



NAACP

National Association for the Advancement of Colored People St. Louis Branch
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April 24, 2012

(Via email) commissioner@dese.mo.gov
Dr. Chris Nicastro, Commissioner of Education
Missouri Department of Education

(Via email) Frobinson@usccr.gov
Farella E. Robinson, Director
U. S. Commission on Civil Rights
Central Regional Office
Suite 908
400 State Avenue
Kansas City, Kansas 66101

Re: Imagine charter schools Students

Commissioner Nicastro,
Director Robinson:

Judge James H. Meredith of the Federal District Court when discussing the liability of the State of Missouri stated with respect to School Desegregation in the St. Louis area: “The Post – Brown Fourteenth Amendment obligation of a State that has operated a legally imposed racially dual school system is clear - A State, such as Missouri, which has in the past operated a racially dual system of public education, pursuant to State constitutional and statutory requirements and continuing policy, practice, custom and usage is, and has been since 1954, under an additional constitutional obligation to such affirmative measures as are necessary to disestablish that dual system and eliminate the continuing vestiges of that system.”

In 2010, the Missouri Supreme Court found that students are owed free transfers and neighboring schools must take them. Public schools in Missouri follow the guidelines of the Missouri Department of Elementary and Secondary Education (DESE). The MO Supreme Court addressed three key issues in their July 2010, Clayton vs. Turner ruling:

1. Held 7-0 that SLPS is subject to the requirements of the applicable statute and that those requirements are not trumped by the legal settlement/legislation related to the deseg program.
2. Held 7-0 that plaintiffs’ tuition contracts trump any rights under the unaccredited statute (167.131) and that plaintiffs are not entitled to relief for any years they have signed contracts.
3. Held 4-3 that the accredited school districts are bound by the language of Sec 167.131.

Because your transitioning office is restricting the educational opportunities for these African American students to City schools and not the high performing County schools; is the State of Missouri in violation of the St. Louis Desegregation Order?

The 1999 settlement of the desegregation case awarded St. Louis Public Schools \$180 million over 10 years. On September 16, 2011 Federal District Judge Richard Webber signed off on an agreement that not only absolves the district of the \$36.5 million owed to the fund, but also paid off \$19.4 million of additional district debt...and allocated \$40.2 million to be spent on eight areas, with nearly all the money doled out over three years...half the money would go to expand early childhood education to 25 additional classrooms; while offering before- and after-care for preschoolers at 30 sites. Additional money would be spent on such things as busing to magnet schools, principal and teacher training and mentoring, and technology. The agreement was reached by the district, the NAACP, the state of Missouri, the U.S. Department of Justice and attorneys representing the original plaintiffs in the desegregation lawsuit.

All parties involved recognized the district's efforts to ameliorate the lasting effects of segregation by improving schools and student academics, particularly in racially isolated and high-poverty schools. We also said the district's efforts to regain state accreditation are hurt by an operating deficit that would be eliminated through the agreement.

Absorbing 3,000 or more new students was not a part of our agreement and **impacts all our efforts to ameliorate the lasting effects of segregation by improving schools and student academics, particularly in racially isolated and high-poverty schools**, it appears the State did not negotiate the September 2011 agreement in good faith. Did the State's Department of Elementary & Secondary Education take the September 2011 Agreement into consideration when relegating the Imagine Students to the St. Louis Public Schools?

According to our estimation there are only #500 seats available within the remaining charter schools in the City of St. Louis, thus are you anticipating the remaining 3,300 students from imagine schools to be absorbed by SLPS? And, is such **ameliorating the lasting effects of segregation by improving schools and student academics, particularly in racially isolated and high-poverty schools** as per our September 2011 Agreement with the State?

Commissioner Nicastro, the Carondelet charter school you did not order to close is located in South St. Louis and has a 38% white enrollment; did you have any role in the University of Missouri's decision to sponsor Carondelet?

Sincerely,



Adolphus M. Pruitt, II
President
34-479-4427

Cc: Mary Ratliff, President – Missouri NAACP
Walle Amusa, Chair – Missouri NAACP Education Committee