil expenditures in receiving districts. As Figure 2 illustrates, per pupil spending in 2012 varied widely across eligible receiving districts from $7,559 in Bayless to $18,372 in Clayton. Riverview Gardens spent $9,471 per student in 2012; Normandy, $12,276 (Missouri DESE, 2013a).

Administrators from Normandy and Riverview Gardens have a financial incentive to designate receiving districts with lower per pupil costs. Receiving districts are required to develop tuition costs based on state guidelines. Tuition costs might deviate from per pupil spending. Both school districts cited cost as a primary factor in the decision-making process (Crouch, 2013c; Crouch, 2013d; Normandy School District, 2013). Per pupil expenditures in the original designated receiving districts were lower than those in the two sending districts. The situation changed for Riverview Gardens when their first choice for receiving district, Mehlville, indicated they could not accommodate all of the transfer requests (Bock, 2013a). Forced to designate a second receiving district, the Riverview Gardens superintendent selected Kirkwood, a district with per pupil expenditures nearly $3,000 higher (Missouri DESE, 2013a). Riverview Gardens is responsible for this higher cost.

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**Figure 2**

2012 Per Pupil Expenditures for St. Louis Area Schools

![](https://example.com/figure2.png)
designated receiving districts were lower than those in the two sending districts. The situation changed for Riverview Gardens when their first choice for receiving district, Mehlville, indicated they could not accommodate all of the transfer requests (Bock, 2013a). Forced to designate a second receiving district, the Riverview Gardens superintendent selected Kirkwood, a district with per pupil expenditures nearly $3,000 higher (Missouri DESE, 2013a). Riverview Gardens is responsible for this higher cost.

In addition to tuition, sending districts are responsible for the costs of transporting students to designated receiving districts. This obligation incentivizes administrators to select districts that are geographically closer. However, the districts neighboring Normandy and Riverview Gardens have the lowest academic performance in St. Louis County. Sending district administrators, therefore, face a trade-off between maximizing receiving district academic performance and minimizing travel time and transportation costs.

There is evidence suggesting parents considered financial and time incentives when selecting transfer districts. As Table 2 demonstrates, this is reflected in the popularity of parents’ preferred transfer districts that skewed heavily toward the designated districts. The incentive to choose a designated district may be especially true for parents with limited financial resources or without access to reliable transportation. The financial and time benefits to parents who choose a designated district may be offset by the burden of increased travel time experienced by their children. Of the non-designated districts selected by parents, the choices appear to trend toward districts geographically closer to their home district. Three of the top four transfer choices of parents are adjoining districts. Clayton, the fourth most popular choice, is also closer than any of the designated transfer districts.

![Table 2](image)

**Table 2**

*Range of Driving Distance to Transfer Districts*

<table>
<thead>
<tr>
<th>Districts &amp; Number of Incoming Transfer Students</th>
<th>Range of Driving Distances from Normandy SD to Schools in Receiving Districts (in miles)</th>
<th>Range of Driving Distances from Riverview Gardens SD to Schools in Receiving Districts (in miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Francis Howell, 475</td>
<td>15.8-40.2</td>
<td>20.3-44.4</td>
</tr>
<tr>
<td>Mehlville, 209</td>
<td>19.7-32.2</td>
<td>19.9-30.7</td>
</tr>
<tr>
<td>Kirkwood, 143</td>
<td>13.2-21.4</td>
<td>18.8-24.5</td>
</tr>
</tbody>
</table>

**Non-Designated Receiving Districts (Most Popular Parent Choices)*

- Ritenour, 91                                   | 3.9-7.0                                                                          | 9.7-12.4                                                                        |
- Ferguson-Florissant, 425                        | 2.9-9.8                                                                          | 3.0-10.7                                                                        |
- Hazelwood, 289                                  | 7.5-12.6                                                                        | 3.0-12.2                                                                        |
- Clayton, 51                                     | 7.0-7.7                                                                          | 9.8-14.1                                                                        |

*Note: District centroids were located using ArcGIS, 10.1 (Environmental Systems Research Institute, ESRI, 2010). Google Maps™ was used to calculate driving distances from sending district centroids to the closest and farthest schools within receiving districts. In order to arrive at conservative estimates, routes with shortest distances were chosen among the route options. *There were a total of 51 eligible receiving districts. Twenty-four districts received applications from transfer students. The four non-receiving districts shown were chosen because they received the highest number of applications (Missouri DESE, 2013d).*

