

RETURN DATE: : SUPERIOR COURT

ALISHA LOVE,
 GWENDOLYN SAMUEL,
Plaintiffs : J.D. OF WATERBURY

v. : AT WATERBURY

:
 GOVERNOR DANIEL P. MALLOY,
 COMMISSIONER PRYOR,
 STATE BOARD OF EDUCATION,
 TREASURER DENISE L. NAPPIER,
 COMPTROLLER KEVIN LEMBO
 CONNECTICUT GENERAL ASSEMBLY
 JUDICIARY COMMITTEE CHAIRS,
 STATE REPRESENTATIVE GERALD M. FOX
 SENATOR ERIC D. BROWN
 EDUCATION COMMITTEE CO- CHAIRS
 STATE REPRESENTATIVE ANDREW M. FLEISCHMANN
 SENATOR ANDREA L. STILLMAN
 WATERBURY BOARD OF EDUCATION
 DR. KATHLEEN OUELLETTE :
Defendants : MAY 1, 2013

COMPLAINT
FOR INJUNCTIVE AND DECLARATORY RELIEF

1. Plaintiff Alisha Love has at all times herein, been a resident of the City of Waterbury and has three minor children currently enrolled in the Walsh Elementary School in Waterbury School District. She is a member of the Walsh School Governance Council which falls within the control and management of the State Department of Education and Defendant City of Waterbury Board of Education.
2. Plaintiff Gwendolyn Eaddy- Samuel, a parent of color, is a parent of two minor children currently enrolled in the Meriden public school system. Meriden School District has schools that have been approved for the Commissioners Alliance District Program based

on low performance. Gwendolyn Eaddy-Samuel is also the Founder of the Connecticut Parents Union, Inc., (CTPU), a Connecticut not-for-profit organization, which is committed to ensuring the constitutional education rights of public school children in Connecticut are protected through suitable and substantially equal educational opportunities. CTPU ensures parents, guardians and families are connected with the educational resources and support system necessary to ensure, that neither race, zip-code nor socio-economic status, is a predictor of their child's success. CTPU's partners include diverse parents from various socio-economic backgrounds, educators, education advocacy organizations, and community groups. CTPU draws its partnerships from throughout Connecticut's neediest school districts, communities and abroad.

3. The defendant, Dannel P. Malloy, or his successor, is the Governor of the State of Connecticut. Pursuant to Article Fourth, § 12, of the State Constitution, he must ensure that the laws are faithfully executed. Pursuant to Conn. Gen. Stats. § 3-1, he is authorized to investigate and take proper action concerning any matter involving the enforcement of the laws of the State and the protection of all its citizens. Under Conn. Gen. Stats. §§ 10-1 and 10-2, he is responsible for appointing impartial members of the State Board of Education. He is further responsible for receiving a detailed statement of the activities of the impartial State Board of Education and an account of the conditions of the public schools and such other information as will assess the true conditions, progress and needs of public school children within Connecticut. Conn. Gen. Stats. § 10-4.
4. The defendant Stefan Pryor, or his successor, is the Commissioner of Education of the State of Connecticut, a member of the State Board of Education, and the director of

the Department of Education. Pursuant to Conn. Gen. Stats. §§ 10-2 and 10-3a, he is responsible for carrying out the mandates of the Board of Education.

5. The defendants, members of the State Board of Education; or their successors; Pursuant to Conn. Gen. Stats. § 10-4a, have general supervision and control of the educational interests of the State. Pursuant to Conn. Gen. Stats. § 10-4c, they are responsible for preparing a comprehensive plan for the State's public schools to ensure suitable and substantially equal educational opportunities are provided to all public school children in Connecticut.
6. The defendant Denise L. Nappier, or her successor, is Treasurer of the State of Connecticut. Pursuant to Article Fourth, § 22 of the State Constitution, she is responsible for the disbursement of all monies by the State. She is also the custodian of certain educational funds of the Connecticut State Board of Education. Conn. Gen. Stats. § 10-11.
7. The defendant, City of Waterbury Board of Education (hereafter referred to as "Board") is a local board of education which is organized and existing pursuant to statutory mandates found in the laws of the State of Connecticut, and has been charged with the responsibility for the control and management of the schools within its jurisdiction, including Walsh Elementary School, and all school in Waterbury, Connecticut, and all related business and activities conducted therein.
8. The defendant Kathleen Quелlette is the Superintendent of the Waterbury Board of Education and responsible for administration of education in the Waterbury Public Schools. Defendant Superintendent Dr. Kathleen Ouellette (hereinafter referred to as "Ouellette") has at all times mentioned herein, been employed by the Board as the

Superintendent. During her administration, the number of low performing schools within the defendant board's control and management has remained steady.

