



Testimony of Gwendolyn Samuel – Meriden CT
Before the Judiciary Committee
Connecticut General Assembly
Public Hearing, April 15, 2013

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

Raised H.B. 6695 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 us 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.

Furthermore, On March 22, 2010 the state Supreme Court ruled that Connecticut school children are guaranteed an adequate standard of quality in their public school...the state constitution requires "that the public schools provide their students with an education suitable to give them the opportunity

to be responsible citizens able to participate fully in democratic institutions, such as jury service and voting, and to prepare them to progress to institutions of higher education, or to attain productive employment and otherwise to contribute to the state's economy." (Source URL: <http://www.ctmirror.org/story/5244/state-supreme-court-rules-school-funding-case>)

While I support HB 6695 and thank Representative Morris and other legislative members for their recommendation to reduce the school residency violation 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. 6695 be decriminalized because parents are being charged without due process and equal protections. Parents of color and/or low income parents are also being disproportionately targeted for enforcement of school residency laws also known as zip code education laws. Concerns are also raised that parents are getting doubles penalties, civil from education side and criminal from judicial side. Finally, parents should have the legal right to choose SAFE and high quality schools to meet their child's academic and life needs.

The issue on the table is more about education equity, parents having the legal right to choose the best educational fit to meet their children's safety and academic needs, impoverished communities, failing schools, fiscal accountability and oversight, and families not having equitable access to opportunity.

Due to concerns of civil right violations of due process and equal protection violations embedded in school residency laws, the Connecticut Parents Union has supported a civil rights lawsuit filed on behalf of Marie Menard, a Stratford Grandmother charged with educational theft. Ms. Marie Menard is and has always been a home owner/taxpayer in Stratford CT for over 30 years. Her case will be heard in Connecticut Federal court in July of 2013,

Furthermore, this issue of unjust zip code educational laws has become a national concern and conversation <http://www.scribd.com/doc/130796770/Unjust-Education-ZipCode-laws-Civil-Rights-Complaint> .

As a result, the Connecticut Parents Union, along with other parent groups, education and civil rights advocates, has filed a discrimination complaint against the civil right violations of zip code laws which include discrimination. We filed a discrimination school residency/zip code education complaint citing the case of a Hispanic family, Mr. and Mrs. Hamlet Garcia of Philadelphia. The family was charged with kindergarten education theft for their five year old daughter, even though the family was legally eligible to enroll in the school district at the time of their child's enrollment. To bring closure to this matter, the Garcia's offered to pay the school tuition when this allegation was FIRST brought to their attention yet the District Attorney refused their tuition implying the Garcia's needed to be made an example [of what happens to parents if they try to access a safe & quality education for their children].

Connecticut has an administrative recourse to address this issue versus arresting parents whose only crime is wanting a safe & high performing school for their child!.

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. 6695 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 due process is 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 and/or impoverished communities because they comprise Connecticut's, worst in nation, 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.