**LOOKING FORWARD**

Legislation, administrative interpretation, and related school district implementation associated with the transfer cases might move in a number of directions. Three possible options will be discussed: (a) the law could be rewritten, (b) the accreditation process could be modified, or (c)
school district leaders could use their own policies to restrict the number of students allowed to transfer to the districts, and, thereby, avoid full implementation of the policy. In the first scenario, Missouri state legislators could modify or even eliminate the law during future legislative sessions. In the 2013 legislative session, however, Missouri State Senator David Pearce, Chair of the Senate Education Committee, was unable to even get a hearing for a bill that set parameters around transfers to avoid situations such as overcrowded classrooms (Crouch, 2013e). The implementation of the transfer policy for the 2013-2014 school year; however, has generated substantial attention from the public and Senator Pearce predicted that the issue would be at the forefront of educational policy discussions during the new session. Senator Pearce has not indicated what potential changes could be made to the law. In a letter to state lawmakers, Missouri’s Commissioner of Education Chris Nicastro said that she hopes the acrimony over the transfer law will trigger “a serious statewide conversation about the issue of failing schools and districts” (Crouch, 2013d, p. 1). The possibility of legislative changes to the law will be a part of the statewide debate. Addressing the fiscal emergencies destined to occur in unaccredited school districts would be hard to ignore. Normandy and Riverview Garden School Districts are at risk of insolvency. Without legislative relief, reports indicate that they will be bankrupt by the end of the school year (Rivas, 2013).

Another possibility is that the receiving districts could attempt to avoid student transfers by using district-level policies, such as those concerning class size, to restrict the number of students allowed to transfer to that district. Because the law does not have a provision for the number of students a district is required to accept, a district could use class size policy to manage the influx of student transfers. However, the American Civil Liberties Union (ACLU), the NAACP, and proponents of school choice in Missouri are negotiating with school districts to encourage full implementation of the law without class size restrictions. In addition, these groups have indicated a willingness to bring legal action to prohibit school districts from using avoidance tactics. The outcome of these negotiations and potential litigation are critical to understanding the impact of the transfer cases.

Alternatively, the Missouri State Board of Education could lower the current standards for accreditation. Theoretically, this would foster higher rates of school district accreditation. However, the state’s latest accreditation model, MSIP 5, has recently been piloted, and initial implementation is ongoing. In addition, the state of Missouri has adopted Common Core standards in mathematics and reading (Achieve, 2013). These new standards are more cognitively demanding than were previous Missouri standards. Aligned state assessments are forthcoming and will reflect the more challenging curriculum. Both of these factors would appear to make it more difficult to gain accreditation. MSIP 5 will be discussed in more detail.

A POTENTIAL FLOOD OF STUDENTS

The MSIP 5 system will measure the same indicators used in the prior accreditation system; however, the indicators will be weighed differently. The potential for changes in school district accreditation status are significant. To illustrate this, compare Figure 1 depicting the current accreditation status of area school districts with Figure 3 depicting the projected accreditation status of these school districts under MSIP 5. In Figure 1 two school districts are unaccredited, two are provisionally accredited, five are accredited, and 19 are accredited with distinction. In the MSIP 5 projections illustrated in Figure 3, SLPS is projected to be unaccredited like Normandy and Riverview Gardens. Four districts are projected to be provisionally accredited, seven accredited, and only 14 accredited with distinction.

The most significant projected accreditation change under MSIP 5 standards would occur in SLPS. Over 22,000 students were enrolled in SLPS in 2012. Another 11,000 students from St. Louis city enrolled in charter schools, and over 5,000 participated in the VICC (2013). Thousands more attended private, mostly parochial, schools. Altogether, if SLPS were to lose accreditation, as the projections indicate they will in 2015, around 40,000 students would be eligible to attend
schools in St. Louis County. The SLPS will assume responsibility for paying tuition costs for all students, and the transportation costs for those who elect to attend the designated receiving district(s). The number of eligible transfer students under this scenario is significantly higher than that of currently eligible transfer students from Normandy and Riverview Gardens.

In addition, it is possible that SLPS students may transfer at higher rates than those from Normandy and Riverview Gardens. There is a long history of inter-district transfer in SLPS. Thousands of SLPS students have transferred to schools in St. Louis County through three decades of participation in school desegregation efforts associated with the VICC. Data from VICC indicate that there is substantial unmet demand for student transfers. For the 2008-2009 school year, 417 out of 3,850 student applications were accepted for transfer to St. Louis County schools (VICC, 2013). If students were guaranteed transfers, as they are under the transfer case decisions, that number would likely increase. Jones (2011) estimated that approximately 15,740 students from St. Louis would transfer to county schools. This estimated transfer rate of 27.8 percent is slightly higher than that of 20.5 percent from Normandy and Riverview Gardens (Jones, 2011; U.S. Census Bureau, 2006-2008).

MSIP 5 projections foreshadow changes for districts in St. Louis County as well. Three districts, Ferguson-Florissant, University City, and Ritenour, are projected to move from accredited to provisionally accredited status. In 2012, the combined enrollment in these school districts exceeded 20,000 students. All three of these districts are slated to receive transfer students in the fall of 2013. Ferguson-Florissant received the second highest number of transfer students of all receiving school districts. University City and Ritenour were in the top ten of receiving districts in terms of student transfers. MSIP 5 projections suggest that the three important receiving districts are at risk of losing their accreditation. Therefore, more transfer-eligible students will have fewer school district options.
CONCLUSIONS: WHO IS MY NEIGHBOR?

