

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19TH JUDICIAL CIRCUIT

COLUMBIA 93 SCHOOL DISTRICT
a/k/a COLUMBIA PUBLIC SCHOOLS, et al.,

Plaintiffs,

-vs-

STATE OF MISSOURI, et al.,

Defendants.

No. 25AC-CC09100

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL JUDGMENT

ON THE 29th day of September, 2026, Plaintiffs Columbia 93 School District, a/k/a Columbia Public Schools, and Curt Fuchs (collectively, “Plaintiffs”) appeared by Attorney Wiens and Attorney Hoernschemeyer, Defendants State of Missouri, Attorney General Catherine Hanaway, and the Missouri State Board of Education (collectively, the “State”) appeared by Attorney Ryan Dugan, and amicus Missouri Charter Public School Association’s (“MCPSA”) appeared by Attorney Cossette. Court heard argument on MCPSA’s Motion for Judicial Notice and took the matter under advisement. Court admitted into evidence the parties’ Joint Stipulation of Facts and Exhibits and heard argument from Plaintiffs and the State. The cause was submitted to the Court on the Joint Stipulation of Facts and Exhibits and the argument of the parties. Court granted the parties’ request to leave the record open for 14 days for the submission of post-hearing briefs.

On December 15, 2025, Plaintiffs filed their original *Petition for Declaratory Judgment and Injunctive Relief* against the State. The Plaintiffs filed an amended petition on April 24, 2026. The amended petition raises three claims, seeking: a declaration that § 160.400.2(5) is an unconstitutional local or special law (Count I), a declaration that the General Assembly failed to

follow the proper procedure for enacting a local or special law (Count II), and administrative review of the State Board of Education's approval of SLU's charter application on the grounds that § 160.400.2(5), the statute authorizing the action, is unconstitutional (Count III). On June 29, 2026, the Court entered judgment for all Defendants on Count II, finding it time-barred by § 516.500 and the Court dismissed Count III of the amended petition as to Defendant State of Missouri and Defendant Catherine Hannaway, Attorney General, State of Missouri in her official capacity for failure to state a cognizable claim against said Defendants.

NOW on the 29th day of October, 2026, the Court takes up for decision the remaining counts of the amended petition filed by the Plaintiffs against the State.

As a preliminary matter, the Court grants MCPSA request to take judicial notice in part. The Court takes judicial notice of MCPSA Exhibits A – D (U.S. Census Bureau Data) and Exhibits E - N (Missouri DESE Data). The Court declines to take judicial notice of Exhibits O and P. MCPSA's request to take judicial notice of Exhibit Q is moot as said exhibit is already a part of the record (Joint Stipulated Exhibit R).

Having been duly advised by the parties, the Court makes the following findings of fact and conclusions of law and enters judgment.

Findings of Fact

1. On April 18, 2024, the Missouri General Assembly enacted Senate Bill 727. Joint Stipulation ¶ 13.
2. On May 7, 2024, Governor Parson signed SB 727 into law. Joint Stipulation ¶ 14.
3. SB 727 went into effect on August 28, 2024. Joint Stipulation ¶ 15.

4. Among other provisions, SB 727 amended § 160.400.2(5), RSMo.¹ to add a new classification authorizing charter schools in:

a school district located within a county with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, provided that the provisions of subsections 15 to 18 of section 160.415 shall not apply to any charter school operated in such county;

Joint Ex. P at 18–19.

5. Before SB 727, charter schools were limited to St. Louis City, Kansas City, unaccredited school districts, provisionally accredited school districts under certain circumstances, and to accredited districts when sponsored by the local school board. *See* § 160.400.2, RSMo. (2012).

6. As of the 2020 decennial census, *see* § 1.100.1, Boone County is the only county with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

Joint Stipulation ¶ 16.

7. On November 21, 2025, St. Louis University (SLU) submitted Frontier Schools’ charter application to the Missouri Department of Elementary and Secondary Education and the State Board of Education. Joint Stipulation ¶ 32.

8. On December 15, 2025, Columbia Public Schools sent a letter to the State Board of Education objecting to the application. Joint Stipulation ¶ 34.

9. On December 23, 2025, SLU withdrew the application. Joint Stipulation ¶ 35.

10. On March 6, 2026, SLU renewed Frontier’s application to the State Board of Education. Joint Stipulation ¶ 36.

11. On April 6, 2026, Columbia Public Schools sent a letter to the State Board of Education objecting to the application. Joint Stipulation ¶ 37.

