

IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

WE THE PEOPLE-3 SCHOOLS INC.,

a Missouri nonprofit corporation

Plaintiff,

Case No. _____

v.

St. Joseph School District,

a body corporate and political subdivision,

1415 N 26th Street

St. Joseph, MO 64506,

Board of Education of the St. Joseph**School District,**

a public governing body politic,

1415 N 26th Street

St. Joseph, MO 64506,

Rhonda Chesney, Board Member & President,

Board of Education, St. Joseph School District,

in her official capacity,

Jacob McMillian, Board Member & Vice**President,**

Board of Education, St. Joseph School District,

in his official capacity,

Kim Miller, Board Member,

Board of Education, St. Joseph School District,

in her official capacity,

Mike Moore, Board Member,

Board of Education, St. Joseph School District,

in his official capacity,

Jennifer Kerns, Board Member,

Board of Education, St. Joseph School District,

in her official capacity,

Cassandra Veale, Board Member,

Board of Education, St. Joseph School District,

in her official capacity, and

Latonya Williams, Board Member,
Board of Education, St. Joseph School District,
in her official capacity.

In accordance with § 506.150, RSMO, service on
all Defendants hereto should be made via:

Dr. Ashly McGinnis
St Joseph School District
1415 N 26th Street
St. Joseph, MO 64506

PETITION
and
REQUEST FOR PRELIMINARY INJUNCTION

Plaintiff, We the People – 3 Schools, Inc., by and through counsel, for its claim against
Defendants, states and alleges as follows:

PARTIES

1. Plaintiff, We the People – 3 Schools Inc. (“WTP 3 Schools”) is a Missouri nonprofit corporation with its registered office in Buchanan County, Missouri. Ex. 1, Articles of Incorporation.

2. WTP 3 Schools is made up of hundreds of parents, guardians, families, employees of the St. Joseph School District, taxpayers, and community members in Buchanan County, Missouri, who are affected by and actively contesting the District’s school consolidation and closure plan known as Plan 4BR.

3. WTP 3 Schools has members who are directly impacted by and would have standing in their own right to challenge SJSD’s Plan 4BR. *See, e.g.*, Ex. 56, Aff. of Valerie Banks; Ex. 63, Aff. of Renee Davidson; Ex. 62, Aff. of Leesa Forsee; Ex. 60, Aff. of Jennifer Hamm; Ex. 59, Aff. of Jeff Leake; Ex. 61, Aff. of Katherine Seufert; Ex. 58, Aff. of Garold White; Ex. 57, Aff. of Craig Wolf.

4. This lawsuit is germane to WTP 3 Schools' purpose, which includes "advocacy efforts that promote integrity, accountability and protection from the St. Joseph School District against corruption and misuse of authority." Ex. 1, Articles of Incorporation.

5. Neither the claims asserted herein nor the declaratory and injunctive relief requested require the participation of individual members in this lawsuit.

6. WTP 3 Schools has one or more members whose children are enrolled in the early childhood program in SJSD.

7. WTP 3 Schools has one or more members whose children are enrolled in an elementary school in SJSD.

8. WTP 3 Schools has one or more members whose children are currently enrolled in a middle school in SJSD.

9. WTP 3 Schools has one or more members whose children are currently enrolled in a high school in SJSD.

10. WTP 3 Schools has one or more members who are employed by SJSD.

11. WTP 3 Schools have one or more members who live in the boundaries of SJSD.

12. WTP 3 Schools has one or more members who are taxpayers in the District.

13. Defendant, St. Joseph School District ("SJSD" or the "District") is a public school district located in Buchanan County, Missouri, and a political subdivision of the State of Missouri.. SJSD is governed by a seven-director school board. In accordance with § 506.150, RSMo, service of process on SJSD can be accomplished by serving the chief executive officer, Ashly McGinnis, District Superintendent, at the SJSD Administration Building, 1415 N 26th Street, St. Joseph, Missouri 64506.

14. Defendant Board of Education of SJSD (the "School Board") is a representative

body elected by the registered voters of the District and is the governing body for the District. The purpose and role of the School Board is to exercise general supervision over the schools of the district and to ensure that the schools are maintained as provided by Missouri statutes, applicable state rules and regulations, and the policies, rules, and procedures of the District. The School Board is accountable to the electorate and shall be responsive to the educational needs and the financial constraints of the District. The School Board, acting as a whole, controls all aspects of the operations of the district within the limits of the law and serves as the final authority for SJSD. In accordance with § 506.150, RSMo, service of process on the School Board can be accomplished by serving the District's chief executive officer, Ashly McGinnis, District Superintendent, at the SJSD Administration Building, 1415 N 26th Street, St. Joseph, Missouri 64506.

15. The members of the School Board are Ronda Chesney, Jacob McMillian, Kim Miller, Mike Moore, Jennifer Kerns, Cassandra Veale, and Latonya Williams. They are sued in their official capacities and collectively as a Board in their official capacity. Service on each of the School Board members in their official capacity can be accomplished by serving them via the District's chief executive officer, Ashly McGinnis, District Superintendent, at the SJSD Administration Building, 1415 N 26th Street, St. Joseph, Missouri 64506

JURISDICTION AND VENUE

16. This Court has original subject matter jurisdiction over this case under Mo. Const. art. V § 14.

17. This Court has jurisdiction over this action under the Missouri Administrative Procedure Act ("MAPA"), Section 536.150, RSMo.

18. Venue is proper in this Court under Section 508.010, RSMo., in that all parties reside in Buchanan County.

FACTUAL BACKGROUND

19. Plaintiffs incorporate the allegations of each of the above paragraphs as though fully set forth herein.

The SJSD Long-range Plan and the Failed Bond Election in April 2025

20. The St. Joseph School District currently has, and has had for many years, three high schools: Benton High School, Central High School, and Lafayette High School.

21. In 2024, SJSD issued a long-range plan for expanding facilities and increasing educational opportunities. See Ex. 2, 2024 Long Range Plan. The plan envisioned becoming a two high-school community, with an aligned feeder system. *Id.* at 27. Voters would be asked to approve a bond issue in April 2025 to build one new high school in the District. *Id.* at 25-27.

22. The School Board put the new high-school initiative on ballot in the April 8, 2025 election, but the voters rejected authorization of the bond issuance for the new school. See Ex. 3, 4.14.25 Long Range Plan Discussion; see also St. Joseph School District, *Board Reorganization Meeting/Work Session – April 14, 2025*, YouTube (Apr. 14, 2025), <https://www.youtube.com/live/24mcACcxSDc?si=40IOfjM5TeEX7DmK>; Ex. 4, 4.14.2025 - Meeting Minutes.

School Closure, Consolidation, and Reorganization Proposals

23. Upon information and belief, after the bond question failed in April 2025, the District and School Board began to push plans that were feigned attempts to appear like SJSD was addressing the needs of students, families, staff, and the community. In reality, however, the District and School Board attempted to put the District in a position where the District and School Board's real agenda (building new high schools) would have to be done.

24. By April 14, 2025, the School Board was aware that the \$157 million bond initiative

had failed. The Board indicated that the initial timeline for the long-range plan was set to be implemented during the 2026-2027 school year. *See id.*

25. On April 14, 2025, the School Board represented that the point of proposing the new high school was to allow for equal opportunities for all high-school students to “right size” the District. The School Board also stated that SJSD could staff the three high schools for years to come but that the issue was unequal opportunities between the high-school offerings. The School Board admitted that SJSD does not offer equal educational opportunities across the district as it stands. *See Ex. 3, 4.14.25 Long Range Plan Discussion; See also St. Joseph School District, Board Reorganization Meeting/Work Session – April 14, 2025, YouTube (Apr. 14, 2025),* <https://www.youtube.com/live/24mcACcxSDc?si=40lOfjM5TeEX7DmK>.

26. On April 14, 2025, the Board also recognized a decline in student enrollment and expressed belief that a new school would attract families and students to the District and increase enrollment. Because the bond failed, however, the School Board stated that the District would move forward with just two high schools because neither declining enrollment numbers nor the lack of equal educational opportunities justified having three high schools. *See id.*

27. On April 14, 2025, the School Board shared a plan of having Central and Lafayette as the two remaining high schools given that the new-school bond had failed. The Board represented, however, that its goal for moving forward was to listen to community members to learn what they wanted. *See id.*

28. On April 14, 2025, the Board admitted that SJSD was in deficit spending but just minutes later stated that the District was financially strong and had money for operations and that the bigger issue was not having enough staff to create equal educational opportunities. *See id.*

29. On April 28, 2025, the Board was informed there would be a community survey

conducted to determine why the Bond failed and what the community would like moving forward. See Ex. 5, 4.28.25 Community Bond Survey; see also St. Joseph School District, *April 28, 2025 Board of Education Meeting*, YouTube (Apr. 28, 2025), <https://www.youtube.com/live/9Es0A3R7AA0?si=Prkn7wiaRF0qkqQl>.

30. On May 12, 2025, the School Board was informed by administration that the District sent a survey evaluating the reasons behind the \$157 million bond's failing. According to the survey results, the number one priority among survey participants was to create equal educational opportunities across the District. Survey participants primarily wanted a plan with specifics like boundaries, feeder patterns, staffing changes, what the cost would be, and a timeline. See St. Joseph School District, *May 12, 2025 Board Work Session*, YouTube (May 12, 2025), <https://www.youtube.com/live/xDYOgeKlrUI?si=9bsNeJq6N6S2Q5hi>.

