

GETZINGER – SB 374

I, Susan McGuinness Getzinger, oppose proposed bill #374. My reasons are as follows:

Though perhaps well intended, this proposed bill 374, as introduced by both Senator Harp and Representative Walker, may be used by assessors as a means to discriminate against people who hold beliefs that the assessors disagree with, setting the stage for abuse by the assessors and the state of Connecticut against children and families. The Statute it is attempting to amend, 10-206, already has in place the stipulation that directs a physician to include any information the child's physician deems necessary for the child's school health records.

The statute 10-206 directs the physician to include: "...such other information including a health history as the physician feels is necessary and appropriate". Mental health is part of physical health and cannot be separated from a physical assessment by the very nature of the human body. The mental health and physical health of an individual cannot be separated, nor can the emotional or spiritual health of an individual. The spiritual aspect of an individual has already been under attack from those in positions of power in our public schools. The extrication of the human spirit from the public schools is what many people already believe is the very reason for the tragedy in Newtown and others like it.

Due to the division imposed by the secular limits on those in the public schools who hold particular religious beliefs, all people in public education holding those beliefs, are now considered disabled under Federal law Section 504.

Section 504 is a Federal anti-discriminatory law as defined as such:

A student qualifies as disabled under the definition of Section 504 if he or she:

- Has a mental or physical impairment, a record of impairment, or is regarded as having such an impairment; and

Is substantially limited in his or her major life activities that include abilities such as (but not limited to) self care, breathing, walking, seeing, performing schoolwork, speaking, and learning.

Impairment: To cause to diminish, as in strength, value, or quality.

The religious expression of an individual in the public school setting is impaired by the public school setting, thus the public schools CAUSE the impairment, and thus, the public schools are discriminatory.

When one or more life activities (physical and/or mental) is/are substantially limited and/or severely restricted, as the expression of the belief in Jesus Christ as Lord and Savior is, in the public schools, as defined by the Christian religious belief, then the children and adults who hold such beliefs, qualify as disabled under Federal law, due to the physical and mental limits placed on the expression of those beliefs in the public school setting. Christianity encompasses the whole person and everything they do and think and cannot be separated from the individual as the public schools mandate.

If those hired to assess are hired by the state DoEd, or the local Boards of Education, an immediate conflict of interest is established due to the factor that the assessor is paid. If the assessor wants to be hired again, they quickly learn to assess children the way the CT DoEd wants them to, as the educational hearing officers do presently. If the assessors or those who hire the assessors hold the belief that religious beliefs, such as Christianity (the belief in Jesus Christ as God) as a mental disorder, as some psychologists and psychiatrists and others do, then this assessment may give rise to the state using religious beliefs as a mental disorder. The state then would be able to take children away from families under the umbrella of religious beliefs as a form of mental abuse.

This would then bloat the already allegedly corrupt and abusive foster care system. This may also create further abuse by the medical community who may use foster children in their clinical studies testing drugs on children. If the people chosen to do the assessments are screened as the hearing officers in educational hearings are now, then corruption will be the result, since the hearing officers and attorneys for the boards of education have already allegedly been abusive of families and children in Newtown and other CT districts.

This pattern of alleged abuse has gone on for years and is still evident as displayed on the DoEd's website under the Accommodation Hearings decisions claiming that parents did not meet their burden of proof when CT statutes clearly states that the parents do NOT have the burden of proof, outside of residency hearing accommodation. It is the party claiming non-eligibility that has the burden of proof, which is often the school district.

The allegedly rigged hearings usually side with the attorneys for the Boards of Education at taxpayer expense and most of these hearings are unnecessary since many parents are simply asking for accommodations of safer school bus stops for children.

Examples of the many years of the CT Department of Education's boastful displays of their and board of education attorneys' and educational hearing officers' alleged abuses disregarding the CT Legislature's statute regarding school accommodations are below:

“43. J. and Morin v. Trumbull Board of Education, Case #00-10 and 00-11, November 24, 2000.

Held that at the bus stop in the morning the children must wait in the traveled portion of the road due to the topography of the stop and the foliage. Therefore, petitioners have sustained their burden of proof and the Trumbull Board of Education is ordered to provide school accommodations in accordance with this decision.”

“87. Parent v. Plymouth Board of Education, Case # 07-11. December 31, 2007.

Parent failed to meet her burden of proof by a preponderance of evidence that the findings of the Plymouth Board of Education were arbitrary, capricious, unreasonable or illegal.”

“95. Parent v. Newtown Board of Education, Case # 09-09, March 26, 2010.

Held that the Newtown Board of Education decision to deny a change of the bus stop for the appellant was not arbitrary, capricious or unreasonable.” –

This case (95) was illegally decided by Peggy McLough Pschirrer. Attorney Pschirrer decided this case after deciding two Section 504s, out of her subject matter jurisdiction. The Berchem, Moses and Devlin and Shipman and Goodwin attorneys know this, if competent, and use her anyway in districts they represent, thereby the two law firms are allegedly involved in racketeering (since racketeering is defined as two or more incidences and my case ties three cases together: Newtown, Torrington and Westport - the grievance committee and CT Bar did nothing about the abuses when complaints were filed). All her decisions are null and void by operation of law.

<http://www.sde.ct.gov/sde/lib/sde/pdf/legal/indexofschoolaccom.pdf>

CT Statute and the required Burden of Proof by a preponderance of the evidence in CT educational hearings:

“**SCHOOL ACCOMMODATION** State law requires school districts to provide accommodation, by transportation or otherwise, so that school-age children living in the district may attend public school (CGS § 10-186(a)). When there is a dispute over accommodation, the statute is specific about which party has the burden of proof during due process hearings, but it is not the same party in all situations. In cases where a district denies schooling based on residency, because it believes a student lives in another district, the student's parent or guardian has the burden of proving, by a preponderance of evidence, that the student lives in the district in question. In all other issues of accommodation (these are often transportation related) the burden of proof is on the party claiming the student is ineligible (typically the district) (CGS § 10-186(b)(1)). In these accommodation matters, the law is explicit about which party bears the burden.” <http://cga.ct.gov/2010/rpt/2010-R-0480.htm>

<http://cga.ct.gov/2010/rpt/2010-R-0480.htm>

<http://www.cga.ct.gov/2013/TOB/S/2013SB-00374-R00-SB.htm>