¹ All statutory references are to the current Revised Statutes of Missouri, unless otherwise noted.

12. On April 14, the Board voted to approve the application to sponsor the opening of a charter public school operated by Frontier in Columbia, Missouri, beginning in the 2027–2028 school year. Joint Stipulation ¶ 38.

13. The State Board of Education is responsible for the review and approval of applications for new charter schools in Missouri under § 160.405. Joint Stipulation ¶ 12.

Conclusions of Law

I. Legal standard for constitutional challenges

A constitutional challenge to a duly enacted state statute is one of the most difficult actions to mount successfully. “A statute is presumed to be constitutional and will not be invalidated unless it clearly and undoubtedly violates some constitutional provision and palpably affronts fundamental law embodied in the constitution.” *State v. Richard*, 298 S.W.3d 529, 531 (Mo. banc 2009) (cleaned up) (citation omitted). As such, “[t]he person challenging the statute’s validity bears the burden of proving the act clearly and undoubtedly violates the constitution.” *Cedar Cnty. Comm’n v. Parson*, 661 S.W.3d 766, 771 (Mo. banc 2023) (citation omitted). This Court must “resolve all doubt in favor of [the statute’s] validity and may make every reasonable intendment to sustain the constitutionality of the statute.” *State v. Faruqi*, 344 S.W.3d 193, 199 (Mo. banc 2011) (cleaned up) (citation omitted).

II. Legal standard for special law challenges

The test for special or local legislation is straightforward. “[I]f a law excludes one or more persons or places from its effect but the exclusion is supported by a rational basis, the law is not a local or special law and article III, section 40 does not apply. Said another way, a law for which there is a rational basis between those persons or places included and those excluded is a general law.” *City of Aurora v. Spectra Commc’ns Grp., LLC*, 592 S.W.3d 764, 780 n.11 (Mo. banc 2019).

The Missouri Constitution therefore requires only that “there . . . be a rational basis for those locations where [the] law applies and where it does not.” *City of Normandy v. Kehoe* (Normandy III), 709 S.W.3d 327, 336 n.5 (Mo. banc 2025) (emphasis omitted).

III. Plaintiffs’ special law challenge fails as a matter of law because § 160.400.2(5) is supported by a rational basis.

Section 160.400.2(5) provides that charter schools may be operated “in a school district located within a county with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, provided that the provisions of subsections 15 to 18 of section 160.415 shall not apply to any charter school operated in such county.” The question before the Court is therefore whether there is a rational basis for § 160.400.2(5) to differentiate between Boone County and the rest of the State. If a rational basis explains why Boone County’s unique characteristics justify its different treatment compared to all other counties as to charter school authorization, § 160.400.2(5) is a general law. *See Normandy III*, 709 S.W.3d at 336 n.5 (rational basis must explain where the law applies and where it does not).

Under rational basis review, Plaintiffs have the burden of showing that no reasonably conceivable set of facts supports § 160.400.2(5)’s classification. This is because “[w]hen conducting rational-basis review, the Court presumes the statute has a rational basis.” *E.N. v. Kehoe*, 726 S.W.3d 679, 688 (Mo. banc 2026). “The Court ‘employs a relatively relaxed standard reflecting the Court’s awareness that the drawing of lines that create distinctions is peculiarly a legislative task and an unavoidable one.’” *Id.* (quoting *United States v. Skrametti*, 605 U.S. 495, 522 (2025)). Critically, rational-basis review “does not demand . . . that a legislature or governing decisionmaker actually articulate at any time the purpose or rationale supporting its classification.” *Nordlinger v. Hahn*, 505 U.S. 1, 15 (1992). Put plainly, “a legislative choice is not subject to

courtroom fact-finding and *may be based on rational speculation unsupported by evidence or empirical data.*” *FCC v. Beach Commc’ns, Inc.*, 508 U.S. 307, 315 (1993) (emphasis added).

