

SENATE REMONSTRANCE NO. 1

WHEREAS, In July, 2009, Dr. Chris Nicastro was appointed Commissioner of Education by the State Board of Education; and

WHEREAS earlier in her career, the Commissioner served as the superintendent of the Riverview Gardens School District, a district which became unaccredited in the years after her tenure ended; and

WHEREAS, in her term as Commissioner of Education, Dr. Nicastro has repeatedly demonstrated a failed leadership style, been less than truthful with members of the education community and Legislature, and acted with blatant disregard for the inherent responsibilities of her position; and

WHEREAS, the Commissioner's actions regarding the fiscal note for Initiative Petition 14-024 (better known colloquially as the "Tenure Initiative Petition") is but one example of the course this commissioner often chooses, disregarding facts and truth in favor of political expediency; and

WHEREAS, through a series of Sunshine Law requests, it has become apparent that the Commissioner acted in a less than truthful manner in formulating her Department's "Fiscal Impact Estimate" for the petition; and

WHEREAS, in the "Estimated Net Effect on Local Funds" section of said fiscal note, the Commissioner unilaterally altered the Department's "Summary of Fiscal Impact" by scratching out the original findings of her Department's staff that the initiative petition should show "Potential For Significant Unknown Costs" to local school districts for the cost of test development; and

WHEREAS, with a stroke of her pen, the Commissioner altered the words "Potential For Significant Unknown Costs" to "Costs Unknown"; and

WHEREAS, in no uncertain terms, the Commissioner's actions concealing the potential negative fiscal impact of Initiative Petition 14-024 on local school districts is intolerable and a blatant demonstration of the Commissioner's lack of fitness for her lofty position; and

WHEREAS, such a "modification" is even more difficult to justify, because her alteration to the fiscal note for the "Tenure Initiative Petition" asserts no costs to the state for test development, while in the Department's budget request for the upcoming fiscal year, the Department asserts the need for \$30 million solely for end-of-course exams and grades 3-8 English language arts and mathematics exams; and

WHEREAS, compounding the aforementioned issues regarding the fiscal note for Initiative Petition 14-024 is the fact that the Commissioner held several meetings and was engaged in many conversations with lobbyists who were advocating for the petition regarding the Department's fiscal note response to the petition, which, at a minimum, raises ethical concerns about the Commissioner's motivations regarding the

fiscal note; and

WHEREAS, the Commissioner also acted in a less than truthful manner regarding the State Board of Education's accreditation reclassification of the Normandy School District; and

WHEREAS, when the Normandy School District agreed to absorb students from the failed Wellston School District, which failed while under control of a special administrative board appointed by the State Board of Education, the Commissioner assured officials that if Normandy agreed to absorb those Wellston students, Normandy's accreditation classification would remain intact for a minimum of three years in order to grant Normandy the necessary time to improve the test scores of those students absorbed into the district; and

WHEREAS, only two years later, Normandy's state accreditation was revoked, a decision that today is literally bankrupting the Normandy School District; and

WHEREAS, similarly, the Commissioner misled several legislators and members of the general public during the 2013 Legislative Session during the debate surrounding SB 125; and

WHEREAS, the Commissioner told legislators and other interested parties that if the Kansas City School District scored high enough on its forthcoming APR to be provisionally accredited, it would be granted that status. It was for this reason that the emergency clause was removed from SB 125; and

WHEREAS, when the Kansas City School District did meet that goal of APR scores consistent with provisional accreditation this summer, the district remained classified as unaccredited and, consequently, is now facing the possibility of bankruptcy as a result of the transfer law governing unaccredited districts; and

WHEREAS, the decision to not grant the Kansas City School District provisional accreditation was inconsistent with the decision made with the St. Louis School District; and

WHEREAS, the Kansas City School District demonstrated APR growth for two consecutive years and met the same standards that the St. Louis Public School District did when it regained provisional accreditation; and

WHEREAS, the Commissioner attempted to grant a lucrative contract to CEE-Trust to develop an improvement plan for the Kansas City School District without first seeking other bids until members of the State Board of Education raised concerns about circumventing the typical bidding process; and

WHEREAS, when the State Board of Education directed her to engage in a legitimate bidding process for the contract, the Commissioner "transferred" the language from her original memorandum of understanding with CEE-Trust into the bid specifications; and

WHEREAS, emails show that the Commissioner had been communicating with CEE-Trust's executive director for four months before the contract was entered into with CEE-Trust; and

WHEREAS, CEE-Trust was awarded the contract even though an experienced Massachusetts-based agency had offered its services for one third the cost of CEE-Trust's bid; and

WHEREAS, another demonstration of the Commissioner's failed leadership style can be gleaned from the implementation of the requirement that all testing be administered online for the 2015 school year, yet the Department has not quantified the true costs of ensuring that every district is properly equipped to give those tests online; and

WHEREAS, while the Department's study of broadband and technology capacity will not be completed for several months, it is well known that these testing costs will be significant, yet the Department is still requiring that all testing be administered online by 2015; and

WHEREAS, the Commissioner's lack of leadership is also evident from the Department's ineffective attempt to close the Gordon Parks Charter School in Kansas City; and

WHEREAS, the Department's handling of the closure was so substandard that the school was able to go to court and get the Department's decision overturned, leaving a severely underachieving school open for another year, further damaging the educational outcomes of hundreds of students; and

WHEREAS, the Commissioner's leadership style, history of less than truthful responses, and past actions have created an environment of such extreme distrust toward the Department that any proposal, policy, plan, or platform from her or the Department will be received with reservation, skepticism, and suspicion;

WHEREAS, her actions have resulted in such a high level of distrust that her presence and position within the Department will serve to obfuscate and debase any of the Department's and State Board of Education's legislative proposals, initiatives, and efforts at improving Missouri's education system, regardless of their merit:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, hereby remonstrate against Dr. Chris Nicastro for her failed leadership, less than truthful nature, and blatant disregard for the inherent responsibilities of her position; and

BE IT FURTHER RESOLVED that, for the reasons expressed above and many others, the Senate hereby strongly recommends that the Commissioner resign her post immediately, and failing to do so, the Senate strongly urges that the State Board of Education terminate the Commissioner from her position

because the students of this state cannot afford to bear the costs of her failed leadership; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send a copy of this remonstrance to the Commissioner of Education and each member of the State Board of Education.

Unofficial
Remonstrance

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