

H(2294)83

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FILED

APR 18 1983

*4-18-83*  
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*with [unclear]*  
*[unclear]*

CRATON LIDDELL, et al.,

Plaintiffs,

v.

BOARD OF EDUCATION OF THE CITY  
OF ST. LOUIS, MISSOURI, et al.,

Defendants.

EYVON MENDENHALL, CLERK  
U. S. DISTRICT COURT  
E. DISTRICT OF MO.

No. 72-100-C(4)

MOTION TO AMEND STATE DEFENDANTS' RESPONSE TO  
SETTLEMENT AGREEMENT H(2259)83

Come now, State Defendants, by and through their attorneys of record and move this Court to permit an amendment to the Response to the Settlement Agreement. State Defendants wish to attach two documents as appendices to the response. These documents did not exist at the time of the response, but should be included for the Court's information.

Proposed Appendix E explains that consolidation of schools, especially at the secondary level, and reduction of administrative staff could bring the school district to AAA standards without additional funds. Proposed Appendix F lists the enrollment of the St. Louis public schools. This document shows a large decrease in enrollment over a nine-year period, especially at the secondary level where the enrollment decreased in some schools by 1,300 to 1,700 students. This data indicated significant under utilization of buildings. Consolidation could save fixed costs of operating and heating buildings as well as reduce costs of unnecessary administrative and support staff.

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*Leave to file  
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granted  
WJH  
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 Plaintiffs, )  
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 v. ) No. 72-100-C(4)  
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This information is directly related to the City Board's claims for additional funds for renovation of buildings and improvement of educational opportunities.

WHEREFORE, State Defendants move that their Response to Settlement Agreement be amended to include proposed Appendices E and F.

Respectfully submitted,

JOHN ASHCROFT  
Attorney General

*Brooks Pitchie by Sac*  
BROOKS PITCHIE  
Assistant Attorney General

Broadway State Office Building  
P. O. Box 899  
Jefferson City, Missouri 65102-0899  
314/751-3321

CERTIFICATE OF SERVICE

On this 15<sup>th</sup> day of April, 1983, I certify that I will mail a copy of the foregoing document to all parties of record by placing a true copy of same in the U.S. Mail, postage prepaid and addressed to all counsel of record as soon as the document number is received from the United States District Clerk.

*Larry Marshall by Sac*  
LARRY R. MARSHALL  
Special Assistant Attorney General

920A East Broadway  
Columbia, Missouri 65201  
314/ 443-2006

ATTORNEYS FOR STATE DEFENDANTS

*Joseph A. Cunniff*  
~~Assistant Attorney General~~

# MISSOURI STATE BOARD OF EDUCATION

POST OFFICE BOX 480

JEFFERSON CITY, MISSOURI 65102

April 8, 1983

ARTHUR L. MALLORY  
COMMISSIONER OF EDUCATION

TO: St. Louis Board of Education

Dear Board Members:

Two members of the St. Louis Board of Education have written me requesting specific information regarding the reclassification of the St. Louis Public Schools and the basis of several recent statements made by me and members of our staff. The implications of both letters and statements made by Superintendent Jones were that the St. Louis Board of Education was surprised and unaware of the possibility of the classification of the district being reduced. I am pleased to provide you with information which will help you better understand the classification process and the basis for several statements alluded to in Mrs. Alcott's and Mr. Schesch's letters.

Section 161.092(9), RSMo., requires the State Board of Education to adopt standards for the classification of the public schools of this state. The State Board's standards are contained in the Handbook for Classification and Accreditation of Public School Districts in Missouri (Appendix A). This manual has been widely distributed with about 300 copies having been sent to St. Louis Public Schools' officials. The classification report forms C & D (Appendix B) are completed annually by each school district and sent to this Department where our staff performs a desk audit to determine preliminary classification deficiencies. The district is contacted by mail and telephone to verify these reports and, if necessary, collect additional data. The Area Supervisor of Instruction then makes a classification visit to the school district verifying data reported by the district, discussing discrepancies, and reviewing the school district's programs. If in the judgment of the Area Supervisor of Instruction a change in the classification rating is justified, a team visit is arranged. At the conclusion of the team visit, an exit conference is held by our staff with school officials.

