IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

FILED
DIVISION 17
05-Oct-2015 10:57

RENAISSANCE ACADEMY FOR MATH AND SCIENCE OF MISSOURI, INC.,	)	
Plaintiff,	)	
v.	)	Case No. 1516-CV12713
MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION, et al.	)	Division 17
Defendants.	)	

PRELIMINARY INJUNCTION

On September 23, 2015, this matter came on for hearing on the motion of the Defendants Missouri Department of Elementary and Secondary Education and the State Board of Education (collectively, "DESE"), and Counter-claimant Missouri Attorney General seeking a preliminary injunction pursuant to Section 526.050, RSMo, and Missouri Rule of Civil Procedure 92.02(c). The Court has reviewed the pleadings, heard the testimony of witnesses and arguments of counsel and having been fully advised in the premises, the Court makes the following findings:

1. Under the Charter School Act, Section 160.400-.425, RSMo, Renaissance was given public funds by DESE to use to educate students. However, Renaissance is not currently using the funds for educational purposes.

2. Section 160.405.1(17), RSMo, requires Renaissance to return all of its remaining funds to DESE.

3. The evidence presented by DESE and the Attorney General demonstrates there will be irreparable harm without the entry of a preliminary injunction. All funds currently held by Renaissance Academy for Math and Science of Missouri, Inc. ("Renaissance") must be returned to DESE. Renaissance's conduct since the closing of its school demonstrates a likely pattern of dissipation of assets which shows a likelihood of irreparable harm. Renaissance continues to spend down funds that should be used for the education of children three years after ceasing educational activities.

4. This court finds that DESE and the Attorney General have no adequate remedy at law.

5. There is no statute which authorizes Renaissance to keep the funds for an indefinite amount of time or gives it further opportunity to spend the public funds given to it by DESE. Also, the Court finds that no statute authorizes the insurance expenditures by the directors.

6. DESE and the Attorney General will likely succeed on the merits of their counterclaims that ask this Court to order the return of Renaissance's funds to DESE and those counterclaims which seek an accounting. The other counterclaims made by DESE and the Attorney General were not before this Court and thus this Court takes no position on such.

7. DESE and the Attorney General have also demonstrated that the balance of hardships and the public interest favor the entry of this preliminary injunction.

IT IS THEREFORE ORDERED that Renaissance and its directors, agents, servants, employees, representatives, and other individuals acting at their direction or on their behalf are enjoined from spending, accessing, dissipating, or wasting all funds controlled, held by, or belonging to Renaissance until further order of this court.

IT IS FURTHER ORDERED that Renaissance shall provide within 10 days of this order an accounting to DESE and the Attorney General of all its expenditures from the date of the closure of the charter school until the date such funds are transferred to DESE as set forth below.

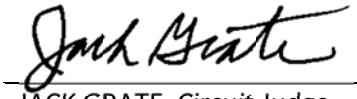
IT IS FURTHER ORDERED that Renaissance shall transfer all of its remaining funds within 10 days of the date of this order to DESE to be disbursed to the Kansas City School District and to any other entity to which

they would belong to be used for educational purposes as set forth in Section 160.405.1(17), RSMo.

IT IS FURTHER ORDERED that this Preliminary Injunction shall remain in effect until disposition of this matter. Pursuant to Supreme Court Rule 92.02(d), no bond shall be required in this case because this preliminary injunction order was sought by the State on its own behalf.

SO ORDERED.

10/5/15
DATE



JACK GRATE, Circuit Judge