**Final Ruling/Judgment in Massey v. Normandy, Judge Michael Burton, St. Louis County**

On February 11, 2015, Judge Michael Burton issued a permanent injunction on all three grounds requested by Plaintiffs in the Massey v. Normandy case. On the first ground, Judge Burton ruled that as a factual matter, the Missouri State Board of Education never called the Normandy Schools Collaborative (“NSC”) accredited: “[no] document submitted into evidence by the Defendants, states that the NSC is in fact ‘accredited’. . . . The Board figured it could either illogically call a horribly failing school district ‘accredited’ or call the NSC something else and boldly announce that the transfer statute would not be applicable. The Board chose the latter approach.” However, Judge Burton ruled that if NSC is not “accredited,” which it is not, then the transfer statute continues to apply.

On the second ground, Judge Burton found that the State Board did not have authority to give the NSC “new accreditation as a state oversight district.” While the waiver statute, 162.210, grants the State Board authority to waive its rules, it does not and cannot grant the State Board the authority to waive statutes. Therefore, the statutes governing accreditation still apply. In particular, 162.081 sets forth several procedures that the State Board must follow to return an unaccredited school district to accredited status. The State Board has achieved virtually none of them, and the Court stated that it “is stunned with the State Defendants’ indication in its Trial Brief that ‘Plaintiffs are unable to show that the Defendants have failed to comply with any requirement of 162.081.3’” In fact, Plaintiffs showed that Defendants failed to comply with many of them, and Defendants conceded the same. As the Court stated, “much needs to be done to return to an ‘accredited status.’ Connections need to be made. Partnerships need to be fostered. Support needs to be put into place. This cannot happen overnight.” The Court stated that he expects the process to take years.

On the third ground, Judge Burton found that the State Board violated Missouri rule-making procedures in creating a new accreditation classification and applying it to the NSC. The waiver statute does not allow the State Board to ignore or waive statutes. The State Board must go through the normal statutory rulemaking process.

After granting all three arguments made by Plaintiffs, the Court granted the declaratory judgment and permanent injunctive relief that Plaintiffs requested. Notably, the Court ordered that “the State Board must classify the NSC,” and that classification must be “unaccredited until such time that it achieves a different status – either provisionally accredited, accredited, or accredited with distinction.” Thus, under this ruling the classification of “state oversight district” is dead, and one of the four existing accreditation classifications, under the normal rules of those classifications, must be applied to NSC.