Appendix C represents a chronology of events related to the classification of the St. Louis Public Schools up through the team visit on January 24-28, 1983. Richard Phillips, Director of Supervision of Instruction, and Dr. Bill Freeman, Area Supervisor of Instruction, held an exit conference with Interim Superintendent Ron Stodghill and other district administrators on January 28, 1983.

On January 7, 1983, I wrote Interim Superintendent Stodghill advising him that the classification data indicated there was a question as to whether the St. Louis Public Schools could retain its AAA rating. In that letter, I mentioned that a classification team would be in the district to review the programs (Appendix D).

On February 15, 1983, Bill Freeman met with Interim Superintendent Stodghill and shared with him the draft of the "letter of classification" which was to be presented to the State Board of Education at its February 24-25, 1983, meeting and which

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recommended AA classification. On February 25, 1983, the State Board postponed consideration of the classification of your school district until the March 30-31, 1983, Board meeting. On the same day Richard Phillips called Ron Stodghill and Lou Ratz and informed them of the State Board's action. The above shows that school district officials knew well in advance of the March 30-31, 1983, Board meeting of the pending action and had ample time to request a meeting with me or my representatives about the district's proposed classification.

For over a year, the St. Louis Post-Dispatch and the Globe Democrat have published stories and editorials mentioning that the St. Louis Public Schools' AAA rating might be in jeopardy (Appendix E). In several of the articles, board members and other school officials are quoted as questioning the ability of the district to maintain its rating.

Concern about the educational programs offered in the St. Louis Public Schools did not begin in 1983. In the fall of 1981, members of our staff performed an extensive on-site evaluation of the St. Louis Public Schools, primarily related to funding issues. A report of that team visit included some specific educational concerns (Appendix F). The classification letter of 1982, while suggesting an overall AAA rating, contains extensive advisements (Appendix G). The 1982 classification letter was mailed February 9, 1982, to the Secretary of the Board with copies to the President of the Board of Education and the Superintendent. Page two of the letter of classification gives specific direction to school districts in dealing with advisements.

More recently, on page 23 of the St. Louis Public Schools Board of Education's memorandum in support of its "Motion to Order Adjustments in the State Funding of the Desegregation Plan to Safeguard the Level of Implementation Required by the Prior Adjudications, and to Order Related Relief", attorneys John Lashly, Paul Rava, and Kenneth Brostron, representing you, suggested to Judge Hungate there was a question as to whether a AAA rating could be maintained (Appendix H). The agreement in principle signed by Attorney Kenneth Brostron, representing you, filed with the Court on February 22, 1983, anticipates AA classification and, in fact, "preclassifies" the St. Louis Public Schools by stating on page 4, Item 3.1., ". . . The settlement will contain specific provisions for improving the quality of education provided by the City School System and for restoring its AAA rating . . . ." (Emphasis supplied) (Appendix I). The same language appears in the Proposed Settlement Agreement filed with the Court, March 30, 1983, on page I-4 (Appendix J).

In the face of St. Louis Public Schools officials' statements reported in the press, general media coverage regarding the St. Louis Public Schools' classification, and our communications with your staff, I feel confident the administration of the district was aware of pending action of the State Board of Education to reduce the St. Louis Public Schools' classification from AAA to AA. As pointed out above, this possibility was broadly publicized and discussed. Also, on January 17, 1983, when Richard Phillips and Bill Freeman of our staff met with Interim Superintendent Ron Stodghill and Deputy Superintendent Lou Ratz, Mr. Phillips stated he would recommend a AA classification for your district.

Subsequent to the State Board's action regarding the St. Louis Public Schools' classification, I wrote Superintendent Jerome Jones on March 31, 1983, not only to make him aware of the State Board's action but also to make some positive suggestions regarding the improvement of the St. Louis Public Schools (Appendix K).

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It is true our staff has not been adamant in recommending a reduction of central administrative staff over the past several years. We believe the number and duties of central administrative staff are decisions which the local board of education can and should make. I would not presume to tell you which staff members are ineffective or unnecessary. However, when expenditures for central administration exceed by two (2) percentage points the highest of other large districts in the State (see the enclosure with my letter to Superintendent Jones, dated March 31, 1983) and reductions in classroom teachers have caused significant deterioration in class size, and thus in the educational process, I feel obliged to call this to your attention. Incidentally, the data on administration were taken from your school district's statistical profile, prepared by us from reports submitted by your school, which was mailed to the superintendent in January 1983 (Appendix L).