31. During the May 12, 2025 meeting, the School Board shifted gears and stated that reason behind a two high-school system was to address staffing issues. See *id.*

32. Because the bond for a new high school failed, the DLR Group, an integrated design, architecture, and engineering firm, conducted a walkthrough of district buildings to review the overall usage of the buildings for students. On May 16, 2025, DLR provided various recommendations and scenarios for educating 3,000 high-school students now and in the future. See Ex. 6, 2025 DLR Walkthrough. These included the following findings:

- a. For the purpose of operational savings, the recommended short-term plan was a two-high-school model with Lafayette and Central. This plan would take advantage of recent HVAC updates in those schools. It was estimated to cost as low as a few million dollars to prepare the buildings for the student numbers it would require. See *id.*

b. The DLR recommendations were based on building scores including, the environment, physical condition, and systems, finding that:

- Benton High school had a building score of 2.21 out of 4.00; the building square footage is 122,109; and the DESE¹ maximum capacity is 999 students, with an optimum capacity of 884 students. Challenges for Benton included the poor condition of plumbing, HVAC, and electrical systems, as well as parking and pickup/dropoff space, limited playing fields, steep grades, and accessibility issues. *See id.*
- Central had a building score of 2.45 out of 4.00; the building square footage is 238,109; and the DESE maximum capacity is 1,937 students, with optimum capacity at 1,732. Challenges included the condition of HVAC and electrical systems and accessibility. *See id.*
- Lafayette had a building score of 2.23 out 4.00; the building square footage is 156,641; and the DESE maximum capacity is 1,611 students, with optimum capacity at 1,380 students. Challenges again included accessibility. *See id.*

33. On May 27, 2025, the School Board discussed revising the long-range plan for SJSD and stated that after DLR walked through the District buildings and evaluated the capacity and building conditions, the capacities to be used for Lafayette was 1,150 students and for Central, 1,700 students. *See Ex. 7, 5.27.25 Minutes; See also St. Joseph School District, May 27, 2025 Board of Education Meeting, YouTube (May 27, 2025),* <https://www.youtube.com/live/Qtezln3DFQU?si=QXBpDyIf0ieLqRe4>.

¹ DESE stands for the Missouri Department of Elementary and Secondary Education.

34. On June 9, 2025, the budget for the 2025-2026 school year was presented and approved. It was estimated to be around \$9 million over the District's projected revenue in 2026. *See* Ex. 8, 6.9.25 Budget Approval; Ex. 9, 6.9.2025 - Meeting Minutes; *see also* St. Joseph School District, *June 9, 2025 Board Work Session*, YouTube (June 9, 2025), <https://www.youtube.com/live/9Gsv7RTTNug?si=uDkA7FU8jV9ZMm5G>.

35. District administrators informed the School Board on June 9, 2025, that the long-range plan would be to have four middle schools feed into the two high schools, Central and Lafayette. The Board voiced concerns with this plan, however, including parking, transportation, technology accessibility, and building updates required. District finances were *not* stated as a driving factor for the long-range plan but, instead, staffing shortages and educational opportunities. *See id.*; *see also* Ex. 10, 6.9.25 Long Range Plan.

36. On June 23, 2025, the DLR Group presented to the Board the results of some district building assessments, including the viability of buildings, and how the district could best approach using existing buildings until a new bond is passed for a new high school or for renovations to the existing ones. A bond needed for renovations to update two existing high schools was estimated to be \$80 million. *See* Ex. 11, 6.23.25 – Minutes; *see also* St. Joseph School District, *June 23, 2025 Board of Education Meeting*, YouTube (June 23, 2025), <https://www.youtube.com/live/b-obPlMDPnA?si=XMMipZPh1f8b3A0d>.

37. On June 23, 2025, the School Board expressed preference for a two-high-school model with Benton and Central, saying that it would put the District in a better position to get a new high school, because they could market it as an intermediate 5-year plan. District financials were *not* a stated reason for looking at a Benton and Central model. *See id.*

38. On July 23, 2025, the School Board and District discussed a financial workshop

that determined the District's reserve amounts were projected to be fatally low. The focus for the coming year was said to be on financial stability for District to help increase the reserve numbers.

See id.

39. On August 11, 2025, the financial projections through the 2029-2030 school year were presented to the School Board. The Board was made aware that the reserve balance at the end of fiscal year 2024 was around 18 percent of the District's yearly expenditures. The consensus was to get Linda Quinley (an expert on school finance, administration, and operations for the Missouri School Boards' Association) to evaluate and present her opinion on the financial stability of the district. *See* Ex. 12, 8.11.25 Financial Standing, St. Joseph School District, *August 11, 2025 Board Work Session/Open Meeting*, YouTube (Aug. 11, 2025), <https://www.youtube.com/live/9tXP8yIYea4?si=E2xqKmjoFBt7F8Aa>.

40. District administration informed the School Board on August 11, 2025, that they wanted the reserves balance to reach 20% over the next few years. *See id.*

41. On September 8, 2025, the School Board was first presented with five options, or scenarios, in which the District could move to a two-high-school model. *See* Ex. 13, 9.8.25 Plans 1-5; *see also* Ex. 14, 9.8.2025 - Meeting Minutes; St. Joseph School District, *September 8, 2025 Board Work Session/Special Board of Education Meeting*, YouTube (Sept. 8, 2025), <https://www.youtube.com/live/YR8bTmVGxxY?si=gDz9IHpW1UqS7ulH>. None of these scenarios was Plan 4BR, which was eventually adopted. Discussion on the scenarios presented on September 8 included:

- a. The options were based around a two-high-school model with either (1) Central and Lafayette as the high schools or (2) Central and Benton, with Benton having to use another nearby building (currently Hyde Elementary) to reach the needed capacity.

b. The biggest concerns voiced regarding any Benton/Hyde model were accessibility needs for ADA compliance and how to operate a 2-building high school (mainly transporting students between facilities, especially those with disabilities). Some School Board members expressed that the biggest concern that would have to be addressed with respect to the Benton/Hyde option would be accessibility for disabled students during the day. *See id.*

c. District administration recommended a Benton/Hyde option because it would provide a short-term solution while they hoped to be able to build a new high school in place of Benton once the District could get a new bond passed. It was acknowledged that of the two scenarios, a Lafayette-Central plan would be the cheaper and quicker fix to the District's claimed need for a two-high-school model but that the Lafayette-Central plan would not be conducive for a plan to build a new high school. *See id.*; *see also* Ex. 15, Superintendent Recap for 9.8.25.

d. It was revealed from a survey that over 57 percent of SJSD staff thought that, *if* the District were to go to a two-high-school model, it should be implemented in the 2027-2028 school year (not the 2026-2027 school year). *See* St. Joseph School District, *September 8, 2025 Board Work Session/Special Board of Education Meeting*, YouTube (Sept. 8, 2025), <https://www.youtube.com/live/YR8bTmVGxxY?si=gDz9IHpW1UqS7ulH>.

e. Special Education programming was given short shrift in the September 8, 2025 meeting. It could just be moved to an "open building" if the current Webster Programing building was closed. There were no discussion regarding how disabilities or accommodations would be met with any of the presented options. *See id.*

f. The School Board asked for more information on plans 4a, 4b, and 5, which were all Central and Benton/Hyde models. *See id.*

g. No impact analysis was carried out regarding these options at that point. Nor were any concrete financial projections given regarding any of the options. The only concrete financial statement made was that \$8 million would need to be cut from the District's budget in the next few years to achieve a healthy reserve balance. *See id.*

42. Once the School Board meeting started on September 22, 2025, the public was informed that more plans had been added for consideration due to conversations among Board members after the last meeting. Therefore plans 2, 2a, 2b, 5, and 7 were considered. Ex. 16, 9.22.25 Plans 1-7; *see also* Ex. 17, 9.22.2025 - Meeting Minutes; St. Joseph School District, *September 22, 2025 Board of Education Meeting*, YouTube (Sept. 22, 2025), <https://www.youtube.com/live/YR8bTmVGxxY?si=gDz9IHpW1UqS7ulH>. Discussion on these plans included:

a. The factors considered for every option included only building capacity, long-term enrollment, and current enrollment. No consideration was made regarding whether the options would afford equal educational opportunities for students, equal building offerings, or accessibility for all students. *See id.*; *see also* Ex. 16, 9.22.25 Plans

1-7.

b. The School Board was informed that financial projections for the District's reserve balance could not be made until the plans were narrowed down. *See* St. Joseph School District, *September 22, 2025 Board of Education Meeting*, YouTube (Sept. 22, 2025), <https://www.youtube.com/live/YR8bTmVGxxY?si=gDz9IHpW1UqS7ulH>.

c. District administration recommended to the School Board that Plan 2

(Lafayette and Central) and Plan 7 (Benton/Hyde and Central) would be the best options to move forward with. These plans close three or four buildings, create a model with three middle schools, and allow expansion of early learning. District administration also said that the Lafayette and Central plan (Plan 2) would be the least disruptive. None of these objectives were achieved with the eventual chosen plan, Plan 4BR. *See id.*; *see also* Ex. 18, Plan 4BR Impact Analysis; Ex. 19, Plan 4BR.

d. No impact analysis was provided at this point, nor were any financial projections made. The Board agreed to further consider Plan 2 and Plan 7 based on the District administration's recommendations. *See* St. Joseph School District, *September 22, 2025 Board of Education Meeting*, YouTube (Sept. 22, 2025), <https://www.youtube.com/live/YR8bTmVGxxY?si=gDz9IHpW1UqS7ulH>.

