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United States District Court, E.D. Missouri.

Craton LIDDELL, et al., Plaintiffs,

v.

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

No. 72–100 C (5). | May 3, 1990.

Attorneys and Law Firms

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Opinion

MEMORANDUM AND ORDER

LIMBAUGH, District Judge.

*1 This matter is before the Court on the State’s Motion for Appointment of Independent Evaluators, L(2792)90. The City Board and the Education Monitoring and Advisory Committee (EMAC) have filed responses, L(2825)90 and L(2837)90, respectively. The State filed a reply pleading, L(2844)90.

The State requests the Court to appoint independent persons to evaluate certain desegregation programs for

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cost-effectiveness. The State believes that the current evaluative process is skewed and lacks meaningful objective data. It argues that as long as the City Board evaluates its own implementation of desegregation programs, a true assessment of any program is impossible. The City Board and the Education Monitoring and Advisory Committee (EMAC) point out that the primary focus of the State's motion is cost-savings and that evaluation of desegregation programs must consider factors other than cost-efficiency. Programs cannot be judged "successful" based on only fiscal factors; a program must also be evaluated as to its educational worthiness and contribution to the desegregation effort.

It does appear to the Court that the State's primary motive is cost savings. Although cost savings is an important objective to obtain, it cannot be the major consideration in this case. The desegregation programs are part of the overall remedial effort to provide quality education in the St. Louis public school system. Their purpose is to provide quality equal educational opportunities. This judicial objective is of the utmost importance. Sometimes a program's worth cannot be measured in dollars alone.

The Court feels that the more legitimate concerns of the State are presently being addressed. In Order L(2630)89, the Court clearly put the City Board on notice as to what school officials had to demonstrate in order to warrant continued funding. Where the Court felt evaluations were substandard, the Court specifically identified the reporting criteria it wanted in certain evaluations. See, Order L(2737)90. Moreover, EMAC has consistently done an admirable job in providing independent review of

program implementation. The Court knows that the City Board's evaluations are inherently subject to a certain degree of bias. However, the same can be said of State school ratings. The City Board is not the only adjudged constitutional violator. As the other constitutional violator, the State also has a stake in the rating of the St. Louis city public school system. It can easily be said that the State's objectivity is compromised by having its own Department of Elementary and Secondary Education people rate the St. Louis city schools because funding of programs is tied to the attainment and retention of the AAA rating.

The Court agrees that there is room for improvement in the quality of City Board program evaluations. Court orders L(2630)89 and L(2737)90 set forth reporting guidelines. These guidelines should be adapted to all evaluations. Instead of attacking the City Board evaluation process, the State might offer assistance in developing alternative evaluation designs. The Court strongly suggests a cooperative effort because neither party will come out the winner if evaluations do not meet with court satisfaction.

*2 Accordingly,

IT IS HEREBY ORDERED that the State's Motion to Appoint Independent Evaluators, L(2792)90, be and is DENIED.