

Students Matter

Defending students' rights through impact litigation

FOR IMMEDIATE RELEASE:

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BREAKING: Connecticut Parents and Students File Federal Lawsuit Demanding Access to Quality Public Schools

Students Matter's Third Case, Martinez v. Malloy, Challenges the Constitutionality of State Laws That Keep Students from Having Access to Quality Schools

Students Matter to Host National Press Teleconference Call Tomorrow, August 24, 2016

*****Press Teleconference Call at 1:00pm EST/10:00am PST*****

Call-In Number: (855) 557-3561 Conference ID: 69864742

Media Participants Should Dial in 5 Minutes Prior to Call Start Time

BRIDGEPORT, Conn. – Today, a group of Connecticut parents and students, with the support of the nonprofit organization Students Matter, filed a lawsuit in the United States District Court for the District of Connecticut. The case, [Martinez v. Malloy](#), challenges the constitutionality of several Connecticut laws that restrict the availability of quality public school options, forcing thousands of low-income and minority students to languish in schools that consistently fail to provide a minimally effective education. Connecticut's actions have deepened one of the largest achievement gaps in the country and, as Plaintiffs explain in their complaint, violate the equal protection and due process clauses of the U.S. Constitution.

In the complaint filed today (available at studentsmatter.org/case/martinez), Plaintiffs describe the heartbreaking struggle they have endured trying to enroll their children in schools that provide an adequate education. Year after year, these parents have tried to avoid sending their children to failing public schools by trying to enroll them in magnet schools, charter public schools, or other adequate public school alternatives. But year after year, the children have been denied admission and forced to remain in failing schools, all because Connecticut's laws prevent high-quality public schools from scaling and meeting the need for high-quality schools demanded by Connecticut's student population.

“Hardworking Connecticut families must not be forced to send their children to failing schools,” said Jessica Martinez, mother of one of the student-plaintiffs in *Martinez v. Malloy*. “Because of rules that benefit the status quo, instead of students and parents, the schools getting it right and meeting the educational needs of our students are effectively prevented from expanding. As urban parents, we have to work ten times as hard, be ten times as engaged, and be ten times as savvy about the system to give our children even a slim chance of getting into a quality school. Connecticut’s laws hurt and impede, rather than help us.”

Frankie Frances, father of another student-plaintiff, further explained: “Plain and simple, getting an adequate education in Connecticut depends on luck of the draw. Do you live on the side of the street zoned for a good school or on the side zoned for a bad school? Will your child win the lottery and get taken off of a waitlist? That’s the reality in which we live. It’s time for the state to justify to parents why it has created a system where some students get access to quality schools, and other kids—our kids—get the waitlist. Access to a quality school is every child’s right – and the State of Connecticut needs to stop infringing that right.”

Martinez v. Malloy focuses on three categories of State laws that restrict the availability of quality public schools in Connecticut, even though the State knows that its actions force tens of thousands of children to attend failing schools:

- First, Connecticut has instituted a moratorium on new magnet schools (Public Act No. 09-6, § 22; Public Act No. 15-177, § 1), despite the fact that Connecticut’s magnet schools consistently outperform inner-city traditional district schools.
- Second, Connecticut’s laws governing charter public schools (Conn. Gen. Stat. §§ 10-66ee(c)-(d), 10-66bb(a), 10-66bb(g)) prevent high-performing charter public schools from opening or expanding in the State, despite the fact that Connecticut’s few charter public schools consistently outperform inner-city traditional district schools.
- Third, Connecticut’s inter-district Open Choice enrollment program (Conn. Gen. Stat. §§ 10-266aa(c), 10-266aa(e), 10-266aa(f), 10-266aa(g), 10-266aa(h)) penalizes school districts that accept students from inner-city school districts, thus dooming the viability of the very program ostensibly designed to provide Connecticut’s students with quality public school options.

These laws and policies effectively cap the established, proven, and high-quality educational options available to Connecticut’s students, forcing tens of thousands of children to attend schools that simply do not afford students with minimally acceptable — let alone high-quality — educational opportunities.

The Plaintiffs in the case are supported by Students Matter, the organizational sponsor of the landmark *Vergara v. California* lawsuit, which drew national attention to the importance of quality teachers in the classroom and ignited a national conversation around the need to challenge the status quo to ensure all students have access to a quality education.

"We know what works," said Dave Welch, founder of Students Matter. "There are public schools-including magnet, traditional and charter schools-in Connecticut and across the country delivering a world-class education to students of all backgrounds. With the same or less public funding as other schools, students in these schools are learning Mandarin, playing instruments, writing poetry, coding, and preparing to meet the challenges of the 21st century. The excuse that we do not know how to provide a quality education to every child simply does not hold water." Welch added: "Every child deserves access to a quality education and the opportunities it provides, but the state is effectively limiting that access for some children-a direct violation of their Constitutional rights. This case is about parents standing up and demanding answers for a broken and harmful system."

Plaintiffs assert that Connecticut's actions, which the State knows are imposing severe harm on tens of thousands of low-income and minority children, infringe the federal constitutional rights of Connecticut children in violation of the Due Process and Equal Protection Clauses of the U.S. Constitution. Plaintiffs have asked the federal court to intervene under these dire circumstances in light of the State's repeated failure to ensure that all children within its borders have access to educational opportunities. If necessary, Plaintiffs will urge the U.S. Supreme Court to overrule or narrow the reach of its 1973 decision, *San Antonio v. Rodriguez*, which held that the federal constitution does not guarantee a fundamental right to equal education. As Plaintiffs explain in their complaint, *San Antonio v. Rodriguez* cannot be reconciled with the developments of the past 40 years and must not be used as an excuse to allow States to treat inner-city children as second-class citizens.

"Federal courts have a proud tradition of recognizing and protecting our most cherished fundamental rights — particularly when our children's futures are at stake," said Joshua Lipshutz, co-lead counsel for the plaintiffs. "It is time for the federal courts to step in and stop states, like Connecticut, from forcing inner-city children to attend failing schools. Under the U.S. Constitution, every child deserves a chance to succeed in life."

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Students Matter to Host National Press Teleconference Call to Discuss the Filing of Martinez v. Malloy

WHO: Students Matter

WHEN: Tomorrow, August 24 at 1:00pm EST/10:00am PST

PRESS TELECONFERENCE CALL: Call-In Number: (855) 557-3561 Conference ID: 69864742

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Students Matter is a national nonprofit organization dedicated to sponsoring impact litigation to promote access to quality public education. Learn more at studentsmatter.org.