It is likely that without a change to the existing law, the number of student transfers will continue to rise. Achieving accreditation will become more difficult under MSIP 5, which will likely increase the scale of transfers, as more districts are likely to lose accreditation. The disruption caused by large-scale student transfers could further endanger the accreditation status of receiving districts, as well as make it more difficult for sending districts to regain accreditation. What is being described has a potential domino effect. More difficult accreditation standards increase the number of unaccredited districts. In turn, more unaccredited districts increase the number of eligible transfer students and, ultimately, the potential number of students who do transfer. Will large-scale student transfer influence the accreditation status of sending or receiving school districts? The potential effects are empirical questions. Future research is required to understand more clearly the students transfer cases’ long-term effects on school district accreditation in the region.

The pressing question (Who is my neighbor?) will be at the forefront of interpretations of the student transfer law. Preliminary findings suggest that in the future an increasing number of students across the region will have access to adjoining school districts. Student transfer is feasible under this conception because local governing bodies are solely instruments of state government and, as such, are deferential to state authority.

State authority aside, the Missouri student transfer case has left many unanswered questions in need of future study. Will the state of Missouri change its accreditation strategy? What are the long-term fiscal implications of student transfer? Will school districts close? How will transferring students do socially and academically in the receiving districts? Who will manage a regional student transfer program? What will be the guiding principles of the program? Will other states replicate Missouri’s regional education strategy? As the country struggles for answers on how to support quality education in urban communities, the Missouri transfer case and its regional approach to education warrant further examination. How a neighbor is defined will inform the future of education in Missouri and in the St. Louis region.

<table>
<thead>
<tr>
<th>Document</th>
<th>Type</th>
<th>Date</th>
<th>Significance for Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri Const. art. X, § 16-24.</td>
<td>MO State Constitution</td>
<td>1980</td>
<td>Tax limitation measure, known as the “Hancock Amendment.” Included provision preventing “unfunded mandates” wherein state funding responsibilities shift to local level.</td>
</tr>
</tbody>
</table>

Appendix continues
### REFERENCES


<table>
<thead>
<tr>
<th>Reference</th>
<th>Event</th>
<th>Year</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Liddell v. Board of Education, 822 F. 2d 1446 (E.D. Mo. 1987).</strong></td>
<td>Federal Circuit Court decision</td>
<td>1987</td>
<td>Led to the creation of the Voluntary Inter-district Choice Corporation (VICC).</td>
</tr>
<tr>
<td><strong>Missouri Revised Statutes 167.131 (1993)</strong></td>
<td>MO State law</td>
<td>1993; 2000</td>
<td>Established the obligatory language used under the student transfer case decisions to compel student transfers as well as tuition and transportation funding by unaccredited districts.</td>
</tr>
<tr>
<td><strong>Missouri Senate Bill 781 (1998)</strong></td>
<td>MO State legislation</td>
<td>1998</td>
<td>Changes to MO education law enacted as part of <em>Liddell</em> settlement and the end of court supervision of VICC program.</td>
</tr>
<tr>
<td><strong>Missouri Revised Statutes 162.1100 (1998)</strong></td>
<td>MO State law</td>
<td>1998; 2008</td>
<td>Created “Transitional school district” status in the event that St. Louis Public Schools lost accreditation. This transitional designation, unique to SLPS, enabled a waiver of the two-year period before the state can appoint governing school board.</td>
</tr>
<tr>
<td><strong>Liddell v. Board of Education, No. 4:72CV100 SNL, (E.D. Mo. 1999) (Memorandum and Order).</strong></td>
<td>Federal Circuit Court decision</td>
<td>1999</td>
<td>Memorandum of Understanding and settlement order for <em>Liddell</em> case. SLPS declared unitary. VICC continues albeit with fewer receiving districts and available spots for potential transfer students.</td>
</tr>
<tr>
<td><strong>Clayton’s Motion for Rehearing or Modification of Decision Turner v. School District of Clayton, 318 S.W. 3d 660 (Mo. banc 2010).</strong></td>
<td>MO Supreme Court filing</td>
<td>2010</td>
<td>Outlined Clayton School District’s objections to <em>Turner</em> decision.</td>
</tr>
<tr>
<td><strong>MO Supreme Court decision</strong></td>
<td></td>
<td></td>
<td>Ruled that students in unaccredited districts may attend any accredited school in an adjoining county at expense of unaccredited sending district.</td>
</tr>
</tbody>
</table>


Liddell v. Board of Education, No. 72C100(1) (E.D. Mo. 1972) [Complaint].


Liddell v. Board of Education, No. 4:72CV100 SNL (E.D. Mo. 1999) [Memorandum and Order].


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