9. The defendants, Connecticut General Assembly Education Committee Co-Chairs and its members "has cognizance of all matters relating to the Department of Education; local and regional boards of education and the substantive law of collective bargaining covering teachers and professional employees of such boards; vocational rehabilitation; the Commission on the Arts; and libraries, museums and historical and cultural associations".
10. The Education Committee has the obligation to "**equally**" protect the legal educational rights of all Connecticut children as diligently as they protect the legal and collective bargaining rights of educators.
11. The defendants, Connecticut General Assembly Judiciary Committee Co-Chairs and its members "has cognizance of all matters relating to courts, judicial procedures, criminal law, probate courts, probation, parole, wills, estates, adoption, divorce, bankruptcy, escheat, law libraries, deeds, mortgages, conveyancing, preservation of land records and other public documents, the law of business organizations, uniform laws, validations, authorizations to sue and to appeal, claims against the state, all judicial nominations, all nominations of workers' compensation commissioners, all nominations of members of the Board of Pardons and Paroles and all matters relating to the Judicial Department, the Department of Correction and the Commission on Human Rights and Opportunities; all bills carrying civil penalties which exceed the sum of, or which may exceed in the aggregate, five thousand dollars; and all bills carrying criminal penalties, other than infractions, favorably reported by any other

committee shall be referred to said committee, provided the committee's consideration shall be limited to the criminal penalties established in such bills and shall not extend to their substantive provisions or purpose”.

12. The Judiciary Committee has an obligation to ensure they are “**equitably**” carrying out their duties without violating Connecticut citizens constitutional right by discriminating against certain populations of Connecticut citizens due to their race, ethnicity, or socio-economic status.

13. All the defendants are being sued in their official capacities.

NATURE OF ACTION

14. The State Constitution guarantees that every child is provided ‘a substantially equal educational opportunity in its free public elementary and secondary schools regardless of the child’s town of residence and that this court has a role in ensuring that our state’s public school students receive that fundamental guarantee.

15. A quality public school education requires more than access to basic reading, writing, and arithmetic skills. In the wake of the December 14, 2012 deadly schoolhouse shooting in Newtown, Connecticut, where 20 young children and 6 educators were killed, Connecticut lawmakers and those charged with making the decisions, for the day to day operations of public schools, must ensure they are using state, federal mandated and common sense approaches to keep kids safe thus promoting a welcoming, nurturing and safe learning environment.

16. Education is a fundamental lifelong learning tool that children need in order to develop their problem solving, analytical and critical thinking skills and to help them prepare “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." As of March 22, 2010 the state Supreme Court affirmed this constitutional fact and ruled that Connecticut school children are guaranteed an adequate standard of quality in their public school and requires what is written in line 16.

17. Plaintiffs and other parents/legal guardians are legally and morally obligated to keep their children physically mentally and emotionally “safe as well as protect their child’s educational rights.
18. Plaintiffs and other parents/legal guardians also have equal protection and due process rights under the 14th Amendment and legal protections from discrimination under Title VI of the Civil Rights Act of 1964 prohibits racial and ethnic discrimination;
19. Federal laws relating to the educational rights and English as a Second Language (ESL) students and programs is essentially composed of two statutes: **Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunity Act of 1974 Title VI of the Civil Rights Act of 1964 prohibits racial and ethnic discrimination in any program receiving federal money.**
20. Two other federal laws guarantee a **free appropriate public education (FAPE)** and provide services or accommodations to eligible students with disabilities in the U.S. They are: Section 504 of the Rehabilitation Act of 1973 (called Section 504), and Individuals with Disabilities Education Act (called IDEA)
21. Section 504 and IDEA are the laws that provide special education, other services, and appropriate accommodations for eligible children with disabilities in the United States. Individual states may also have laws governing these matters. When state laws

and federal laws are different, schools must follow the federal laws, unless the state law provides the child with more rights or protection. These two federal laws also say that children with disabilities must be educated -- as much as possible -- with children who do not have disabilities.

