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Education Law  
Constitutional Law  
Litigation

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Appellate Law  
Public Policy Law  
Administrative Law

**TESTIMONY OF ATTORNEY DEBORAH G. STEVENSON**

I am an Attorney who has been working to protect the rights of parents and practicing in the areas of Education Law, Appellate Law, Constitutional Law since 1999. I also am Chief Counsel for We the People of Connecticut, Inc., a non-profit organization dedicated to protecting the Constitutional rights of all individuals.

I am here to ask you to vote **NO** on HB5078 as it is currently written. While well-intentioned, it has too many flaws, and may make matters worse. For example:

- 1. The bill may remove local control over curriculum and, instead, for the first time in our history, grant that authority to the State.**  
As it is worded currently, the bill grants authority to the State Board of Education to "implement" academic standards and curriculum applicable to all public schools.  
"Implementing curriculum is currently the authority of local boards of education pursuant to Conn. General Statute §10-220(e). This bill effectively removes that authority and grants it to the State. That is not acceptable.
- 2. The bill will not encourage public support or confidence, when parents are completely left out of the "consultation" process.**  
Parents have an inalienable right to the upbringing and education of their children, protected by the Constitution. Parents grant temporary authority to public schools to act in their place, in loco parentis, during the school day. Parents can, and must, reassert their authority any time they believe their children are being harmed. Parents are more than equal partners in the educational process: they are the ultimate decision makers as to the education of their children. They should not be completely left out of any discussion, or "study", of educational standards and curricula that ultimately will affect their children. To do so reflects extreme disrespect for parents and disregard for their authority. That is not acceptable.
- 3. The bill makes no reference to removing any requirement to collect and disseminate personal information.**  
As it is written, there is not even any reference to studying the effect of such data collection and dissemination. Data collection should be extremely limited, if allowed at all. If data is collected, it must be retained only by the school district and the individual child's parents. As it stands now, data collection under the Common Core standards will be routine, unlimited, and widely shared among unknown numbers of third party providers. That is not acceptable.
- 4. The bill makes no reference to any provision allowing parents to opt-out their children from mandatory standardized testing.**  
It is clear that the State Department of Education is distributing confusing and conflicting information about whether or not local boards of education may "allow" parents to opt-out their child from standardized testing. Such misinformation, and misdirection, is improper, and must not continue. Parents are the ultimate decision makers as to whether or not anything is harmful to their child. If parents determine any particular educational assessment is harmful to their child, they have the inalienable right, and statutory obligation, to protect that child. If it is not clear to the State or local boards of education that parents can opt-out their child from such testing they deem to be harmful, then a law must be adopted to make it perfectly clear that they may do so without consequence. Anything less is not acceptable.

Therefore, I urge you to vote, No, as to HB5078 in its current form. Instead, I urge you to adopt only a bill that simply allows parents to opt-out their child from any standardized testing.

As for the Common Core standards and curriculum, while parents appreciate your attempt to assist them, the simple truth is that you cannot undo what you didn't do in the first place.

The State Board of Education did this. The State Board of Education must undo it. On July 7, 2010, the State Board of Education voted to adopt the Common Core. Today, the State Board of Education can vote to repeal adoption of the Common Core. We urge you to direct the Board to do so immediately.

Respectfully,  
Attorney Deborah G. Stevenson

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**FACT SHEET ON STATUTES RELEVANT TO COMMON CORE**

1. The Constitution does not grant any enumerated power to the federal government concerning education. Consequently, the federal government has no Constitutional authority to compel any State to adopt any curriculum, and no Constitutional authority to spend any money to entice states to do so.
2. Under the Ninth and Tenth Amendments to the U.S. Constitution, all rights and powers not specifically delegated to the federal government remain rights and powers retained by the States and the people.
3. The States can reject any federal funding, and conditions attached to the funding, for education as being unconstitutional.
4. Connecticut applied for federal Race to the Top funds, but was denied the funding.
5. Connecticut did receive federal No Child Left Behind funding, and received a waiver conditional upon the State Board of Education's agreement to adopt Common Core.
6. On July 7, 2010, the State Board of Education adopted Common Core.
7. The Connecticut State Board of Education has statutorily enumerated powers. They are found in Conn. Gen. Stat. §10-4. That statute proves that the State Board of Education has the authority to "prepare such courses of study and publish such curriculum guides...as it determines necessary to assist school districts to carry out the duties prescribed by law..." It does not grant authority to the State Board of education to compel local boards of education to adopt any particular curriculum. The State Board may do so only when the local board, or local school, is deemed to be a low achieving school pursuant to P.A. 10-111.
8. The local Boards of Education are statutorily authorized, and required, to establish a school district curriculum committee, and the committee is authorized, and required, "to recommend, develop, review and approve all curriculum" for the local school district. Conn. Gen. Stat. §10-220(e).
9. There is a statute that requires each public high school and public institution of higher education to "complete curricular alignment to enable the successful completion of high school mathematics and language arts curricula, as described in Connecticut's Common Core State Standards..." Conn. Gen. Stat. §10-157b. But, "alignment to enable successful completion" of curricula described in the Common Core Standards, is not the same thing as directing local boards of education to "adopt the Common Core Standards".
10. There is a statute requiring each student enrolled in certain grades to "take a mastery examination in reading, writing... mathematics...and science." Conn. Gen. Stat. §10-14n. That mastery test "shall be provided by, and administered under the State Board of Education."
11. There is no statute that addresses the issue of "opting out" of that test, or any other standardized test. However, there is no statute that precludes a parent from "opting their child out" of that, or any other test.
12. Parents have an inalienable right to the upbringing and education of their children. See *Meyer v. Wisconsin*, *Pierce v. Society of Sisters*, *Yoder v. Wisconsin*. When parents bring their child to school, they allow the school administrators to take the place of the parents, temporarily, for the purpose of providing the child with education. This power is commonly referred to as, "in loco parentis". Parents may take back their authority from the public school administrators at any time. Parents also have the statutory obligation to protect their child from harm. See, e.g., Conn. Gen. Stat. 46b-129. Parents may re-assert their authority to protect their child from harm.