43. On October 13, 2025, District administrators presented the School Board the details of Plan 2 and Plan 7 and the projected cost savings for each. *See* Ex. 20, 10.13.2025 - Meeting Minutes; *see also* Ex. 21, 10.13.25 Plan 2 Financial Projections; Ex. 22, 10.13.25 Plan 7 Financial Projections; St. Joseph School District, *October 13, 2025 District Reorganization Public Hearing*, YouTube (Oct. 13, 2025), https://www.youtube.com/live/p_35JSVHxYQ?si=xUmOC-3JHWzX2IJ3. Discussion on these plans included:

a. Impact analyses were presented for Plan 2 and Plan 7, but they failed to address how each affected school would be impacted. *See* Ex. 23, 10.13.25 Plan 2 & 7 Impact Analysis.

b. The estimated renovations for Plan 7's Benton/Hyde and Central model on were projected to cost between \$369,360 and \$513,000. No consideration was given as to whether this model would be ADA compliant, and there were no details for obtaining ADA

accessibility. This model keeps more district buildings operational, which is counter intuitive to the District's stated goals of efficiency, and would be the most disruptive in terms of school closures and reorganizations, thus affecting the most students. *See id.*; see also Ex. 24, 10.13.25 Building Renovations; St. Joseph School District, *October 13, 2025 District Reorganization Public Hearing*, YouTube (Oct. 13, 2025), https://www.youtube.com/live/T_h-2QDHGVs?si=JurlSKZiuqxvNMIP.

c. The renovations for Plan 2's Lafayette and Central model were estimated to cost between \$862,112 and \$1,347,050. This model indicated it is currently ADA accessible, and was projected to save the most money, allowing the District to reach a reserve balance of around 20 percent. However, parking spots were a serious concern as was the fact that the existing cafeteria at Lafayette was too small to support the projected number of students and thus would have to be expanded. *See id.*; see also Ex. 24, 10.13.25 Building Renovation Projections; Ex. 21, 10.13.25 Plan 2 Financial Projections.

d. The financial projections under Plan 2 (Lafayette and Central model) were estimated to put the District's reserve balance at 20.03 percent by fiscal year 2030. The estimated financial projections for Plan 7 (Benton/Hyde and Central model) put the district reserves at 16.14% by 2030. District administration expressed that it wanted to get reserves back to healthy balance of at least 20 percent of their projected budget. *See id.*; see also Ex. 22, 10.13.25 Plan 7 Financial Projections; St. Joseph School District, *October 13, 2025 Board Work Session*, YouTube (Oct. 13, 2025), https://www.youtube.com/live/T_h-2QDHGVs?si=JurlSKZiuqxvNMIP

e. Plan 7 would've closed Eugene Field, one of the top performing elementary schools, possibly risking the District's accreditation, as did Plan 4BR. See Ex. 25, 10.13.25

Plan 7; *see also* Ex. 19, Plan 4BR.

f. Some Board members voiced concerns with Plan 7 (Benton/Hyde and Central model) because it did not achieve the financial security needed for the district, but others said that a Benton/Hyde and Central model would provide the best opportunity for a new school to be built. *See* Ex. 22, 10.13.25 Plan 7 Financial Projections; *See also* St.

Joseph School District, *October 13, 2025 Board Work Session*, YouTube (Oct. 13, 2025), https://www.youtube.com/live/T_h-2QDHGVs?si=JurlSKZiuqxvNMIP.

44. The District's stated long-term vision, as of October 13, 2025, was based on the financial distress the District is facing, with the long-term end goal model that would include two middle schools feeding into two high schools. The plan eventually chosen, Plan 4BR, does not align with that stated vision. *See id.*; *see also* Plan 4BR.

Plan E – a Three-High-School Reorganization Proposal

45. As of October 13, 2025, the School Board was made aware of a community-created plan that would be called "Plan E." Community members had submitted it to SJSD as an alternative option. The School Board asked for more information to be presented to them regarding this option. *See* St. Joseph School District, *October 13, 2025 Board Work Session*, YouTube (Oct. 13, 2025), https://www.youtube.com/live/T_h-2QDHGVs?si=JurlSKZiuqxvNMIP.

46. In town hall meeting on October 21, 2025, District administrators presented to the Board "Plan E", a reorganization plan that would maintain three high schools. The Board was told by District administrators Plan E would continue to stress academic resources in the district, including the Webster Learning Center, which was stated to provide services for students with disabilities that cannot be provided elsewhere (even though Plan 4BR also involved closing Webster, yet the District didn't address the issue with respect to Plan 4BR). *See* Ex. 26, 10.21.2025

- Meeting Minutes; Ex. 31, Plan E; *see also* Ex. 19, Plan 4BR; St. Joseph School District, *October 21, 2025 Town Hall Meeting*, YouTube (Oct. 21, 2025), https://www.youtube.com/live/VaGgRM02wzU?si=R04W6XD8VKPW_cwZ.

47. At the October 21, 2025 town hall meeting, many community members spoke about SJSD's plans for school closure and consolidation, and the overwhelming majority expressed disapproval of the options the School Board was currently considering, indicating why they submitted Plan E to the Board.

48. The impact analysis of Plan E conducted by SJSD was deficient as required by board policy in that there was no consideration of maintaining the status quo as an alternative or and what effect Plan E would have on *each* affected school. Ex. 27, 10.21.25 Plan E Impact Analysis.

49. On October 27, 2025, District administrators informed the School Board that the District would need to cut an additional \$7 million from the budget through fiscal year 2028 to achieve financial stability. School Board members were also told that the salary and benefits of staff for fiscal year 2026 had been underestimated by \$9 million and thus needed correcting in the budget. *See* St. Joseph School District, *October 27, 2025 Board of Education Meeting*, YouTube (Oct. 27, 2025), https://www.youtube.com/live/NY_7G2VxlNc?si=AHu3Fs43wnLZRvA-. *See also* Ex. 28, 10.27.25 Budget Amendment; Ex. 29, 10.27.25 Reduction Plan.

50. The School Board unanimously adopted Plan E on October 27, 2025, while asking that modifications be investigated that would be financially responsible. The stated objective of the School Board moving forward was to determine what revisions were needed to meet the financial needs of the district. *See* Ex. 30, 10.27.2025 - Meeting Minutes; *see also* St. Joseph School District, *October 27, 2025 Board of Education Meeting*, YouTube (Oct. 27, 2025),

https://www.youtube.com/live/NY_7G2VxINc?si=AHu3Fs43wnLZRvA-.

51. In the Board Work Session on November 10, 2025, a District administrator informed the School Board that it would have to approve a nonbudgeted chair lift at Coleman Elementary, with an estimated cost over \$66,000, due to a child who could not access the building because it was not ADA compliant. While this was not part of the district-reorganization discussion, it demonstrates that the School Board was aware that SJSD suffered deficiencies with respect to building accessibility. Yet the School Board ignored such accessibility issues when it adopted Plan 4BR. *See id.*; *see also* Ex. 32, 11.10.2025 - Meeting Minutes.

52. In deliberations during the Board Work Session on November 10, 2025, the Superintendent said that Plan E (the three-high-school plan) would evenly distribute free and reduced lunch, create a consistent middle school model, and would be the least disruptive to the community because it would retire or close less school buildings. *See* St. Joseph School District, *November 10, 2025 Board Work Session*, YouTube (Nov. 10, 2025), https://www.youtube.com/live/NY_7G2VxINc?si=AHu3Fs43wnLZRvA-; *See also* Ex. 31, 11.10.25 Plan E; Ex. 32, 11.10.2025 - Meeting Minutes.

53. Despite the positive impacts that Plan E would bring about, as discussed in the immediately preceding paragraph, on November 10, 2025, District administrators emphasized purported negatives under Plan E because, upon information and belief, District administrators didn't believe that a three-high-school-model would ultimately help them attain their ultimate objective of getting a new high school. For example, only with respect to Plan E did District administrators consider impact upon students with disabilities and special needs. Such impact was ignored when the School Board adopted Plan 4BR later that month.

54. On November 10, 2025, the School Board was informed that the Webster Learning

Center is customized to support the special education programming and students it currently houses, so if it were to be closed under Plan E, and the program then moved, the building to which it would be moved would have to be substantially renovated to support those students. To this day there have been no indications about what such renovations would cost or look like, despite that under Plan 4BR, Webster will be closed. See St. Joseph School District, November 10, 2025 Board

Work Session, YouTube (Nov. 10, 2025),
<https://www.youtube.com/live/CG6ehfnof1c?si=bcXD6S1xDzF7tr6v>.

55. The Board was informed on November 10, 2025, that 11.9% of the District's student population, or 1,356 students, require special education programming and this population is growing rapidly. *See id.* According to SJSD administrators, the District would need at least 99 classrooms next year for special-education programming, with 40 full-sized classrooms designated for special-education students only, and 59 for smaller rooms designated to hold 15 students or less. *See id.*; *see also* Ex. 33, 11.10.25 Special Education Program Needs.

56. On November 10, 2025, the District administrators told the School Board that Plan E as it stood would not support the needs of special-education programming. There was no discussion about whether Plan E could work. The School Board seemed to be confused at this point as to what the next steps would be if Plan E could not support the academic needs of the District. *See St. Joseph School District, November 10, 2025 Board Work Session, YouTube (Nov. 10, 2025),* <https://www.youtube.com/live/CG6ehfnof1c?si=bcXD6S1xDzF7tr6v>.

57. On November 10, 2025, District administrators informed the School Board about a shortage of experienced teachers in the District. The District stressed that the teaching crisis was indicative of the District's need for two high schools and not three. *See id.*

58. In the meeting on November 10, 2025, the School Board considered rescinding the

vote on Plan E, because it seemed that a majority no longer supported it, and Board members felt they needed to move forward with a decision. The Board agreed to meet on November 12, 2025, with the goal of discussing a new plan. *See id.* District administration told the School Board that it had to make a decision on school closure, consolidation, and reorganization by November 24, 2025. *See id.*

59. On November 12, 2025, the School Board lacked a consensus as to whether there was urgency to a consolidation plan and as to the objective the District was trying to achieve through such a plan. After discussing Plans 2, 7, 7B, and E, the School Board requested District administrators revise Plan 2 with Central and Lafayette to discuss at the next meeting. *See* Ex. 34, 11.12.2025 - Meeting Minutes; *see also* St. Joseph School District, *November 12, 2025 Special Board of Education Meeting*, YouTube (Nov. 12, 2025), <https://www.youtube.com/live/LtUK-Y1A2eU?si=MEOVtk-x6Clbqxq7>.

60. In a Special Board Work Session on November 17, 2025, the Superintendent presented the School Board a revised Plan 2, "Plan 2R," which included a revised feeder system. The School Board could not reach a consensus on that plan, continued to discuss other plans, and asked to see a revised Benton/Hyde and Central model with four middle schools. *See* Ex. 54, 11.17.2025 - Meeting Minutes; *see also* Ex. 55, 11.17.25 Plan 2R; St. Joseph School District, *November 17, 2025 Special Board Work Session*, YouTube (Nov. 17, 2025), https://www.youtube.com/live/qmFgIrPVkS0?si=-yJhhBhAPTT_RB1s.

