

**IN THE 22ND JUDICIAL CIRCUIT COURT
CITY OF ST. LOUIS
STATE OF MISSOURI**

ST. LOUIS VOICES ACADEMY OF MEDIA ARTS,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
MISSOURI CHARTER PUBLIC SCHOOL COMMISSION,)	
Serve: Martha McGeehon)	
Missouri Charter Public School Commission)	
20 S. Sarah Street)	
St. Louis, MO 63108)	
(855) 267-7323)	
)	
Defendant.)	

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

COMES NOW Plaintiff, St. Louis Voices Academy of Media Arts (“SLVA”), by and through its attorneys, and petitions this Court, pursuant to Sections 536.150 and 526.030, RSMo., and pursuant to Rule 92.02 of the Missouri Rules of Civil Procedure, for entry of a preliminary injunction against Defendant Missouri Charter Public School Commission (“MCPSC” or the “Commission”) to allow SLVA to operate in good standing and not on probationary status. In support thereof, Plaintiff states:

1. SLVA is a nonprofit corporation and a charter public school created pursuant to the Missouri Charter Schools Act (“MCSA”), §§ 160.400 to 160.420, RSMo., and located at 1220 Olive St., St. Louis, Missouri 63103.
2. The Commission is a state commission created pursuant to the MCSA, § 160.425, RSMo., and acts as a sponsor for charter public schools.

3. The Commission is an administrative agency within the meaning of Missouri's Administrative Procedure Act, § 536.150, RSMo.

4. SLVA has been operating as a charter school since July 1, 2022 under the sponsorship of the Commission with its current authorizing contract set to expire on June 30, 2027.

5. SLVA currently serves students in pre-Kindergarten through Third grade.

6. The Commission serves as the current sponsor for SLVA pursuant to § 160.400.3(6) and SLVA and the Commission's (collectively "the Parties") Performance Contract. **See Exhibit 1.**

7. Charter sponsors are expected to promulgate standards regarding oversight and evaluation but must "[r]efrain from directing charter school decisions or choices that are appropriately within a school's purview under the charter law or contract." *See* CSR tit. 5, §§ 20-100.260(3), 20-100.260(4)(F).

8. On March 4, 2025, the Commission found that SLVA met its annual performance evaluation for fiscal year 2024. **See Exhibit 2.**

9. On or about October 24, 2025, a SLVA student eloped from the school building and SLVA promptly informed the Commission of the incident.

10. On or about November 6, 2025, the Commission staff issued a Letter of Concern to SLVA regarding the timeliness of compliance submissions and communications with the Commission and detailed requested corrective actions. **See Exhibit 3.**

11. Pursuant to Section 160.405.8(2), RSMo., "[t]he sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked."

12. On or about November 17, 2025, the Commission staff issued a letter to SLVA notifying the school that it was in breach of its performance contract and was placed on probation pursuant to § 160.405.8(c)(2), RSMo., and the Commission’s Policy 3.02. **See Exhibit 4.**

13. This was the first time SLVA had an issue regarding safety, governance, or any other alleged issues with its operations, and the first time the school was placed on probation for any reason.

14. The Commission’s November 17, 2025 letter included several required corrective actions for SLVA to undertake. **See Exhibit 4.**

15. The Commission’s November 17, 2025 letter also placed a moratorium on SLVA enrollment until probationary status is removed. **See Exhibit 4.** While probationary status has not been removed, the Commission has lifted this moratorium and authorized SLVA to continue to enroll students. **See Exhibit 9.**

16. The ability to access grant funds and the ability to access loaned funds to operate the school are dependent upon remaining in good standing.

17. The Commission’s November 17, 2025 letter did not set forth any guidelines by which to govern SLVA’s progress or even a timeline as to how long SLVA would remain on probation. Instead, the Commission’s November 17, 2025 letter indicated that “[i]f milestones are met, probation may be lifted; if not, the Commission may move to revoke SLVA’s charter.” **See Exhibit 4.**

18. The MCSA, its regulations, the Parties’ Performance Contract, and the Commission’s Policies are silent regarding any process or review of the Commission’s decisions regarding intervention, including a sponsor’s decision to place and keep a charter school on probation.

19. Beginning November 25, 2025, the Commission briefly closed SLVA to in-person classroom instruction, while the school implemented new safety and security improvements. *See Exhibit 10.*

20. Pursuant to Section 160.405.8(2), RSMO., and the Commission's November 6, November 17, and December 2, 2025 letters, SLVA's Board of Directors implemented security improvements, hired a new Executive Director to oversee operation of the school, created and implemented a 30-day action plan, and complied with all other corrective actions the Commission required.

