

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CHINYERE JENKINS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 77-0420-CV-W-1
)	
SCHOOL DISTRICT OF KANSAS)	
CITY, MISSOURI, et al.,)	
)	
Defendants.)	

**JOINT MOTION TO ENFORCE JUDGMENTS INCORPORATING
AGREEMENT INVOLVING DISMISSAL OF STATE DEFENDANTS**

The Kansas City, Missouri School District (“KCMSD” or the “District”), the class of Plaintiff School Children (“Plaintiff School Children”), and Intervenor American Federation of Teachers Local 691 (“AFT”), through undersigned counsel, respectfully move this Court for an order enforcing the agreement between KCMSD and the State Defendants (the “State”) that was incorporated in this Court’s orders and resulted in the dismissal of the State on January 28, 1999. Specifically, KCMSD, the Plaintiff School Children, and AFT request that this Court, in the exercise of its ancillary jurisdiction, enjoin the State from acting in a manner inconsistent with the agreement and the orders establishing the terms of that dismissal.

The early dismissal of the State, pursuant to a settlement agreed to by the District and incorporated in the orders of the Court over the objection of the Plaintiff School Children, was expressly premised on the maintenance of the property-tax levy rate originally authorized by this Court to allow KCMSD to pay its share of desegregation costs, including capital costs financed through Court-ordered bonds. The State, however, through the enactment and application of Mo. Rev. Stat. § 33.315 and the subsequent enactment of Missouri Senate Bill 287, 2005 Mo. Legis. Serv. S.B. 287 (West) has directly violated the terms of its dismissal and forced the District to

return to this Court. Specifically, by requiring KCMUSD to use levy proceeds that are devoted to the repayment of the desegregation bonds to fund charter schools, the State has violated its agreement and the terms of this Court's order allowing for its dismissal.

Three Missouri forums have all declined to consider the State's obligations under this Court's orders incorporating the settlement agreement and specifying the conditions necessary to the State's dismissal. The District, joined by Plaintiff School Children and AFT, therefore respectfully submit that, in order to protect the judgments of this Court and enforce the terms of the agreement as incorporated in its orders, this Court should enter a limited order effectively enjoining the implementation of Mo. Rev. Stat. § 33.315 and the relevant portion of Missouri Senate Bill 287 by prohibiting the State from using any portion of the per-pupil amount needed for the repayment of leasehold revenue bonds obligated pursuant to this case for the funding of charter schools or any other purpose.

REQUEST FOR ORAL ARGUMENT

Because of the importance of the issues raised in this Motion, the District, the Plaintiff School Children, and AFT hereby respectfully request oral argument.

Respectfully submitted,

/s/ Patricia A. Brannan

Patricia A. Brannan DC #332544
John W. Borkowski LA #20710
Hogan & Hartson L.L.P.
555 13th Street, N.W.
Washington, D.C. 20004
(202) 637-8686
(202) 637-5910 (fax)
pabrannan@hhllaw.com

/s/ Hayley Hanson

Maurice Watson MO #34501
Kirsten Byrd MO #51479
Hayley Hanson MO #52251
Blackwell Sanders Peper Martin LLP
4801 Main Street, Suite 1000
Kansas City, Missouri 64112
(816) 983-8000
(816) 983-8080 (fax)
mwatson@blackwellsanders.com

Counsel for KCMUSD

/s/ Arthur A. Benson, II

Arthur A. Benson, II MO #21107
Jamie Lansford MO #31133
ARTHUR BENSON & ASSOCIATES
4006 Central
Kansas City, Missouri 64106-2123
(816) 531-6565
(816) 531-6688 (fax)
abenson@bensonlaw.com

Counsel for Chinyere Jenkins, et al.

/s/ Fred O. Wickham

Fred O. Wickham MO #35741
Brian P. Wood MO #40795
Wickham & Wood, L.L.C.
4240 Blue Ridge Boulevard, Suite 301
Kansas City, Missouri 64133
(816) 753-8751
(816) 753-8267 (fax)
wvlaw@kcnet.com

Counsel for Intervenor AFT Local 691

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by Federal Express, overnight delivery, this 22nd day of February 2006 to:

Attorney General Jay Nixon
Office of Attorney General
Supreme Court Building
207 W. High Street
Jefferson City, Missouri 65102

Counsel for the State of Missouri

/s/ Hayley E. Hanson
Attorney