61. According to the minutes from the special board work session on November 17, 2025:

Ronda Chesney, Board Vice President, stated that she would still like to see plan 7B with these same adjustments. It was suggested by Whitney Lanning, board member, to have another meeting on Wednesday, November 19th, to look at 2B and 7B and try to come to a consensus on one plan to vote on November 24. Dr.

McGinnis suggested having a hearing on Wednesday night and looking at both plans side by side.

Ex. 54, 11.17.2025 - Meeting Minutes

62. On November 19, 2025, a public hearing was held regarding district reorganization. Despite that the November 17, 2025 minutes proposed a public hearing on Plans 2B and 7B, the District for the first time announced Plan 4BR, a two-high-school plan utilizing Central High School and Benton High School (without the Hyde building). *See* Ex. 35, 11.19.2025 - Meeting Minutes.

63. Upon information and belief, the public was not given proper notice of the public hearing on Plan 4BR held on November 19, 2025. The agenda for the “District Reorganization Public Hearing” did not inform the public that Plan 4BR would be discussed, and based on the minutes from November 17 Special Work Session, members of the public had no expectation that would be expected to comment upon Plan 4BR, a previously unannounced school closure, consolidation, and reorganization plan. *See* Ex. 64, 11.19.2025 Agenda Public Hearing; Ex. 65, Bd. Policy BDDDB-2: AGENDAS.

64. Upon information and belief, the public was not given sufficient opportunity to comment upon Plan 4BR. The notice and agenda did not for the November 19, 2025 public hearing did not state that it would include discussion of Plan 4BR, a plan that had not yet been presented to the School Board.

65. Furthermore, when the District first put out a notice about the November 19, 2025 public hearing, the notice stated: “Public comment at this hearing will be reserved for individuals who have not yet had an opportunity to speak on facilities during the last five public comment opportunities,” which were on October 13, 21, and 25, and November 10 and 12. Ex. 66, SJSD Facebook Post announcing 11/19/25 Public Hearing. Although the District updated the notice the

next day without this speaking restriction, upon information and belief, there were members of the public who had spoken at one of the previous hearings (which did not address Plan 4BR) who did not attend or speak at the November 19 hearing because they did not think they were allowed to speak.

66. On November 19, 2025, the School Board heard public comments from 58 community members, with most participants criticizing the Board for considering plans that would not solve the supposed financial crisis the district is in, and a large portion pleading for the Board to stick with Plan E. *See* Ex. 35, 11.19.2025 - Meeting Minutes; *see also* St. Joseph School District, November 19, 2025 Special Board Work Session, YouTube (Nov. 19, 2025), https://www.youtube.com/live/p2hhnsEtLK8?si=6QL-V5p_i1gdSHKN.

67. District administration presented “Plan 4BR” to the School Board on November 19, 2025. It was a two-high-school plan keeping Benton High School and Central High School. Administrators concluded, among other things, the following:

- Benton High School would be over maximum capacity under this Plan, but it would allow for a phased approach to district consolidation.
- Both plans were said to support special-education programming needs, but no information was provided on how they would do so.
- Plan 4BR would save *less* money than Plan 2R would in the long run, but neither plan was projected to ensure the District would reach a 20% reserve ratio by fiscal year 2030.

See id.; *see also* Ex. 19, Plan 4BR Financial Projections; Ex. 36, 11.17.25 Plan 2R Financial Projections.

68. On November 19, 2025, School Board members were still not in consensus as to

what plan should be chosen or for what reasons. The original Plan 2, with Central and Lafayette, was reported to be the most financially beneficial for the district by reaching the desired 20% reserve in fiscal year 2030. Plan 4BR did not meet the desired reserve balance by fiscal year 2030. *See St. Joseph School District, November 19, 2025 Special Board Work Session*, YouTube (Nov. 19, 2025), https://www.youtube.com/live/p2hhnsEtLK8?si=6QL-V5p_i1gdSHKN; *see also* Ex. 21, 10.13.25 Plan 2 Financial Projections; Ex. 37, Plan 4BR Financial Projections.

69. On November 19, 2025, four School Board members indicated they planned to vote for Plan 4BR on November 24, 2025, even though they had received the plan information just the evening before the November 19 meeting. The School Board members who expressed a preference for Plan 4BR said it was because the plan would allow for greater growth in the District long term and would provide a geographical balance. However, these statements were made in conclusory fashion with no supporting details or information and no discussion of how Plan 4BR would be financially beneficial (if at all). *See St. Joseph School District, November 19, 2025 Special Board Work Session*, YouTube (Nov. 19, 2025), https://www.youtube.com/live/p2hhnsEtLK8?si=6QL-V5p_i1gdSHKN.

70. On November 24, 2025, Linda Quinley from the Missouri School Boards' Association presented to the School Board here findings on SJSD's current financial crisis, which she said she had provided to the District administration on October 7, 2025. Ms. Quinley reviewed the District's financial data and evaluated how the current reserve balance had come to be as low as it was. She summarized her findings as follows:

- a. Declining enrollment numbers have decreased the federal and state funding being received by the District, but operational costs have remained the same;
- b. The average daily attendance rate was down by 1,236 since the 2019-2020

school year;

c. The district is receiving \$2.8 million less revenue each year since the 2019-2020 school year due to declining enrollment;

d. The District had budgeted to have a \$14 million increase in reserve balance, but there was actually a \$10 million decrease in reserve balance, ending the 2024-2025 school year with only a 10 percent reserve balance;

e. When a school district's reserved balance is below 10 percent, it receives a warning letter from DESE indicating that the reserve balance is getting too low to cover operational costs. If the reserve balance were to get below 3 percent, the state would step in and take over the district's operations;

f. The District lost millions of dollars in revenue in 2023-2024 and 2024-2025 school year due to unclaimed Title 1 federal grant money. The total unclaimed amount was \$9.7 million, which contributed to the reserve balance being so low;

g. Ms. Quinley recommended that budget variations in each fund should be only one-to-two percent; whereas the District's budget production was very inaccurate, with variations in some categories being over 14 percent.

h. Ms. Quinley concluded that the District was not in a financial crisis, but that it was on the way there if things did not change; and

i. Over the next few years, the District would need to be putting money back into the reserves and not to engage in deficit funding.

See St. Joseph School District, *November 24, 2025 Special Board Work Session*, YouTube (Nov. 24, 2025), https://www.youtube.com/live/8xt5h_WNjAs?si=VJdHOeACwonXbINr; *see also* Ex. 38, 11.24.25 Financial Review by Linda Quinley; Ex. 39, 11.24.25 Financial Review Slideshow;

Ex. 40, 11.24.2025 - Special Meeting Minutes.

71. Thirty-eight participants made public comments at the Board meeting on November 24, 2025, most were against Plan 4BR and a substantial number of comments were made in favor of the Board's continuing with Plan E, the three-high-school proposal. *See id.*; *see also* Ex. 40, 11.24.2025 - Special Meeting Minutes.

72. On November 24, 2025, board member Whitney Lanning expressed that the School Board should have had a financial goal when moving forward with a school reorganization plan but that no financial goal had been set before the Board was asked to approve a plan. *See* St. Joseph School District, *November 24, 2025 Special Board Work Session*, YouTube (Nov. 24, 2025), https://www.youtube.com/live/8xt5h_WNjAs?si=VJdHOeACwonXbINr.

73. On November 24, 2025, the School Board voted to rescind its approval of Plan E. *See id.*; *see also* Ex. 40, 11.24.2025 - Special Meeting Minutes.

74. When considering Plan 4BR on November 24, 2025, two board members voiced concerns about overcrowding in schools and that the highest performing elementary schools would be closed under Plan 4BR. *See id.*; *see also* Ex. 40, 11.24.2025 - Special Meeting Minutes.

75. On November 24, 2025, the School Board voted to accept Plan 4BR in a 5-2 decision. *See id.*; *see also* St. Joseph School District, *November 24, 2025 Special Board Work Session*, YouTube (Nov. 24, 2025), https://www.youtube.com/live/8xt5h_WNjAs?si=VJdHOeACwonXbINr.

76. Despite a purported "financial crisis," in adopting Plan 4BR, the School Board chose to close three buildings on which the District had recently spent around \$645,000 to improve over the previous the four years. *See* Ex. 41, Capital Improvement Projects.

***Sunshine Law Violations and Undisclosed Outside Pressure
from Members of the St. Joseph Community Alliance***

77. On or around December 10, 2025, in accordance with the Missouri Sunshine Law, §§610.010 to 610.200, RSMo, the law firm representing WTP 3 Schools requested records from SJSD that related to the School Board's consideration of school closure, consolidation, and reorganization plans and its adoption of Plan 4BR.

78. The custodian of records for SJSD refused to produce any requested records and instead told the requester on December 11, 2025, that the requester would have to first pay \$3,878.58 SJSD before it would begin to locate and produce the requested records and that it would take over six months—until June 1, 2026—"at the earliest," for the District to gather and produce the requested records.

79. Upon information and belief, either District administrators or the School Board, or both, met with members of the St. Joseph Community Alliance to discuss the District's reorganization plan sometime between October 27, 2025, when the School Board adopted Plan E, and November 24, 2025, when the School Board rescinded Plan E on November 24, 2026.

80. According to the website of the St. Joseph Chamber of Commerce, the St. Joseph Community Alliance is an advocacy group made up of the St. Joseph Chamber of Commerce, the City of St. Joseph, Buchanan County, the School District of St. Joseph, the Convention and Visitors Bureau, Mosaic Life Care, Missouri Western State University, 139th Airlift Wing of the Missouri Air National Guard, and the United Way of Greater St. Joseph. *See* St. Joseph Chamber of Commerce, *Community Alliance of St. Joseph*, at <https://saintjoseph.com/advocacy/community-alliance-of-saint-joseph/> (last visited Apr. 25, 2026).

81. Upon information and belief, based on public comments and letters from members of the St. Joseph Community Alliance, the alliance advocated for SJSD to adopt a two-high-school

reorganization plan.

