

Testimony of Gwendolyn Samuel – Meriden CT
Before the Judiciary Committee
Connecticut General Assembly
Public Hearing, March 23, 2012

Good Afternoon Chairs Senator Coleman, Representative Fox, and members of the Judiciary Committee, I thank you for this opportunity to testify about:

H.B. 5508 AN ACT CONCERNING MISREPRESENTATION OF TOWN OF RESIDENCY WITH RESPECT TO SCHOOL ACCOMMODATIONS.

My name is Gwen Samuel. I am a mother of four and a resident of Meriden, Connecticut. I am a Head Start Alum and the Founder of the CT Parents Union, a membership organization established to connect parents, guardians and families with the resources and support necessary to effectively advocate for the educational and civil rights of children. In terms of advocating for the educational and civil rights of all children from birth through college graduation, we strive to create a state where race, zip-code and/or socio-economic status will never serve as limiting factors or predictors of student academic success.

I currently have two younger children in elementary and middle school.

There is one fact that none of you can ignore, in Connecticut, too many students are not graduating from high school and college with the skill sets that they need to become productive citizens, engaged community leaders, and participants in a trained and qualified workforce. Needless to say, this has serious impacts on our state's economy.

While I thank Representative Holder-Winfield, Representative Morris and other members for their recommendation to reduce penalty from a Felony to a Misdemeanor, the bill does not go far enough.

It is with these sentiments that I respectfully ask that H.B. 5508 be decriminalized because parents may get double penalties civil from education side and criminal from judicial side.

The issue on the table is more about education equity, impoverished communities, failing schools, and families not having equitable access to opportunity .I

Furthermore, Conn. Gen. Stat. Section 10-186, is an administrative remedy that allows parents and guardians of children access to due process and not access to potential racial profiling and handcuffs.

I respectfully request de-criminalizing H.B. 5508 for the following reasons:

1. Connecticut currently has Administrative remedies that address residency and gives legal "protections" for school districts found in Conn. Gen. Stat. Section 10-186 which prescribe an educational two level due process procedure to review residency issues, and civil remedies among other things;

Rationale: There are already residency legal "protections" for school districts found in Conn. Gen. Stat. Section 10-186 which prescribe an educational two level due process procedure to review residency issues, and civil remedies among other things;

Questions to Consider: Who has the right or makes the decision to press charges against someone for sending their kid to the wrong school? How is due process made available if that person disagrees with the decision? Who decides what the "improper" school district is?

Response: Conn. Gen. Stat. Section 10-186 prescribes a two level due process procedure addressing residency, among other things. If after a hearing held before the local board of education, a parent or guardian is aggrieved by that decision, said parent or guardian may appeal the decision to the State Department of Education which will conduct a hearing de novo. The State Department of Education shall hold a hearing and render a decision. The decision of the State Department of Education may be appealed to the Superior Court.

If a board of education prevails at the hearing before the State Department of Education, the local or regional board may seek to recover the amount of assessment for tuition through available civil remedies.

See Section 10-186(b) (4). Therefore, the board of education should not file criminal charges against the parent of the child due to the fact that the due process procedure provides a civil remedy enabling it to recover the assessment for tuition

2. This bill will promote racial profiling that will disproportionately target Blacks, Hispanics, and parents of special needs children because they comprise the achievement gap. i.e. recent article by the Daily interviewed Bill Beitler, the owner of "National Investigations", a company that specializes in school residency and he clearly state that school districts do not play fair. They engage in what we call "racial profiling" and based on his comments I would go as far as to say "disabilities profiling and socio-economic profiling" <http://www.thedaily.com/page/2012/03/11/031112-news-school-moms-arrested-1-5>

"Bill Beitler, the owner of National Investigations, an Illinois-based company that specializes in school residency, said not all districts play fair.

"Some might flag the special-education students, or pull one over on me and try to flag the African-American families or the Hispanic families. Sometimes it's, 'Leave all the football players alone but check everybody else,' Beitler said. "So I draft up a contract that says you can't do that. I've seen everything."

3. Concerns of arresting homeless parents due to misinterpreting law as it relates to homelessness which is protected under the McKinney Vento Act.
4. Divorced parents with joint custody can lead to an arrest of parents because of misinterpretation of this school residency law

5. Racial, socio-economic and disabilities profiling can occur as a result of this bill.
6. Domestic Violence and issues of safety can be a reason for a parent to seek a school in a different district but without due process you may be arresting someone who just wants to keep the children and family safe. This issue should be handled administratively through the State department of education.

In closing, as a civil society, it is immoral to enact criminal penalties for parents and guardians of children who are consigned to unsafe and low performing public schools and as a result, misrepresent where they live in order to access safe and high quality education opportunities for their children. Doing so unconstitutionally discriminates against the poor, the homeless, and others.

All communities within Connecticut are facing the impacts of this education and economic crisis, but arresting parents, the primary care givers of children for "theft of an education" will not improve our educational and economic challenges but building effective partnerships with parents, family and community, smart spending, high quality school choice, equitable funding and resources, and access to effective school boards, principals and teachers will put us on the pathway to a stable economy with the building of productive taxpaying citizens versus tax burdens due to overcrowded prison and juvenile systems and over reliance on safety nets and social services.