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By E-mail Only: dmartin@gmmschoollaw.com

January 6, 2012

Mr. Duane A. Martin
Guin Martin Mundorf, LLC
9237 Ward Parkway, Ste. 240
Kansas City, MO 64114

Re: *Blue Springs R-IV School Dist., et al., v. School District of Kansas City, Missouri*
Our File No.:12-0004835

Dear Duane:

I have been following the reporting on your clients' lawsuit challenging the KCMSD's transfer policy. The ACLU of Kansas & Western Missouri is interested in the case because it appears that at least some of your clients are not permitting KCMSD students to transfer immediately. Instead, at least some of your clients appear to be making transfer rights contingent on the resolution of the disputes between your clients and the KCMSD regarding the appropriate amount of the tuition to be paid by the KCMSD and the payment of transportation costs for any student who transfers to another school district in Jackson County or another adjoining county.

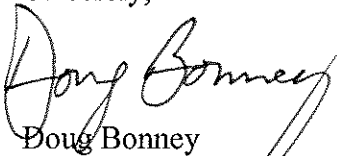
Although there appears to be no case law interpreting Mo. Rev. Stat. § 167.131, I believe that statute gives students of unaccredited districts an unqualified right to transfer subject only to the unaccredited district's obligations to pay the appropriate tuition to the new district and to pay the costs of transporting each transferee to the new school. Those cost issues do not appear to impact the right of students to make an immediate transfer, and certainly nothing in the law gives the receiving districts an express right to reject the transfer requests while the districts involved sort out the funding disputes. In fact, the legislative history of the statute clearly suggests that the receiving districts cannot reject the transfer requests. When the law was amended to its current form in 1993, the legislature removed the sentence that had previously allowed potential receiving districts to reject transfer requests.

Duane A. Martin, Esq.
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The ACLU urges your client districts and all potential receiving school districts to accept all transfer requests from KCMUSD students and to enroll such students immediately without waiting for the courts to resolve the funding disputes at issue in the above-referenced lawsuit. If your client districts persist in delaying enrollments of transferring students, the ACLU will consider representing such students in a motion to intervene in the pending lawsuit.

Please call me if you have any questions or if you would like to discuss the issue I have raised.

Sincerely,

A handwritten signature in cursive script that reads "Doug Bonney". The signature is written in black ink and is positioned above the typed name.

Doug Bonney
Chief Counsel & Legal Director
Direct Dial: (816) 994-3311

cc: Allan V. Hallquist, Esq. (by e-mail only)
Wm. Joseph Hatley, Esq. (by e-mail only)