82. Upon information and belief, SJSD and/or the School Board was pressured by the St. Joseph Community Alliance to adopt a two-high-school reorganization plan with the understanding that such a plan would be a short-term plan that would create pressure and result in a crisis situation through which the community and voters (Defendants and the Community Alliance hoped) would realize the need for a new school or new schools and allow the District to move forward with another bond initiative.

83. Upon information and belief, the meeting or meetings held with members of the St. Joseph Community Alliance were subject to Missouri's Sunshine Law.

84. Upon information and belief, the meeting or meetings with St. Joseph Community Alliance members were not properly noticed or recorded under the Sunshine Law.

85. At least one WTP 3 Schools member has made Sunshine requests for documents related to these meetings, but the District has refused to disclose any such documents.

86. Upon information and belief, the outside pressure from members of the St. Joseph Community Alliance pushed the School Board to adopt Plan 4BR, a two-high-school reorganization model, despite that the majority of public comments to the School Board were against Plan 4BR and a substantial number of comments were in favor of a three-high-school model.

87. Upon information and belief, the public was not given proper notice of the public hearing on Plan 4BR held on November 19, 2025, as required by the Sunshine Law and by the SDSJ Board Policy. See Ex. 64, 11.19.2025 Agenda Public Hearing; Ex. 65, Bd. Policy BDDB-2: AGENDAS.

88. Upon information and belief, on or around December 10, 2025, the law firm

representing WTP – 3 Schools requested records from SJSD related to Plan 4BR and related plans. SJSD did not produce the requested records but instead informed the requester that such records would not be gathered and produced unless and until the requester paid \$3,878.58 to SJSD and that it would take the District more than six months—until June 1, 2026—“at the earliest,” to gather and produce the requested records.

SJSD Continues to Make Unlawful, Unreasonable, Arbitrary, and Capricious Decisions in its Implementation of Plan 4BR

89. The District posted the boundaries for Plan 4BR in December of 2025, indicating the schools that students will be required to attend in the 2026-2027 school year. See Ex. 42, 12.8.2025 - Meeting Minutes; see also St. Joseph School District, *December 8, 2025 Board Work Session*, YouTube (Dec. 8, 2025), <https://www.youtube.com/live/YCIJZ0pxucw?si=qmcDFWbp7of35R>.

90. When asked about transfers, SJSD administration stated on December 8, 2025, that transfer requests will be reviewed but space in the high schools is limited, so there would be few approvals. SJSD said that staff would be prioritized to transfer their children to the schools at which they teach. The District promised to provide more information later. *See id.*

91. On December 22, 2025, SJSD administrators informed the School Board that the District sent out a google form asking teachers in the affected schools where they would like to be moved to. The District provided no deadline as to when teachers would know where they were going. Nor did the District promise that teachers would get their pick of positions and grades. *See* Ex. 43, 12.22.2025 - Meeting Minutes; see also St. Joseph School District, *December 22, 2025 Board of Education Meeting*, YouTube (Dec. 22, 2025), <https://www.youtube.com/live/mTJwJJnLDdk?si=yqYT-PTQPOzIRL0Q>.

92. On December 22, 2025, the SJSD administration had no answer to when or how

schools would be changed to accommodate new ages or grades or new staff. However, the District informed the School Board of administrative changes in place for administrative staff. *See id.*

93. As of January 12, 2026, the District still had no definite capacity number for Benton High School. *See* Ex. 44, 1.12.2026 - Meeting Minutes; St. Joseph School District, *January 12, 2026 Board Work Session*, YouTube (Jan. 12, 2026), https://www.youtube.com/live/LaN_iD8XIAI?si=6momxOCdsWtluS11.

94. On January 12, 2026, SJSD administrators stated that planning for affected special-education programs under Plan 4BR would not be finalized until the end of the school year. There was no indication of whether or how the moved special-education programs would provide the same level of services as they did before or to where certain programs would be moving. *See id.*

95. On January 12, 2026, SJSD provided no indication how District staff would be moved other than prioritizing those with certificates and seniority for available positions. *See id.*

96. Instead of putting out the contract for bid, SJSD asked the School Board merely to amend a professional services contract with the DLR Group, which had been contracted for a new high school under the failed bond initiative, to change the scope of work from building a new high school to renovating the existing ones. *See id.*

97. As of February 9, 2026, the purported goal of the District was to attain and maintain a reserve balance at or above 20 percent over the next five years, even though the School Board had adopted Plan 4BR, a plan that does not align with that goal. *See* St. Joseph School District, *February 9, 2026 Board Work Session*, YouTube (Feb. 9, 2026), <https://www.youtube.com/live/HFSGR0Frbo4?si=mZ1-Km63AdAwau0p>; *see also* Ex. 37, Plan 4BR Financial Projections.

98. As of February 9, 2026, the District still had no solidified plans for teacher

placements under Plan 4BR. And there were no solidified course decisions including what would be offered at the various affected schools. *See* St. Joseph School District, *February 9, 2026 Board Work Session*, YouTube (Feb. 9, 2026), <https://www.youtube.com/live/HFSGR0FrbO4?si=mZ1-Km63AdAwau0p>.

99. As of February 9, 2026, SJSD said that the Targets Program, a special-education program, would be moving to Central High School as a result of Plan 4BR. But the District provided no information on how the physical accommodations currently provided at Lafayette High School for the Targets Program would be added to Central, if at all. Nor were any other details confirmed or expressed about special-education programs and resources impacted by Plan 4BR. *See id.*

100. On February 23, 2026, the School Board decided to move any personnel report discussions to closed session. Teachers thus are unable to know the Board's goals, plans, thoughts, or desires regarding their future employment during the reorganization process under Plan 4BR. *See* Ex. 45, 2.23.2026 - Meeting Minutes; *see also* St. Joseph School District, *February 23, 2026 Board of Education Meeting*, YouTube (Feb. 23, 2026), https://www.youtube.com/live/9ngzEisbl_s?si=H8UFhUH0agLWtu-3.

101. As of February 23, 2026, elementary teachers were informed about tentative placements in the new buildings under Plan 4BR, but these placements were not guaranteed to them. Apart from their applying for open positions as they came up, teachers were given no options for such placement. *See id.*

102. As of February 23, 2026, the School Board had no details regarding what was happening with the *College and Career Pathways Program*, which provides students with hands-on, career-focused learning opportunities, or if the program was going to be offered next year under

Plan 4BR. *See id.*

103. As of February 23, 2026, neither the District nor the School Board had any idea what high-school courses would be offered for the coming school year under Plan 4BR. *See id.*

104. As of February 23, 2026, the School Board still had no idea how staff were going to be allocated under Plan 4BR or what resources would be available in affected school buildings.

See id.

105. As of February 23, 2026, students with disabilities and special needs who utilize specialized classrooms still had no idea how their program would be affected, changed, or moved under Plan 4BR. *See id.*

106. As of February 23, 2026, District administrators informed the School Board that there is no plan for children walking to schools when there is a significant increase in road traffic due to increased enrollment at certain schools under Plan 4BR, other than that the District wants to force them to ride the bus. *See id.*

107. Some staff were not made aware of their placements under Plan 4BR by March 1, 2026, even though March 1 was the deadline for teachers to request a transfer for their own children to attend the school at which the teachers are assigned, thereby making it impossible for these teachers to make plans for the 2026-2027 school year. *See id.*

108. Use of the Hyde building in conjunction with Benton High School had been considered under other reorganization proposals. Although no consideration was given as to whether the Hyde building and fields would be ADA-compliant and accessible, without Hyde, the capacity numbers at Benton will be even worse and the available space even less adequate. Ex. 46,

2.23.25 Benton Renovation Plans; see also St. Joseph School District, *February 23, 2026 Board of Education Meeting*, YouTube (Feb. 23, 2026),

https://www.youtube.com/live/9ngzEisb1_s?si=H8UFhUH0agLWtu-3. Defendants have continued to the Hyde parking lot spaces as part of the number of parking spaces they show Benton would have available for students to use, which is incorrect, because Hyde will need those spaces for staff.

109. SJSD has announced renovations to Benton High School under Plan 4BR will add only three additional classrooms to accommodate the estimated additional 1,050 students in the coming school year, for a school with a DESE-maximum capacity of 999. *See id.*

110. Upon information and belief, SJSD and the School Board have chosen to use capacity maximums as provided by the fire marshal to demonstrate that Plan 4BR meets capacity limits instead of using and ensuring that the DESE-required capacity numbers are met

111. The Board had no plans, nor did the district, as to how the student government elections would work with students shifting schools and simply left it up to the students to figure out. *See id.*

112. The projection for fiscal year 2025 is a deficit greater than \$9 million as of April 13, 2026. *See Ex. 47, 4.13.25 Budget Forecast*; see also St. Joseph School District, *April 13, 2026 Board Reorganization Meeting and Work Session*, YouTube (Apr. 13, 2026), <https://www.youtube.com/live/Tg9bD5jocv4?si=Xk3ZAA3wOGLtKTH8>.

113. The School Board and District have no plans for the influx of traffic at Robidoux Middle School resulting from Plan 4BR, particularly with respect to those who walk to school. The first mention of any related details occurred on April 13, 2026, which included a plan to spend \$150,000 to put up a stop light at the corner of the street to try to slow traffic pace. *See id.*

114. As of April 13, 2026, the only determined cost for reorganization under Plan 4BR that has been announced by School Board and the District is the cost for renovations at Benton

High School totaling \$377,801.00. *See id.*

115. As of April 13, 2026, the District has offered no bussing plan for the Plan 4BR changes in boundaries and affected students. *See id.*

116. As of April 13, 2026, Defendants have provided parents and guardians with no indication about who will be teaching and assisting with, or how their student's special-education needs will be met under Plan 4BR. Instead, parents and guardians simply informed in conclusory fashion that such needs will be met at the school the child will be required to attend. *See id.*

117. As of April 13, 2026, staff positions under Plan 4BR were still not finalized nor were approved by the School Board. *See id.*

118. As of April 13, 2026, the District and the School Board had not confirmed whether the Plan 4BR changes will result in affected schools being within the required DESE capacity limits, even with respect to schools that were projected to be over maximum capacity when Plan 4BR is implemented. *See id.*; *see also* Ex. 19, Plan 4BR; Ex. 48, School Capacity Levels.