22. The State has admitted that Connecticut has an educational underclass which embraces what is sometimes called the “achievement and access gap.” Connecticut’s achievement gap is identified through the use of this sole indicator, the Connecticut Mastery Test (CMT) to test students in grades 3 through 8 in reading, writing and math, and for grades 5 and 8 in science. The Connecticut Academic Performance Test (CAPT) is administered to grade 10 students in reading, writing, math and science. Both the CMT and the CAPT are standards-based tests that measure specific skills defined for each grade. Scores on the CMT and CAPT are broken down into five levels: advanced, goal, proficient, basic, and below basic.

23. For decades, through No Child Left Behind (NCLB) federal requirements, the State has failed to provide suitable educational opportunities for its Black, Hispanic, Special Needs, English Language Learners, children with disabilities and/or children eligible for free/reduced lunch. And through the 2010 and 2012 most recent educational reform measures, limited access of educational opportunities not only continue for certain populations of children and their parents/legal guardian but the lack of results based fiscal and program oversight, over state education school reform efforts, continues to contribute to this access gap for the educational underclass, evidenced by the fact that many school aged children that reside within impoverished communities, majority of color and eligible for free and reduced lunch, English

Language Learners, special needs and children with disabilities, score poorly on the State's sole indicator, CMT and the CAPT as opposed to the more resource rich suburban areas of Connecticut .

24. In 2010 the number of low performing schools identified by the state as not having met adequate yearly progress in reading and math on a whole school level was one hundred and eighty-four (184) and as of April 17, 2013, the state has identified three hundred and fifty (350) schools as not having met adequate yearly progress in reading and math on a whole school level which translates close to 200,000 students, majority of color, English Language Learners, those with disabilities and special needs, and or those children eligible for free/reduced lunch, attending low performing and/or unsafe schools in need of improvement.

25. As a result of the significant number of long term low performing schools the State of Connecticut passed education reform laws, Public Act 10-111 and Public Act 12-116.

26. Public Act 10-111, resulted in the creation of School Governance Councils intended to manage and facilitate the receipt of diverse advice, concerns and recommendations from the parents/legal guardians of children who are enrolled in schools managed by the local and state Boards of Education, in addition to the concerns and recommendations of educational professionals and community advocates. The intent is to engage broad participation in developing comprehensive corrective school improvement plans to provide significant improvement in student's academic achievement. The opportunity for the direct participation and input of

parents in the process to plan for developing comprehensive school improvement plans is unprecedented.

27. Public Act 10-111 also mandates that School Governance Councils shall assist school administration in, inter alia, analyzing school achievement data and school needs as they relate to the school's improvement plan. It further mandates that School Governance Councils shall assist the principal in making programmatic and operational changes to improve the schools' achievement.
28. The School Governance Council consists of seven parents, five teachers, two community members and students (where appropriate). The nonvoting member is the principal.
29. Public Act 12-116 created the Alliance District program with the goal of providing new resources to the districts in greatest need. To achieve this, the law establishes a process for identifying 30 Alliance [school] Districts – the districts with the lowest district performance index scores statewide – and allocates to these districts \$39.5 million in increased Education Cost Sharing (ECS) funding in the upcoming fiscal year. Each district's receipt of its designated allocation is conditioned upon district submission, and Connecticut State Department of Education approval,
30. Public Act 12-116 also established a Commissioner's Network to provide new resources and flexibilities to improve student achievement in the state's lowest performing schools. The Commissioner's Network is designed as a partnership between local stakeholders and the state and will serve as a vehicle for innovative

initiatives, a platform for sharing effective practices, and a model for other schools and districts throughout the state.