By reducing general administrative expenditures by two (2) percentage points, approximately \$3,700,000 could be made available for the employment of classroom teachers. In my letter dated March 31, 1983, to Superintendent Jones, I indicated there was a potential for consolidating some of the secondary schools to take advantage of underutilized facilities. Savings would result both in terms of fixed costs and the reduction of building administrators and support staff. A comparison of building utilization in 1973-74 and 1982-83 (Appendix M) also indicates an underutilization of elementary facilities. Several elementary attendance centers are maintained with fewer than 200 students while others, based on 1973-74 enrollments, are underutilized. Again, significant savings can be obtained through a judicious consolidation of several of these attendance centers.

According to the Proposed Settlement Agreement (IV-2, 3), 350 additional teachers would be required to reduce class sizes to the following ratios:

Kindergarten	25:1
Grades 1-3	26:1
Grades 4-12	30:1

These ratios go beyond what is absolutely necessary to meet AAA standards, which specify ratios of no more than 30:1, grades K-5 and 35:1, grades 6-12. Data taken from your C & D reports indicate AAA standards for class sizes are exceeded by 3,023 students at the elementary level and 4,167 students at the middle school and secondary levels. For the current year, approximately 222 additional teachers would have been required to meet the maximum class size standards for AAA schools.

The St. Louis School District's statistical profile indicates the average salary for classroom teachers with 6-10 years' experience is \$18,610. Therefore, the district could have met class size standards with an additional \$5,000,000, including funds for fringe benefits. Reducing administrative costs by two (2) percentage points and consolidating several elementary and secondary attendance centers would have enabled the district to employ additional classroom teachers to meet AAA standards in class size, without additional state money or funds from other sources.

Incidentally, the 30:1 ratio of students to faculty at the elementary level required to meet AAA standards is not, from my point of view, nearly good enough. Smaller classes, particularly, at the primary level K-4, should be the goal of every school district in

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the State. In this letter, however, I am emphasizing the fact that you can meet minimum AAA standards without additional funds. This is what I said to my Board at its meeting last week. Also, it is unnecessary for the district to receive large sums of additional money from the State for desegregation purposes just to meet AAA standards. These issues can and should be separated. It is inappropriate to imply that the St. Louis Public Schools' weakened educational program is solely the direct result of a segregated district. You have chosen to combine your classification problems with desegregation issues and I have chosen not to do so.

It is not essential that school districts in Missouri be AAA to offer sound educational programs. Numbers of districts are AA and feel comfortable with their offerings. It is a local decision as to whether or not a district will offer AA or AAA programs, and the State of Missouri is unfortunately not in the financial condition to provide the additional funds required for all of our 324 AA school districts to move immediately to AAA status which is what your attorneys are suggesting for St. Louis in their prayer before the Court.

You asked me to be specific about how you could meet major AAA standards within current financial resources. In this letter we have shown that consolidation of certain facilities and a transfer of administrative expenditures to instruction could provide the necessary resources.

The Proposed Settlement Agreement also indicates that if there is a net transfer to the County schools of 2,500 students, only 257 additional teachers would be required to meet the board's class size goal. Using ratios of 30:1 and 35:1 (AAA minimum standards), perhaps as few as 147 additional teachers would be required to meet the class size standard at a cost of \$3,300,000 including fringe benefits, using the average salaries of teachers with 6-10 years' experience for 1982-83. While the estimates for next year are based on a net transfer out of the St. Louis Public Schools of 2,500 students, they do not take into account the projected natural enrollment decline of 2,000 students per year. If this natural enrollment decline occurs, the need for additional staff could be as low as 87 teachers for the 1983-84 school year. I am confident your staff has made similar projections for you. Again, I want to point out that what I said to my Board is true--if you reorganize and tighten up administration, you can pay for a minimum AAA status with current funds.

The State Board of Education, members of our staff, and I continue to be concerned about the educational well-being of the children and youth in the St. Louis Public Schools. I know you have reviewed your Division of Evaluation's reports--"Achievement Summary 1981-82" and "1981-82 Desegregation Evaluation, A Comparison Of The Achievement Of Black And White Students In Various School Settings"--and are equally concerned that more gains are not demonstrated between pretest and posttest and that the reported gains are not sustained from the posttest during the spring to the pretest the next fall.