Further Policy Violations by the St. Joseph School Board

119. SJSD's Board Policy Manual requires that an agenda be prepared and included in the public notice "in a manner that complies with law and reasonably informs the public of the matters to be considered." Ex. 65, Bd. Policy BDDDB-2: AGENDAS.

120. Upon information and belief, the public was not given proper notice of the public hearing on Plan 4BR held on November 19, 2025. The agenda for the "District Reorganization Public Hearing" did not inform the public that Plan 4BR would be discussed, and based on the minutes from November 17 Special Work Session, members of the public had no expectation that would be expected to comment upon Plan 4BR, a previously unannounced school closure, consolidation, and reorganization plan. *See* Ex. 64, 11.19.2025 Agenda Public Hearing; Ex. 65,

Bd. Policy BDDDB-2: AGENDAS.

121. The Board Policy Manual requires that, before any school closing, consolidation, or reorganization is proposed, District administration shall prepare an impact analysis setting forth: (1) possible alternatives to the proposed action, including maintenance of the status quo; (2) the projected impact that each alternative would have on each school affected by such action; and (3) enrollment data for the current school year and three-year enrollment projections for all schools affected by the proposed action. Ex. 49, Board Policy FC- Closings, Consolidations, and Reorganizations (adopted 01/28/2019).

a. The Board failed to analyze how each Plan would impact each individual school affected by the Plan 4BR as required by the policy. Instead, the impact analysis presented on November 19, 2026, shows only district-wide effects. *See* Ex. 18, Plan 4BR Impact Analysis; *see also* Ex. 23, 10.13.25 Plan 2 & 7 Impact Analysis.

b. The purported impact analyses failed to contain the corresponding reorganization-plan numbers for which they were prepared, and the School Board failed to identify the impact analysis on which it relied for Plan 4BR. The impact analysis presented to the School Board on November 19, 2026, does not state that it was done specifically for Plan 4BR. *See id.*

122. Under Board Policy, before a facility is permanently closed, the School Board is required “to convene a hearing, or a series of hearings if appropriate, to elicit public comment regarding the proposed action.” Ex. 49, Board Policy FC: Closings, Consolidations, and Reorganizations.

123. Upon information and belief, the School Board did not properly convene a hearing to allow the public to comment upon Plan 4BR before the School Board voted and approved the

closure of at least three facilities under Plan 4BR. A public hearing was held at 5:30 PM on November 19, 2025, but at that point Plan 4BR had not yet been presented to the School Board. Plan 4BR was presented to the School Board in its meeting held on November 19 *after* the public hearing. The School Board therefore did not propose and could not have proposed Plan 4BR before the November 19 public hearing. After the School Board considered Plan 4BR in its board meeting on November 19, it did not “convene a hearing . . . to elicit public comment regarding the proposed action.” The School Board acted on Plan 4BR on November 24 without convening a public hearing on it and did not convene a public hearing on Plan 4BR thereafter.

124. Under Board Policy, when a school is permanently closed, the students are supposed to be reassigned to a school or schools with available space that can meet their educational needs. If a school closing requires that the attendance boundaries of any school receiving students be redrawn, they’re supposed to be redrawn in a manner that facilitates equitable and appropriate reassignment. Physical proximity to the school is also to be considered. *See* Ex. 49, Board Policy FC: Closings, Consolidations, and Reorganizations. In adopting Plan 4BR, however, the School Board failed to:

- a. identify how students’ educational needs will be met. The District has not demonstrated whether or how the educational needs of students with disabilities or accommodations, or those without, will be met;
- b. consider or ensure that ADA-compliance and accessibility will be achieved in an equitable fashion, despite that the School Board has admitted that there are significant ADA-compliance concerns with district buildings; and.
- c. demonstrate that redrawn district boundaries are equitable, including, among other things, that no reports were made indicating equitable rates for free and reduced lunches

throughout the District once Plan 4BR is in place.

125. Upon information and belief, under Plan 4BR, Truman Middle School would have low enrollment. All MSHSAA extracurricular activities will be consolidated with Spring Garden Middle School, necessitating transportation arrangements that have yet to be finalized. This change affects 12 activities, and given Truman's high percentage of students receiving free and reduced lunch, transportation challenges may hinder student participation. *See generally* Ex. 67, Ltr. from Missouri State High School Activities Association to SJSD (Apr. 20, 2026) (discussing displacement of students under SJSD's planned reorganization).

126. Under Plan 4BR, all four middle schools will be underutilized under this plan, resulting in over 1500 empty seats at the middle school level.

127. Missouri's Constitution provides: "Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment." Mo. Const. art. VII, § 6. This provision applies to school districts under Section 162.261, RSMo.

128. As the Missouri Supreme Court has held, "Article VII, section 6, contains no scienter element. Instead, it renders a public official who, by virtue of her office, participates in the appointment of a relative within the prohibited degree of relationship strictly liable for that act and requires forfeiture of her office." *State ex inf. Atty. Gen. v. Shull*, 887 S.W.2d 397, 400 (Mo. 1994), *abrogated on other grounds by State v. Olvera*, 969 S.W.2d 715 (Mo. 1998).

129. While ouster of an official who violates the constitutional prohibition on nepotism is ultimately accomplished through the quo warranto process, if the official does not resign voluntarily, Missouri courts recognize that such ouster

rests on the notion that misconduct automatically renders the official's title to office a nullity and he or she "becomes a mere interloper." *State ex rel. McKittrick v. Murphy*, 347 Mo. 484, 148 S.W.2d 527, 530 (1941). The cases go so far as to say that an officer who commits misconduct in office "automatically [loses the] right to the office ... prior to the institution of [a quo warranto] proceeding." [Emphasis added.] *State inf. Dalton v. Mosley*, 365 Mo. 711, 286 S.W.2d 721, 731 (1956).

Shull, 887 S.W. 2d at 401-02.

130. On March 24, 2025, School Board member Kim Miller failed to abstain when approving a hiring report that included her son. She voted in favor of the report. *See* Ex. 50, 3.24.2026 - Meeting Minutes; *see also* Ex. 51, 3.24.25 First Year Appointments.

131. Once Ms. Miller was made aware of this constitutional violation, she did not resign from her position on the School Board. *See* St. Joseph School District, *April 13, 2026 Board Reorganization Meeting and Work Session*, YouTube (Apr. 13, 2026) <https://www.youtube.com/live/Tg9bD5jocv4?si=W7GAhFykzcZmwa-S>.

132. Ms. Miller continues to serve on the board and make decisions as though she still is a bona fide School Board member, including voting on several action items on April 13, 2025 meeting, including being the deciding vote on new president and vice president positions. *See id.*

133. Any action of the School Board while Ms. Miller remains and participates on the Board is called into question and subject to being determined unlawful. Therefore, any decisions regarding the implementation of Plan 4BR are invalid while she remains on the School Board.

134. Under state law:

Any school district authorizing the construction of facilities which may exceed an expenditure of fifty thousand dollars shall publicly advertise, once a week for two consecutive weeks, in a newspaper of general circulation, qualified pursuant to chapter 493, located within the city in which the school district is located, or if there be no such newspaper, in a qualified newspaper of general circulation in the county, or if there be no such newspaper, in a qualified newspaper of general circulation in an adjoining county, and may advertise in business, trade, or minority newspapers, for bids on said construction.

§ 177.086, RSMo. (Impact of District Reorganization); *see also* Ex. 52, Administrative Procedure FEF-2-AP(1) (setting forth the SJSD Board Policy for construction contracts, bidding, and awards).

135. Under state law, construction manager at risk can only be used for civil projects “in excess of three million dollars”. *See* § 67.5050, RSMo.

136. Upon information and belief, SJSD failed to follow proper procedures for submitting a bid for the Benton High School classroom renovations when they used a Construction Manager at Risk for the Benton Renovation bids. *See* Ex. 53, Nabholz, Construction Manager Contract.

137. The District informed the School Board they failed to follow proper procedural requirements and were going to have to start the process over again. *See* St. Joseph School District, *April 13, 2026 Board Reorganization Meeting and Work Session*, YouTube (Apr. 13, 2026) <https://www.youtube.com/live/Tg9bD5jocv4?si=W7GAhFykzcZmwa-S>.

138. Under state law, a public school district is required to submit to the municipal planning and zoning department the district’s plans for the construction, vacation, abandonment, change of use, acquisition of land for, the sale, or lease of any public facility. *See Bd. of Educ. Of School Dist. of Springfield, R-12 v. City of Springfield*, 174 S.W.3d 653, 660-61 (Mo. Ct. App. 2005).

139. Upon information and belief, SJSD and the School Board have not submitted the renovation and change-of-use plans occurring as a result of Plan 4BR to the St. Joseph planning and zoning division.

140. Upon information and belief, SJSD’s implementation of Plan 4BR has caused and will continue to cause direct employment-related injury to district staff who are members of WTP

3 Schools, including involuntary reassignment, loss of seniority-based opportunities, material salary reductions, and elimination of long-standing instructional and coaching relationships with students.

141. Upon information and belief, because of Plan 4BR, District employees have been displaced from their current school communities without assurance that reassigned positions will remain since they are still pending board approval, resulting in both immediate financial harm and disruption of educational opportunities for staff. *See* Ex. 57, Aff. of Craig Wolf; Ex. 59, Aff. of Jeff Leake; Ex. 63, Aff. of Renee Davidson.