31. Statute permits the Commissioner to select up to 25 schools for the Network over the next three years: most schools will be selected to join the Network for the 2013-14 and 2014-15 school years, but a limited number of schools will be considered to join the Network for 2012-13
32. In June of 2012, the State Department of Education (CSDE) invited the Bridgeport, Hartford, New Haven, and Norwich school districts to convene turnaround committees and develop turnaround plans for schools to be considered for selection into the Commissioner's Network for the 2012-2013 school year.
33. Additionally, CSDE invited the Waterbury and Norwalk school districts to apply for a planning grant to prepare for possible selection into the Network for the 2013-2014 school year.
34. While admitting the states "good intentions" for educational reforms efforts in PA 10-111 and PA 12-116, plaintiffs and others began to immediately express numerous concerns via media, public forums and written complaints, related to the many violations of the educational rights of Blacks, Hispanics, Special Needs, English Language Learners, children with disabilities and/or children eligible for free/reduced lunch and their parents/legal guardians, in Bridgeport Hartford, New Haven, Windham and then Waterbury (EXHIBITS A_).
35. Plaintiffs attribute these discriminatory practices at the local level and possibly state level due to the lack of Government fiscal and program oversight of the Alliance District Program and the Commissioners Network for these several school districts.

36. Plaintiffs alleges the Alliance District Program has created a “super sub group” that does not address individual needs of children versus putting all children in one big group and applying one size fit all approaches which violates rights of special needs and children with disabilities to special accommodations
37. Plaintiffs also alleges English Languages learners and their needs get overlooked in this “super sub group”.
38. This “super sub group” consist of Special needs, children with disabilities, English language learners, special needs and children eligible for free and reduced lunch.
39. Plaintiffs allege the Commissioners Alliance District Program and the Commissioners Network allows Superintendents to circumvent local school boards in the decision making process. Yet superintendents are hired by the school board and are concerned a “checks and balance” to Superintendent’s decision making.
40. Furthermore Plaintiffs, and other parents and community from across the state have expressed major concerns related to enforcement and compliance of Public Act 10-111 School Governance Councils.
- 41. Plaintiffs also allege that the Waterbury School district has spent close to 2.3 million dollars majority on administrative cost associated with the Alliance District and Commissioner turnaround efforts and have eliminated critical supports like supplemental after school and parent choice programs that are entitled under Title 1 No Child Left Behind efforts to support student achievement in Connecticut’s lowest performing schools. This has been allowed because of lack of fiscal and program oversight.**

42. Plaintiffs also allege that the Commissioner Alliance District Program knowingly allows school districts such as Waterbury to spend more money on administration than actual support services for the neediest children.

(EXHIBIT)

43. In addition, plaintiff Gwendolyn Eaddy-Samuel, a parent of color, and other parents/legal guardians and community, majority of color and/or impoverished communities, have expressed grave concerns of discrimination related to the states School Residency law which currently violate federal due process and equal protections rights of parents by arresting and convicting parents who seek their child's constitutional right to suitable educational opportunities in other local schools or school districts when no suitable educational opportunity are available in their zip-code.

44. Using Waterbury's School District Commissioner Network and Alliance District school improvement/turnaround application and implementation process, as an example, discriminatory school improvement efforts continued to place children in physical harm's way and deny suitable educational opportunities for public school children thus violating their constitutional rights. This is attributable to the State's lack of fiscal and results oriented education reform program oversight. This lack of oversight and accountability results in the following disparate outcomes for children that deny their Constitutional right to a substantially equal educational opportunity in free 'public elementary and secondary schools' thus, furthering Walsh Students 2012-2013 access to quality, fair, and equitable education.

