

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

FRED N. SAUER,)	
ANNE GASSEL, and)	
GRETCHEN LOGUE,)	
)	Cause No. 14AC-CC00477
Plaintiffs,)	
)	Division II
vs.)	
)	
)	
JEREMIAH W. (JAY) NIXON, et al.,)	
)	
Defendants.)	

JUDGMENT

On January 15, 2015, the Court called and heard arguments on Plaintiffs’ Motion for Summary Judgment and Defendants’ Motion for Summary Judgment. Having heard counsel and reviewed the pleadings and other submissions of the parties, the Court GRANTS Plaintiffs’ Motion for Summary Judgment and DENIES Defendants’ Motion for Summary Judgment. The Court finds that the Smarter Balanced Assessment Consortium, a.k.a. Smarter Balanced, Smarter Balanced at UCLA, SBAC, and SB, is an unlawful interstate compact to which the U.S. Congress has never consented, whose existence and operation violate the Compact Clause of the U.S. Constitution, Article I, § 10, cl. 3, as well as numerous federal statutes; and that Missouri’s participation in the Smarter Balanced Assessment Consortium as a member is unlawful under state and federal law.

Accordingly, the Court DECLARES that any putative obligations, including the obligation to pay membership fees, of the State of Missouri to the Smarter Balanced Assessment Consortium, Smarter Balanced at UCLA, Smarter Balanced, SBAC, SB, the University of California, and/or the National Center for Research on Evaluation, Standards and Student Testing (collectively, “SBAC”) are illegal and void; DECLARES that no Missouri taxpayer

funds may be disbursed to SBAC in the form of membership fees, whether directly or indirectly; and PERMANENTLY ENJOINS Defendants, and each of them, and all those in active concert with them, from taking any action to implement or otherwise effectuate any payment of Missouri funds as membership fees to SBAC, whether directly or indirectly. Each party to bear their own costs pursuant to RSMo. § 527.100.

SO ORDERED:

A handwritten signature in black ink, appearing to read "D. Green", written in a cursive style.

Judge Daniel R. Green, Circuit Court of Cole County, Missouri

Date: 2/24/15