I trust the information provided with this letter is responsive to the questions asked in the two letters I received from board members. I hope so. It has always been the intention of the State Board of Education and our staff to work in a cordial and professional manner with the staff of the St. Louis Public Schools. I think our record shows we have done so. I am sorry if it appears we are in conflict and, particularly I am unhappy for disagreements which have been aired publicly. If after you have reviewed this letter you feel it would

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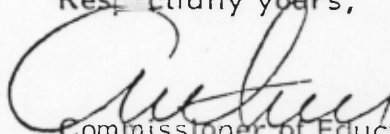
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be beneficial for members of our staff to meet with the board and administration, we will be prompt to oblige. We can set such a meeting for here in Jefferson City at a time convenient to you. I want the St. Louis Board of Education to view this Department as a friend and I want your new superintendent, whom I have met and who impresses me as being a sincere man of genuine quality, to feel comfortable in working with us now and in the future.

I believe the AA classification for the St. Louis Public Schools is proper. And just as has been true in the past when we have worked together on classification issues, we covet the opportunity to work closely with you again.

Please accept my good personal regards to each board member.

Respectfully yours,



Commissioner of Education

Enclosures (12)

cc: State Board of Education

Dr. Jerome Jones, Superintendent of Schools

Staff, Department of Education



St. Louis Public School

Enrollment Data

	<u>1973-74</u>	<u>1982-83</u>	
Beaumont High	2923	1675	
Central High	1721	1226	
Cleveland High	2557	1223	
Delmar	261		
King	667 (6-8)	490	
Lincoln Opportunity High	146		
McKinley High	1516	910	
Metro High School	136	260	
Northwest High	2237	1500	
Roosevelt High	2957	1525	
Soldan High	3308	1286	
South Grand Work Study	178 (9-11)	213	
Southwest High	2719	876	
Sumner High	2790	1921	
Vashon High	2209	1534	
O'Fallon Technical School	3071	1462	
Blewett Junior High	864	526	(Blewett Middle School
Adams Elementary	517	478	
Ames Elementary	523	435	(Ames Express. and Recep. Arts)
Arlington Elementary	550	411	
Ashland-Ashland Branch Elementary	1248	739	
Baden Elementary	659	467	
Banneker Elementary	352	363	
Bates Elementary	460		
Benton Elementary	423		
Blair Elementary	489		
Blow Elementary	397 Middle (6-8)	429	
Bryan Hill Elementary	657	362	
Buder Elementary	516	565	

	<u>1973-74</u>	<u>1982-83</u>	
Busch Elementary	369		
Carondelet Elementary	244		
Carr Elementary	163		
Carr Lane Elementary	302	211	
Carver Elementary	480	200	
Charless Elementary	302		
Children's Study School	27	23	(Children's Study Home
Chouteau Elementary	338		
Clark Elementary	788	491	
Clark Branch No. 1 Elementary	266	172	
Clark Branch No. 2 Elementary	103	143	
Clay Elementary	719	398	
Clinton Elementary	438 (6-8)	450	
Clinton Branch Elementary	245		
Cole Elementary	329	529	
Cole Branch Elementary	174		
Columbia Elementary	718 (K-8)	477	
Continued Education Project	168	184	
Cook Elementary	679 (6-8)	414	
Cook Branch Elementary	120	159	
Cote Brilliante Elementary	636	482	
Cupples Elementary	780	541	
Dewey Elementary	523 (6-8)	350	
Divoll Elementary	331		
Divoll Branch Elementary	105		
Dozier Elementary	449		
Dunbar & Dunbar Branch Elementary	766	649	
Eliot Elementary	580	444	
Emerson Elementary	712	474	
Enright Middle School (Elementary)	1161 (2-8)	485	
Euclid Elementary	395 (K-3)	268	
Euclid Branch No. 1 Elementary	50		