45. On July 3, 2012 Waterbury Superintendent Ouellette, submitted an Alliance District Program application. In September of 2012, Waterbury was approved for the states third largest Alliance district grant in the amount of largest \$4,359,509 million.
(EXHIBIT A)
46. On January 4, 2013, Waterbury Superintendent Ouellette, submitted a Commissioner's Network Expression of Interest Form to the State of Connecticut Department of Education seeking acceptance of Walsh Elementary School and Crosby High School into the Commissioner's Network in order to receive grant funding towards improving student achievement. Public Act 12-116 establishes the Commissioner's Network to provide new resources and flexibilities to improve student achievement in the state's lowest performing schools.**(EXHIBIT B)**
47. LEAs, such as the Defendant Board applied for acceptance into the Commissioner Network to receive up to one million dollars (1,000,000) a year for six years in school improvement funding and as part of the Commissioner's Network school turnaround process. Once approved, the Defendants must notify the State Department of Education of their turnaround committee members and their credentials; develop a Commissioner's Network Operational and Instructional audit and consider available intervention models which will serve as a structured guide as to how awarded Commissioner's network funds will be spent to improve Walsh School.
48. The primary requirement for defendants applying for the Commissioner's Network school turnaround grants was for the turnaround committee to partner with "local stakeholders and the state". Once the partners meet and attend trainings for the

sharing of effective school improvement practices, the turnaround committee will in turn develop a Commissioner's Network Operational and Instructional Audit taking into account community and school input and create a roadmap for improving Walsh School. That partnership did not occur with fidelity thus violating PA 10-111, resulting in a flawed and non partial audit that led to the Plaintiffs' concern for Walsh student safety and students' constitutional right to access a suitable, equitable education due to questionable educational practices that affected the day to day operations of the school.

49. Plaintiffs allege school safety concerns at Walsh School meeting and at the Connecticut General Assembly Newtown School Safety public hearings regarding Waterbury Teacher contracts that allows 1 teacher to 125 students ratio in non teaching supervisory duties, i.e recess, bus duty, arrivals and departures and as it relates to Crosby High School, high number of fights.

50. How can ONE teacher possibly keep 125 or 100 students safe from harm during a crisis situation, in light of the Newtown tragedy, this becomes more apparent.

51. During public hearings plaintiffs expressed the importance of common sense approaches towards ensuring both teacher & student safety! Walsh Elem School Hispanic Parent Ramona Diaz also expressed concerns related to student teacher ratio issue (in Spanish) it was translated (<http://ct-n.com/ondemand.asp?ID=8710>)

52. The 2010-2013 Written Agreement between The Waterbury Board of Education and The Waterbury Teacher's Association (CEA - NEA) states:
" c) If teachers are assigned to perform recess duty in the K-5 schools, an equalized

rotation system will be employed. If teachers are assigned to recess duty the teacher student ratio shall be approximately one (1) to one hundred twenty five (125).".....see page 18 section b and page 19, section c.

53. Plaintiffs allege that none of Walsh Elementary School children were interviewed in the conducting of the Walsh Commissioner Networks Operational and Instructional Audit as other students were in the other Commissioner Network Audits in various school districts

54. Plaintiffs Allege none of the Commissioner Network Audits address children with disabilities, special needs and English Language Learners

55. Plaintiffs allege disparate treatment of Walsh Elementary School Principal that has exemplary leadership evaluations and a proven track record of engaging the at-risk school/ community population.

56. Plaintiff Alisha Love alleges as a result of this disparaging treatment, of the Principal and Vice principal, the “stable” learning environment became “unstable” because of the principal and Vice principal being placed on PAID administrative leave and the replacement principals actions made it crystal clear that are in place very temporarily. Based on principal evaluations and feed back from plaintiff and other parents, this principal was effective and he is the only Black principal in the school district. this highly effective principal based on results through evaluations.

57. Furthermore Walsh’s Vice principal speaks three languages, one of them being Spanish which met the language needs of the 58% Spanish speaking student and parent population

58. Plaintiffs allege after Walsh Principal and Vice Principal were placed on **PAID administrative leave** , the turnaround committee and its process began to ignore the needs and concerns of parents.
59. Furthermore, parents were not allowed to effectively engage in their child's educational experience and parent concerns were raised on April 9, 2013, when notice was sent to ALL Walsh School Parents and Guardians banning them from participating in school wide informational "morning meetings" that parents have been attending for over seven years allowing them to actively engage in their child's educational experience. Furthermore, parents and guardians were directed to just drop their children off at the entrance.
60. Despite the 58% Hispanic population, the notice was not translated in Spanish.
61. Additional concerns were continued to be raised that this action to ban parents was an immediate retaliation against Walsh parents and STUDENTS following a States ethics complaint against the Waterbury School District filed by the Connecticut.
- Plaintiff alleges Waterbury's Crosby High .school Commissioners Audit was much worse than Walsh Elementary School yet Crosby's principal was transferred to a brand new Career Academy H.S. (still under construction). Program oversight regarding this decision is questionable.
62. Plaintiffs further alleges that due to the high number of low performing and possibly unsafe schools by the lack of fiscal and program oversight parents you force parents/legal guardians to choose between Felony arrest for school residency violations or keeping their children in unsafe conditions and/or in schools that violate