Plaintiffs’ special law challenge fails because there are several rational bases for § 160.400.2(5):

Counties with fewer than 150,000 residents

As an initial matter, the Court finds that the legislature could have rationally speculated, although not supported by any evidence or empirical data, that a county with a population below one hundred fifty thousand residents would lack the population necessary to sustain charter schools. Beyond needing a viable student population, operating a charter school requires teachers, staff, administrators, and directors beyond the amount necessary for the traditional public-school system to operate. A county with less than 150,000 residents could conceivably struggle to staff and fully populate a single high school per school district, making it impractical for any potential charter schools to operate there. And the General Assembly could have similarly believed that counties below this threshold would lack sufficient demand for charter schools. Even if this classification is not “perfect,” “it is not arbitrary and unreasonable.” *State v. McManus*, 718 S.W.2d 130, 130–31 (Mo. banc 1986). A rational basis supports excluding these counties from § 160.400.2(5)’s classification.

Achievement gaps

Boone County’s public schools have larger achievement gaps in English and mathematics of any county with greater than one hundred fifty thousand residents. *See Ex. Jbis.* An achievement gap is the disparity in educational attainment among different groups of students. *Ex.*

H. This is commonly measured using the difference in standardized test scores between student groups. *Ex. H.*

Boone County's school districts have an average achievement gap of 21.20%, with an 18.17% gap in English and a 23.80% gap in mathematics. Ex. *Jbis*. Next is Greene County, with an average 16.49% overall gap and with 14.62% and 18.33% gaps in English and mathematics, respectively. Ex. *Jbis*. St. Charles County has an average overall achievement gap of 15.82%, with average achievement gaps of 12.51% and 19.07% in English and mathematics, respectively. Ex. *Jbis*. Clay County and Jefferson County each had overall average achievement gaps of between 13.5% and 14%, with average achievement gaps of approximately 11% and 16% in English and mathematics respectively. Ex. *Jbis*. Finally, Jackson County had an average overall achievement gap of 12.83% with averages of 10.84% and 14.84% in English and mathematics. Ex. *Jbis*.

Charter schools could reasonably be considered as a tool to ameliorate that gap. See Exs. G, H. And the General Assembly could *reasonably* believe that the remedy should be limited to where the problem is greatest. This rationally explains why § 160.400.2(5) applies to Boone County and not any other county with greater than one hundred fifty thousand residents.

Educational attainment

The General Assembly could have reasonably believed that Boone County would be uniquely situated to host charter schools because it is the most educated county in Missouri. In Boone County, 20.7% of adults twenty-five years old or older possess a professional or graduate degree. Ex. J. Boone County also has the highest concentration of bachelor's degree holders in the State, with nearly half of all adults twenty-five years old or older holding such degrees. Ex. K.

This has a reasonable connection to the challenged classification. Parents who are highly educated—such as those in Boone County—are conceivably more likely to be open to alternatives

to the traditional public-school system, such as charter schools. This theory finds support in the fact that St. Louis County, the county with the second highest proportion of degree holders, has over ten times the number of private schools compared to Boone County, despite only having just over five times as many people. Exs. J, K, L. Further, charter schools are allowed to have up to twenty percent of their instructional positions filled by noncertified teachers, § 160.420.2, giving a charter school in Boone County the highest proportion of potential teachers of any county in the State.

It is not purely arbitrary for the General Assembly to reasonably justify Section 160.400.2(5)'s classification based on Boone County having the highest proportion of college-educated adults in the State.

Presence of an R-1 research university

The presence of an R-1 research university in Boone County also makes it reasonable to expand charter schools to only Boone County. The Carnegie Classification of Institutions of Higher Education is a framework for classifying colleges and universities in the United States. Ex. M. One classification provided is the Research Activity Designation. Ex. M. The highest research designation, Research 1: Very High Spending and Doctorate Production, is reserved for schools which spend at least \$50 million on research and development and award at least 70 research doctorates in a single year. Ex. M. Missouri has five schools in this category: Missouri University of Science and Technology (Missouri S&T), SLU, the University of Missouri-Columbia (Mizzou), the University of Missouri-Kansas City (UMKC), and Washington University in St. Louis (WashU). Ex. N.

Two of these schools, SLU and UMKC, are already located in jurisdictions where charter schools operate.² Missouri S&T is located in Phelps County, which with only 44,638 residents is justifiably excluded. And WashU is located in St. Louis County, which has twenty-four separate school districts, Ex. B, and already contains the highest concentration of private schools in the State, Ex. C. This leaves Mizzou, located in Boone County. The General Assembly could reasonably believe that the school's presence would uniquely benefit charter school operations. Even if Mizzou never sponsors a charter school, it will still attract many families from across the world. It is reasonable to believe that the diverse population Mizzou brings to Boone County could uniquely support and benefit from charter schools.

