

# Students Matter

Defending students' rights through impact litigation

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## **Plaintiffs Respond to State Defendants' Motion to Dismiss Educational Rights Lawsuit *Martinez v. Malloy***

### ***Connecticut Students and Parents Argue That State Laws Blocking Access to Quality Public Schools Violate the Federal Constitution***

**BRIDGEPORT, Conn.** — Today, the students and parents who brought the landmark educational rights lawsuit [\*Martinez v. Malloy\*](#) filed a [response to the State of Connecticut's motion to dismiss their case](#). The *Martinez* lawsuit challenges a series of state laws and policies that prevent thousands of students — primarily students in low-income communities — from accessing quality public schools.

**The Connecticut laws and policies at issue include:**

- **Connecticut's magnet school moratorium**, which prohibits the opening of new public magnet schools that — according to the State itself — consistently outperform traditional district schools in their host districts.
- **Connecticut's effective cap on charter public schools**, which prevents high-performing charter public schools from opening or expanding in the State.
- **Connecticut's laws discouraging the Open Choice enrollment program**, a program that purports to allow students in inner-city schools to transfer to higher-performing schools in neighboring suburban school districts, but in fact creates powerful disincentives that prevent enrollment in the program.

**The Plaintiffs' response to the State's motion to dismiss highlights three key arguments:**

- **State-created barriers to high-quality education have harmed the Plaintiffs:** According to the Plaintiffs, the laws and policies described above (the "Anti-Opportunity Laws") restrict the number of quality public school options, leaving Plaintiffs — and countless other Connecticut students — without an opportunity to compete with their more affluent peers and forcing them to attend traditional district schools that the State knows are failing.
- **Children have a fundamental right to education:** When a state provides its citizens with public education, it has a constitutional duty to ensure that *all* of its citizens can exercise that education in an adequate and equitable manner. Connecticut must not prevent its low-income students from obtaining the same public educational opportunities enjoyed by its higher-income students.
- **Connecticut's actions infringe the rights of children under the U.S. Constitution:** The Anti-Opportunity Laws violate the U.S. Constitution by forcing thousands of students to attend severely underperforming public schools — schools that the State knows do not provide students with the necessary tools to succeed academically or to become productive and successful members of society.

**Reaction quotes to today's response to the State's motion to dismiss:**

- **Jessica Martinez, mother of one of the plaintiffs in *Martinez v. Malloy*:** “Being stuck, year after year, on long waitlists for decent schools is devastating to hardworking Connecticut parents who want the best for their children. We know what an excellent public education looks like, and we will not allow a broken system to tell our children that they are somehow undeserving of one. We demand an end to these outdated laws so that every child has a shot at the American Dream.”
- **Joshua Lipshutz of Gibson, Dunn & Crutcher LLP, lead counsel for the Plaintiffs:** “By standing in the way of a quality public education for inner-city kids, Connecticut is knowingly perpetuating vast inequality and crushing the hopes and dreams of thousands of children each and every year. The time has come for the federal courts to put an end to these discriminatory laws and practices. The U.S. Constitution does not permit the State of Connecticut to treat its most vulnerable children this way.”

**For a case summary and background, please see Students Matter's [Martinez v. Malloy Press Kit](#).**

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*Students Matter is a national nonprofit organization dedicated to promoting access to quality public education through impact litigation, communications and advocacy.  
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