142. Upon information and belief, Plan 4BR further imposes substantial harm on students who require specialized educational programming, individualized accommodations, and established support relationships with staff. Members of WTP 3 Schools report that children with Individualized Education Programs (“IEPs”), developmental disabilities, mobility limitations, and specialized learning needs are being reassigned without any clear plan from SJSD explaining how equivalent services, accessibility accommodations, transportation arrangements, or individualized support personnel will be maintained. For these students, the disruption threatens regression in educational progress, diminished access to legally required services, and increased physical and emotional distress. *See* Ex. 58, Aff. of Garold White; Ex 61, Aff. of Katherine Seufert.

143. Upon information and belief, the school closures and forced reassignments approved under Plan 4BR have also produced significant emotional and psychological injury to affected students and their families. WTP 3 Schools members report that students have experienced severe anxiety, panic, uncertainty, and emotional instability stemming from the closure of their current schools, separation from established peer and teacher relationships, and the District’s continued failure to provide meaningful details regarding future placement, staffing, and

resources. Parents and guardians likewise report sustained emotional distress arising from uncertainty surrounding their children's academic welfare, safety, and mental health under the consolidation plan. *See* Ex. 60, Aff. of Jennifer Hamm; Ex. 58, Aff. of Garold White; Ex. 56, Aff. of Valerie Banks.

144. Upon information and belief, Plan 4BR will result in diminished educational opportunities and reduced quality of education in SJSD, which may violate students' rights to an education under the Missouri Constitution. Members of WTP 3 Schools attest that Plan 4BR will concentrate students into remaining school buildings at or near maximum capacity while simultaneously reducing staff availability and eliminating familiar instructional personnel. As a result, affected students face larger class sizes, diminished individualized attention, reduced access to specialized teachers, decreased extracurricular opportunities, and uncertainty regarding the continuation of current academic programming. These educational losses are particularly acute for students who depend on consistent teacher relationships or who require more individualized classroom support to succeed. *See* Ex. 58, Aff. of Garold White; Ex. 60, Aff. of Jennifer Hamm; Ex. 56, Aff. of Valerie Banks; Ex. 59, Aff. of Jeff Leake.

145. Upon information and belief, implementation of Plan 4BR shifts substantial logistical and financial burdens onto families within the District, including members of WTP 3 Schools. Parents report increased travel distances, uncertainty regarding bus routes and transportation safety, anticipated increases in fuel expenses, additional before- and after-school childcare costs, and disruption of carefully maintained home routines that are particularly critical for younger children and children with disabilities. For many affected households, these increased costs and scheduling burdens are not speculative but unavoidable consequences of reassignment to more distant schools and elimination of neighborhood educational access. *See* Ex. 61, Aff. of

Katherine Seufert; Ex. 56, Aff. of Valerie Banks; Ex. 58, Aff. of Garold White.

146. Upon information and belief, SJSD has not been transparent in its implementation of Plan 4BR, resulting in harm to affected families, students, and District employees. Despite repeated public attendance at board meetings, submission of alternative proposals, public comments, and requests for clarification, members of WTP 3 Schools consistently report that SJSD failed to provide meaningful information concerning staffing assignments, classroom capacities, accessibility accommodations, IEP implementation, transportation logistics, extracurricular continuity, or viable alternatives to closure. This lack of transparency has deprived affected families and employees of the ability to make informed educational, employment, and childcare decisions in advance of the 2026–2027 school year. *See* Ex. 59, Aff. of Jeff Leake; Ex. 57, Aff. of Craig Wolf; Ex. 58, Aff. of Garold White; Ex. 60, Aff. of Jennifer Hamm; Ex. 61, Aff. of Katherine Seufert; Ex. 56, Aff. of Valerie Banks; Ex. 63, Aff. of Renee Davidson.

COUNT I

Defendants’ adoption of Plan 4BR is unconstitutional, unlawful, unreasonable, arbitrary, or capricious or involves an abuse of discretion under Section 536.150, RSMo.

147. Plaintiffs hereby incorporate the factual allegations in each of the foregoing paragraphs as though fully set forth herein.

148. The Missouri Administrative Procedure Act (“MAPA”) is applicable to school boards and districts because they are created by state statute, from which they obtain rulemaking and adjudicatory authority. *See State ex rel. School Dist. of Kansas City v. Williamson*, 141 S.W.3d 418, 423-424 (Mo. Ct. App. 2004). A school board may not exercise its power in an “unreasonable, arbitrary, capricious or unlawful manner.” *Magenheim v. Bd. of Ed. of Sch. Dist. of Riverview Gardens*, 347 S.W.2d 409, 417 (Mo. Ct. App. 1961).

149. The School Board's decision to adopt Plan 4BR is not subject to administrative review, and thus judicial review is available under Section 536.150, RSMo. The Court may determine that the decision is unconstitutional, unlawful, unreasonable, arbitrary, or capricious or involves an abuse of discretion. § 536.150, RSMo.

150. The Board's decision to adopt Plan 4BR was unconstitutional, unlawful, unreasonable, arbitrary, capricious, and/or an abuse of discretion.

151. In adopting and implementing Plan 4BR, Defendants have violated the Board's own policy, contracts, and in some cases state law, by, among other things:

- a. Failing to convene a hearing, or series of hearings, to elicit public comment with respect to each school that was being closed, consolidated, or reorganized;
- b. Failing to prepare a sufficient impact analysis that considered the impacts upon all affected students, families, and staff and the projected impact that *each* alternative would have on *each* school affected by such action.
- c. Failing to follow proper procedures for submitting a bid for the Benton High School classroom renovations when they used a Construction Manager at Risk for the Benton Renovation bids;
- d. Failing to seek municipal planning and zoning approval for the building renovations and change of use required under Plan 4BR; and
- e. Failing to provide adequate notice to teachers and staff regarding contract renewals and position assignments.

152. Defendants considered Plan 4BR for the first time on November 19, 2025, announced that they would vote on it on November 24, 2025. Despite that Plan 4BR would affect at least seven schools, either by closure, consolidation, or reorganization, the Board violated its

own policy by holding just one public comment session at which Plan 4BR was discussed, which was held on November 19, 2025, *before* the plan was presented to the School Board. The lack of proper notice and the unreasonable and limited public engagement violated board policy and state law and lacked in transparent methodology. The public was deprived of meaningful insight into the evaluative process and input into that process, making the School Board's decision unlawful, unreasonable, arbitrary, and capricious.

153. Defendants further violated their policy by failing to undertake any kind of meaningful, evidence-based, and good-faith analysis of all impacts. Instead, the District's generalized "Impact Analysis," attached as Ex. 18, does not satisfy the stated requirements for an impact analysis and demonstrates that the District and the Board went with a predetermined outcome, and that adoption of Plan 4BR was unlawful, unreasonable, arbitrary, and capricious. The Impact Analysis does not identify the plan that the Board would be voting on by name (*i.e.*, Plan 4BR). Although it discusses enrollment and staff numbers, it does not consider other important impacts, including, among other things:

- a. the impact upon students with disabilities and special needs;
- b. the impact upon students with Individualized Education Plans (IEPs);
- c. the impact upon students who would be displaced and made to change schools;
- d. the impact upon families whose lives would be disrupted;
- e. whether the plan would disproportionately affect students of particular racial or ethnic backgrounds;
- f. how the reorganization would impact free and reduced lunch program and the rates of participation in each school;

- g. whether teachers (including certified teachers) would lose their jobs or be demoted (in fact, more than 150 teachers will lose their job as a result of Plan 4BR);
- h. what the course offerings at each school would be next school year;
- i. the total cost of the plan;
- j. how the plan would impact the District's financial situation; or
- k. the impact on transportation, busing, and traffic.

154. Because the School Board considered so many different school closure and consolidation plans in such a short window (*i.e.*, October and November 2026) and was rushed by the District administration to make a decision by November 24, 2026, the School Board's decision in November was nearly guaranteed to be unreasonable, arbitrary and capricious, because the School Board could not possibly have undertaken the required evaluation of any one proposal to ensure that the School Board's decision would be based on sufficient information about the plan, a consideration of the pros and cons of the plan along with any alternatives, input from the community and affected persons, and a careful study and analysis of all impacts, including (but not limited to) the plan's impact on each affected school, the District's finances, transportation, special education programming, accessibility, staffs, and students.

155. Defendants failed to make definitive plans or assessments for how students with IEPs will receive required services at consolidated schools creates a substantial risk of denying them a free and appropriate public education, as is required under the Individuals with Disabilities Education Act (IDEA). 20 U.S.C. § 1412 *et seq.*; *see also* §§ 162.670, 167.700 (declaring Missouri policy to be consistent with IDEA and requiring school boards to provide special educational services for children with disabilities).

156. Defendants failed to make definitive plans or assessments to ensure that students with disabilities will not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program at the reorganized schools, as is required under Section 504 of the Rehabilitation Act of 1973. 29 U.S.C. § 794.

157. The Board failed to consider whether the school closure and consolidation plan and reorganized schools would comply with the accessibility requirement under Title II of the Americans with Disabilities Act (ADA) and therefore ensure that individuals with disabilities may access the same educational opportunities as other students. 42 U.S.C. § 12132.

158. The Board failed to consider whether Plan 4BR would require staff cuts and whether such cuts would cause the District to violate the Missouri Teacher Tenure Act, § 168.102 *et seq.*, RSMo., by terminating tenured teachers. Under § 168.114, RSMo., a contract with a permanent, tenured teacher may be terminated only for certain causes, and school district reorganization is not listed as a ground for terminating a permanent teacher's contract.

159. The Board failed to consider whether Plan 4BR's resulting staff cuts would cause the District to violate employment contracts or the requirements of the J-1 Teacher Exchange Program in effectively and constructively terminating exchange teachers, some of whom were certified. *See* Ex. 63, Aff. of Renee Davidson.

160. Before voting to adopt Plan 4BR on November 24, 2025, the Board listened to a presentation on the poor financial condition of the District, presumably to be able to say that the plan was being adopted to help improve the District's finances. Yet the Board didn't consider whether Plan 4BR would actually improve the District's financial outlook. And implementation of 4BR has shown that it is not cost effective (*see, e.g., supra* ¶¶ 101-106). The estimated renovation cost at Benton High School alone is over a half a million dollars. And Plan 4BR does

not align with the District's stated goal of obtaining a reserve balance of at least 20 percent of the annual budget.