Exemption from § 160.415.15–.18

Finally, a reasonably conceivable state of facts supports § 160.400.2(5)'s exemption from § 160.415.15–.18. The General Assembly could reasonably believe that those provisions responded to the specific state of affairs affecting existing charter schools in other jurisdictions. Because charter schools are new to Boone County, it is uncertain whether those same problems will exist. This provides a rational basis to exclude Boone County from § 160.415.15–.18.

Plaintiffs' Article III, Section 40(21), (24), and (30) claims.

Because Section 160.400.2(5) is not a special law, the Court need not reach the specific prohibitions of Article III, Section 40. *City of Aurora*, 592 S.W.3d at 776.

² § 160.400.2(1)–(2). The Court takes judicial notice that St. Louis University is located in the City of St. Louis and that the University of Missouri Kansas City is located in Kansas City. *See Whitmoor Realty, LLC v. Beckerle*, 588 S.W.3d 573, 578 (Mo. App. E.D. 2019) (recognizing that a court may take judicial notice of a fact that is common knowledge).

Plaintiffs' § 536.150 claims fail.

Count III depends entirely on the premise that Section 160.400.2(5) is an unconstitutional special law. Because it is not, the State Board's April 14, 2026 approval of SLU's application to sponsor Frontier's charter school was constitutional and lawful, and Plaintiffs are not entitled to relief under Section 536.150, RSMo.

Conclusion

Under rational basis review, “a classification neither involving fundamental rights nor proceedings along suspect lines is accorded a strong presumption of validity.” *Beach Communications*, 508 U.S. at 113. The State “has no obligation to produce evidence to sustain the rationality of a statutory classification.” *Id.* “The burden is on the one attacking the legislative arrangement to negative every conceivable basis which might support it.” *Lehnhausen v. Lake Shore Auto Parts Co.*, 410 U.S. 356, 364, 93 S.Ct. 1001, 1006, 35 L.Ed.2d 351 (1973) cited by *Heller v. Doe Doe*, 509 U.S. 312, 113 S.Ct. 2637, 125 L.Ed.2d 257 (1993). In reviewing the constitutionality of Section 160.400.2(5), this court is compelled to “accept [the] legislature’s generalizations even when there is an imperfect fit between means and ends. A classification does not fail rational-basis review because it is not made with mathematical nicety or because in practice it results in some inequality. The problems of government are practical ones and may justify, if they do not require, rough accommodations illogical, it may be, and unscientific.” *Heller v. Doe Doe*, 509 U.S. 312, 113 S.Ct. 2637, 125 L.Ed.2d 257 (1993) (internal citations omitted).

Under rational-basis review, the court does not seek to judge the “wisdom, fairness or logic of the legislative choices” *Beach Communications*, 508 U.S. at 113. The court only looks for any “plausible reason for the classification in question”, *Kan. City Premier Apartments Inc. v. Mo. Real Estate Comm’n*, 344 S.W.3d 160, 170 (citing *Beach Commc’ns*, 508 U.S. at 313–14,

regardless of whether the reasoning is imperfect or speculative. While not perfect, Section 160.400.2(5) rationally distinguishes between Boone County and every other county in the State. Plaintiffs have failed to carry their burden to prove that it is a local or special law. This is fatal to all of Plaintiffs' claims. The State is entitled to judgment on Counts I and III of the amended petition.

JUDGMENT

WHEREFORE, it is ORDERED, ADJUDGED, AND DECREED:

1. Section 160.400.2(5), RSMo, as amended by SB 727, is supported by a rational basis, is not a local or special law, and does not violate Article III, Section 40 of the Missouri Constitution.
2. Judgment is entered in favor of Defendants and against Plaintiffs on Counts I and III.
3. Together with the Court's Order and Judgment of June 29, 2026, this Judgment disposes of all claims as to all parties. Plaintiffs' requests for declaratory and injunctive relief are DENIED.
4. Parties shall bear their own costs.

SO ORDERED.

Dated: October 29th 2026



Honorable Emily J. Fretwell
Circuit Judge