21. In a December 10, 2025 letter, the Commission staff indicated that "Even if the school reopens, SLVA will remain on probation until all corrective actions detailed in the letters dated November 6 and November 17, 2025, have been addressed." *See Exhibit 7.*

22. The Commission has acknowledged SLVA's compliance with all the Commission's required actions set forth in the November 6, November 17, and November 25, 2025 letters, but the Commission refuses to remove the probationary status on SLVA. *See Exhibits 6, 7, and 9.*

23. Given SLVA's compliance with all of the Commission's required actions, the Commission allowed SLVA to re-open to in-person instruction on December 15, 2025. *See Exhibit 6.*

24. Despite complying fully with the Commission's corrective actions and resuming in-person instruction, the Commission has refused to remove SLVA from probationary status without justification. *See Exhibits 6, 7, and 9.*

25. By way of the December 12, 2025 letter, the Commission asserted that SLVA remained on probation "because of on-going academic, governance, and administrative issues." *See Exhibit 6.*

26. The Commission staff's decision to place SLVA on probation was based on safety concerns that SLVA has addressed to the Commission's satisfaction. **See Exhibit 9.**

27. The Commission staff's decision to place SLVA on probation was in violation of the Commission Policy 3.02 "Intervention" in that the Commission staff did not have authority to place SLVA on probation and the Commission did not vote to place SLVA on probation.

28. The Commission staff's decision to keep SLVA on probation after SLVA satisfied the Commission's safety concerns is unlawful, arbitrary, capricious, and/or involved an abuse of discretion.

29. Communications from Commission staff indicate that the Commission had predetermined the goal to close SLVA permanently making its probation determination arbitrary and capricious. *See* Robbyn Wahby, then Executive Director of the Commission, Text Messages, attached hereto as **Exhibit 13.**

30. The Commission failed to follow the governing law by:

- a. Predetermining the objective of closing SLVA permanently;
- b. Failing to follow its own policy for placing SLVA on probation;
- c. Failing to provide due process procedures for SLVA to follow in order to remove probationary status;
- d. Failing to provide policies and procedures regarding actions that would allow for the removal of probationary status;
- e. Failing to rule if SLVA's corrective actions met the Commission's "milestones;"
- f. Failing to provide reasons for SLVA to remain on probationary status; and
- g. Failing to remove SLVA from probationary status.

31. The Commission staff's refusal to remove SLVA from probationary status without justification is unlawful, arbitrary, capricious, and involves an abuse of discretion because it violates the provisions of the MCSA. *See* § 160.405.8(2), RSMo.

32. As a result of the Commission staff's decision to place SLVA on probation and not remove SLVA from probation, the Opportunity Trust ("TOT"), one of SLVA's grant funders, issued a directive to SLVA to immediately suspend all TOT-funded expenditures. ***See Exhibit 8.***

33. As a result of the Commission staff's decision to place SLVA on probation and not remove SLVA from probation, one of SLVA's lenders has determined that is in default of one of its loan agreements and suspended access to funds. ***See Exhibit 11.***

34. The Commission's conduct and its continuation of probationary status on SLVA have forced the school to spend an inordinate amount of time and resources fighting for the school to re-open to in-person instruction and placed – and continues to place - the school in financial difficulty without the ability to access its grant funding from TOT, its other funding, or to otherwise fundraise.

35. The Commission's conduct and its continuation of probationary status on SLVA have caused and continues to cause reputational harm to SLVA.

36. SLVA, its staff, parents, and students have suffered irreparable harm and will continue to suffer if the probationary status is not removed.

37. SLVA lacks any means to seek administrative review or challenge the Commission's decision to keep SLVA on probation.

38. "A non-contested case is to be heard by the Circuit under a *de novo* review of the agency's decision in which it hears evidence on the merits, makes a record, determines the facts, and determines whether the agency's decision is unconstitutional, unlawful, arbitrary, capricious

or otherwise involves an abuse of discretion.” *Mosley v. Members of Civil Serv. Bd for City of Berkeley*, 23 S.W.3d 855, 858 (Mo.App. 2000).

39. SLVA hereby incorporates by reference its Memorandum of Law in Support of this Motion as if fully set forth herein.

WHEREFORE, Plaintiff requests this Court to enter, pending final determination of this cause, an Order against the Commission, finding that is has acted contrary to law, and enter a Preliminary Injunction in favor of SLVA, ordering the Commission to rescind the probation notice and reinstate SLVA to good standing, or enjoining the Commission from maintaining SLVA on probation status, and for any further relief as the Court deems just and necessary.

RESPECTFULLY SUBMITTED,

TUETH KEENEY COOPER
MOHAN & JACKSTADT, P.C.

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