	<u>1973-74</u>	<u>1982-83</u>
Fanning Elementary	790 (K-8)	428
Farragut Elementary	820	530
Field Elementary	517	322
Field Branch Elementary	167	
Ford Elementary	696 (K-8)	522
Ford Branch Elementary	195	
Franklin Elementary	274 (9-12)	236
Fremont Elementary	696	
Froebel Elementary	625	438
Gallaudet Elementary	91	109
Gradenville Elementary	405	
Garfield Elementary	552	365
Grant Elementary	594 (K-8)	394
Gratiot Elementary	217	
John W. Griscom	62	64
Gundlach Elementary	871	736
Hamilton Elementary	894	420
Hamilton Branch No. 1 Elementary	181	
Hamilton Branch No. 2 Elementary	111	370
Hamilton Branch No. 3 Elementary	302 (6-8)	194
Harrison Elementary	596	494
Hempstead Elementary	827	527
Hempstead Branch Elementary	91	123
Henry Elementary	602	336
Herzog Elementary	352	462
Herzog Branch Elementary	121	
Hickey Elementary	800 (K-8)	398
Hodgen Elementary	632	396
Hodgen Branch Special No. 80	45	
Howard Elementary	316	
Howard Branch Elementary	127	
Humboldt Elementary	370 (9-12)	608
Irving Elementary	561	475

	<u>1973-74</u>	<u>1982-83</u>
Irving Branch Elementary	315	
Jackson Elementary	425	439
Jefferson Elementary	545	434
Kennard Elementary	353 (9-11)	342
Laclede Elementary	749	517
Lafayette Elementary	407	361
Langston Elementary	948 (6-8)	493
Lexington Elementary	482	391
Lindenwood Elementary	304	
Long Elementary	517 (6-8)	367
Longfellow Elementary	245	
L'ouverture Elementary	583 (K-8)	473
Lowell Elementary	461	303
Lyon Elementary	346 (K-8)	260
Maddox Elementary	258	
Madison Elementary	256	410 (MAGNET)
Mallinckrodt Elementary	289	328 (MAGNET)
Mann and Mann Branch Elementary	644	397
Mark Twain Elementary	745	400
Mark Twain Branch Elementary	369	205
Marquette Elementary	340	
Marshall Elementary	457	476
Marshall Branch Elementary	115	
Mason Elementary	389 (6-8)	306
Meramec Elementary	352	391
Elias Michael Elementary	109	111
Missouri Hills	76	44
Mitchell Elementary	649	481
Mitchell Branch Elementary	238	200
Monroe Elementary	442	
Mount Pleasant Elementary	343	
Mullanphy Elementary	693 (K-8)	500
Nottingham Elementary	233 (6-8)	163
Oak Hill Elementary	421	320

	<u>1973-74</u>	<u>1982-83</u>
Peabody Elementary	753	563
Fruitt Elementary	405	
Riddick Elementary	526	
Rock Spring Elementary	185	
Roe Elementary	506	316
Scruggs Elementary	646	437
Scullin Elementary	844	485
Shaw Elementary	465 (K-8)	475
Shenandoah Elementary	474	251
Shepard Elementary	629	374
Sherman Elementary	576	356
Sherman Branch No. 1 Elementary	81	
Sherman Branch No. 2 Elementary	188	
Sherman Branch No. 3 Elementary	76	
Sigel Elementary	581	508
Special School No. 1	61	
Simmons Elementary	852 (K-8)	546
Stevens Elementary	601 (6-8)	428
Stix Elementary	350	332 (MAGNET)
Stowe Elementary	923 (6-8)	464
Turner Middle School (Elementary)	562 (6-8)	660
Wade Elementary	384	367 (MAGNET)
Walbridge Elementary	983	679
Walnut Park Elementary	688	586
Walnut Park Branch Elementary	277	
Waring Elementary	361	344 (MAGNET)
Washington Elementary	671 (K-8)	440
Webster Elementary	576 (6-8)	269
Wilkinson Elementary	237 (K-8)	248
Williams Elementary	572 (K-8)	507
Williams Branch No. 1 Elementary	214	156
Williams Branch No. 2 Elementary	162	
Windsor Elementary	437	

	<u>1973-74</u>	<u>1982-83</u>
Woerner Elementary	568	416 (Woerner I.G.E.)
Woodward Elementary	606	481
Wyman Elementary	754	480
Yeatman Elementary	978 (6-8)	610
Academy of Math and Science		418
City Hospital School		5
Glennon Hospital		5
St. Louis Children's Hospital		21