161. As evidenced by the fact that after the School Board voted unanimously to implement one plan, Plan E (a three-high-school model), but then rescinded it shortly thereafter after the School Board and/or District administrators met with members of the Community Alliance of St. Joseph, the School Board abdicated its governance obligations and caved to pressure from outside interest groups, instead of listening to the affected school families, students, and staff.

162. When voting on Plan 4BR, Board members expressed no cohesive or unified consensus regarding their reason for adopting Plan 4BR.

163. Plan 4BR does not line up with the District's promulgated Long-Range Plan.

164. Implementation of Plan 4BR thus far also has shown it to be unconstitutional, unlawful, unreasonable, arbitrary, and capricious or an abuse of discretion because of, among other things:

- The construction bid process has not been lawful or in keeping with Board Policy;
- The District has not properly sought approval from the city planning and zoning authority for renovations to buildings or change of use; and
- Any action taken by the School Board since March 24, 2026, with Kim Miller's participation is presumptively invalid due to her forfeiting her position through violation of the state constitution's nepotism provision.

WHEREFORE, under Count I, Plaintiff asks the Court to determine and declare Plan 4BR as adopted and implemented by Defendants to be invalid and "unconstitutional, unlawful,

unreasonable, arbitrary, or capricious or involves an abuse of discretion” under Section 536.150, RSMo., and therefore to enjoin Defendants from implementing Plan4BR.

COUNT II

Sunshine Law Violations

165. Plaintiff incorporate the allegations of each of the foregoing paragraphs as though fully set forth herein.

166. The Missouri Sunshine Law establishes the State’s public policy in favor of, and its commitment to, open and transparent government. The Sunshine Law is codified in Chapter 610 of the Revised Missouri Statutes.

167. The Sunshine Law declares it is the State of Missouri’s public policy that “meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public[.]” § 610.011, RSMo.

168. In accordance with that clear public policy, “all public records of public government bodies shall be open to the public for inspection and copying[.]” § 610.011, RSMo. (emphasis added).

169. As a government body and elected officials of a body politic, Defendants have a duty to be aware of their obligations under the Sunshine Law and to comply with its mandates.

170. On at least two occasions, Plaintiffs made Sunshine Requests related to Plan 4BR and were denied public records that should have been disclosed under the Sunshine Law. *See supra* ¶¶ 72, 80.

171. Defendants knew of the existence of Sunshine Requests, knew the District was in possession of records responsive to that request, refused to produce the responsive records, set too lengthy of a period in which it would produce requested records (more than a half a year!), and charged unreasonable fees (nearly \$4,000!) for gathering and producing the requested records.

172. Defendants intended to deny lawful requestors access to existing records because the records contained elements the Defendants did not want to disclose or were afraid to disclose and because the records would demonstrate that the School Board's adoption of Plan 4BR was unlawful, unreasonable, arbitrary, and capricious and/or was an abuse of discretion.

173. Under § 610.027.3, RSMo., "Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to one thousand dollars."

174. Under § 610.027.3, RSMo., in the case of a knowing violation of the Sunshine Law, "the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation."

175. Under § 610.027.4, RSMo., "Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars."

176. Under § 610.027.4, RSMo., in the case of a purposeful violation of the Sunshine Law, "the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation."

177. In the face of the Sunshine Law's mandate of open and transparent government, SJSD and the School Board knowingly met as a public body with members of the St. Joseph Community Alliance and willfully, knowingly, and purposefully failed to properly notice such meeting or meetings under Missouri's Sunshine Law.

178. In the face of the Sunshine Law's mandate of open and transparent government,

SJSD knowingly and purposefully refused to produce records required by the Sunshine Law to be produced upon request.

179. In the face of the Sunshine Law's mandate of open and transparent government, SJSD knowingly and purposefully refused to produce records required by the Sunshine Law to be produced upon request when records related to Plan 4BR and the other school closure, consolidation, and reorganization proposals were requested.

180. SJSD deliberately, knowingly, and purposefully ignored both the spirit and the letter of Missouri's Sunshine Law in obstructing a requester's access to open records and requiring the requester pay \$3,878.58 SJSD before the District would begin to locate and produce the requested records and stating that it would take over six months—until June 1, 2026—"at the earliest," for the District to gather and produce the requested records.

181. Defendants knowingly and purposefully violated § 610.011(2), RSMo, by holding meetings without any notice to the public and failing to keep records of such meetings, and withholding clearly public records from a requestor, even knowing that responsive records existed and could be made available.

182. Defendants knowingly and purposefully violated § 610.015, RSMo, by holding a meeting without any notice to the public, failing to keep a record of such meeting, or in the alternative, failing to make a record stating that an emergency existed, and failing to state the justification for departing from the usual requirements of the law.

183. Defendants knowingly and purposefully violated § 610.020, RSMo, by acting deliberately to avoid public knowledge of their actions by failing to give notice of meetings that should've been open to the public and by failing to include any records of meeting or meetings in the official records of the District.

184. Defendants knowingly and purposefully violated § 610.020, RSMo., by failing to give proper notice of the public hearing on November 19, 2025, in a manner reasonably calculated to advise the public of the matters to be considered.

WHEREFORE, Plaintiff requests this Court to enter a judgment in favor of Plaintiff on Count II as follows:

- (a) Declaring that Defendants violated each of the above-referenced provisions of the Missouri Sunshine Law, and did so knowingly, purposefully, and deliberately with intent to deny the public knowledge of meetings and with intent to deny a lawful request for existing public records;
- (b) Under § 610.027.3, RSMo., ordering \$1,000 in civil penalties against each SJSD and the School Board for each of the knowing violations of the Sunshine Law;
- (c) Under § 610.024.4, ordering \$5,000 in civil penalties against each SJSD and the School Board for each of the knowing violations of the Sunshine Law;
- (d) Under § 610.027.3-4, ordering the Defendants, jointly and severally as appropriate, to pay all costs and reasonable attorney fees incurred by Plaintiff in bringing this action;
- (e) Ordering the maximum of all allowable penalties due to the extreme nature of Defendants' willful, knowing, and purposeful violations of state law; and
- (f) For such further relief as the Court deems just and appropriate.

REQUEST FOR PRELIMINARY INJUNCTION

1. Plaintiff incorporates the factual allegations and claims set forth in the Petition as though fully set forth herein.

2. Under Rule 92.02(c), Plaintiffs respectfully move the Court for a preliminary injunction to prevent Defendants from implementing Plan 4BR while this lawsuit is pending.

3. The primary purpose of a preliminary injunction is to preserve the status quo and the relative positions of the parties until a motion for a permanent injunction can be adjudicated or until the final disposition of the case. *Cook v. McElwain*, 432 S.W.3d 286, 292 (Mo. App. W.D. 2014); *Hemme v. Euans*, 866 S.W.2d 922, 923 (Mo. App. E.D. 1993).

4. “When considering a motion for a preliminary injunction,” Missouri courts “should weigh ‘[1] the movant’s probability of success on the merits, [2] the threat of irreparable harm to the movant absent the injunction, [3] the balance between this harm and the injury that the injunction’s issuance would inflict on other interested parties, and [4] the public interest.’” *State ex rel. Dir. of Revenue v. Gabbert*, 925 S.W.2d 838, 839 (Mo. banc 1996) (quoting *Pottgen v. Missouri State High Sch. Activities Assoc.*, 40 F.3d 926, 928 (8th Cir. 1994)). All factors favor the Court’s granting an injunction in Plaintiff’s favor.

5. As shown by the factual allegations made in the Petition, Plaintiff is likely to succeed on the merits because it can show that the actions by the School Board and the District in adopting and implementing Plan 4BR were unlawful, unconstitutional, unreasonable, arbitrary, and capricious, or involved an abuse of discretion under the Missouri Administrative Procedure Act, § 536.150, RSMo.

6. Without a preliminary injunction, the threat of irreparable harm to Plaintiff, the community, families and students in SJSD, and SJSD employees is great. Renovations *that cannot*

be undone are scheduled to begin immediately after the 2025-2026 school year ends on or around May 20, 2026. Teacher assignments under Plan 4BR are to be made soon, and teachers and staff will soon have to make decisions that will impact their employment and family's living situation. Though the District has insufficiently considered Plan 4BR's impact upon students' Individualized Education Programs (IEPs), if changes are to be made to IEPs, they'll need to be made soon, such that a preliminary injunction is needed so as not to disrupt such IEPs.

7. Issuance of a preliminary injunction would cause no harm to any of the parties, because *it would simply preserve the status quo of the situation* pending the outcome of this lawsuit. No harm would be done. Renovations have not begun to be made. Even if Plan 4BR is upheld in this lawsuit, implementation of the plan could still occur, the changes just might be delayed till after the lawsuit. If that were to be for the 2027-2028 school year, that would not be harmful, because, as a majority of SJSD staff believed, according to the staff survey the District conducted, changes of such magnitude under the plan should occur, if at all, in the 2027-2028 school year because of all the changes required if the District reduces the number of high schools from three to two, as is called for under Plan 4BR.

8. An injunction in this matter as requested would serve the interest of the public because it would allow all students, families, community members, and SJSD employees to maintain their current situation without disruption. And if Plan 4BR ultimately is allowed to proceed, then these affected persons would have sufficient time to prepare for the changes. Furthermore, the public interest is greatly served by ensuring that decisions by governing bodies are made reasonably and in a lawful manner and are not arbitrary or capricious.

9. To protect the interest of Plaintiff and the affected students, families, community members, taxpayers, and SJSD employee, and to preserve the status quo pending the outcome of

this lawsuit, it is necessary for this Court to issue a preliminary injunction that would preserve the current school organization, building use, special-education programming, student enrollment, and teaching assignments and would prevent Defendants from taking any action that may damage, hinder, diminish, or otherwise harm, among other things, the current school organization, building use, special-education programming, student enrollment, and teaching assignments or from using District resources imprudently and unnecessarily.

Respectfully submitted,

Dated: April 27, 2026

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