their educational rights. The state does not have to violate a parents/ legal/guardians due process and equal protection rights because they have an administrative remedy 10-186 (EXHIBIT)

63. **Plaintiffs Allegations**

This complaint is for Injunctive and Declaratory Relief on behalf of Alisha Love and her three minor children that attend Walsh Elementary School in the Waterbury School District and all Connecticut children and their parents or legal guardians, that attend free public elementary and secondary schools, who are being denied access to suitable and substantially equal educational opportunities due to their race, ethnicity, disability and/or socio-economic status, in any of the school districts identified through the 2010 Public Act 10-111 and the 2012 Public Act 12-116, state education reform laws. 96% of Parents meet the federal economic qualifications for free and reduced lunch. Thus, furthering parent access to the turnaround process. Parents voices have been silenced and their actions of interest ignored.

64. Plaintiffs allege that the discriminatory concerns and needs of Walsh Elementary school children and their parents/legal guardians have been “ignored” since the 2012 school year when the Waterbury School district was approved for the Alliance District program grant. The third largest grant in the Alliance program.

65. Plaintiffs allege concerns regarding safety were initially ignored by the local defendants, after the Newtown tragic shooting, which resulted in parents submitting a petition to the local board of education, regarding the one teacher to 125 student ratio

66. Spanish speaking parent, Ms. Diaz then goes to the State Capitol to speak before lawmakers regarding Newton School safety concerns at Walsh School

regarding the 1: 125 teacher student ratio. To no avail because this ratio language is in the teachers contract.

67. The Plaintiff Gwen Eaddy-Samuel on behalf of the CT Parents Union then files an ethics complaint with the State regarding concerns of the Commissioner Networks Walsh turn around process.

68. Plaintiffs allege the turnaround efforts then resulted in the banning of parents from attending critical informational sessions during the morning

69. Plaintiffs then held a rally in front of Walsh school to address concerns to no avail and in some instances it was reported local decision makers mocked the parent's rally efforts.

70. Plaintiff Alisha Love then brought the concerns to the School Governance Council with additional worries of more retaliation and bullying by local defendants.

71. Plaintiff Alisha Love then brought her complaints to the School Governance Council which was sent to the State Board of Education, Commissioner Pryor and other lawmakers to no avail.

72. Plaintiffs then files this injunction relief complaint with superior court alleging constitutional violations.

73. Walsh Elementary School and Crosby High school improvement/turnaround efforts implemented through Public Act 12-116 Alliance District Program and the Commissioner Network within Waterbury School District have continued to place students in physical harm's way as well as violate state and federal law by denying public school children suitable and substantially equal educational opportunities due to their race, ethnicity, disability and/or socio-economic status,

74. This request for Injunctive and Declaratory Relief is also on behalf of all children with disabilities, Special Needs, English Language Learners, African American, Hispanic, and those that are eligible for free and reduced lunch.

75. Plaintiffs alleges that Walsh School Governance parents, community and some teachers, are being denied their legal right to meaningfully participate in statutory mandated school improvement efforts, via School Governance Councils, due to the lack of compliance and enforcement of Public Act 10-111, the state's education reform law which enables parents, school staff, students and community leaders to work together to improve student achievement in the state's lowest performing schools. School Governance Councils serve in an advisory capacity and are charged with assisting the school administration in making programmatic and operational changes to improve the school's achievement. Once school governance councils are established and the school continues to perform poorly consecutively for three years, the School Governance Council has the power to recommend a school improvement model. **(EXHIBIT)**

76. The Walsh School Governance Council consists of seven parents, four teachers, two community members and students (where appropriate). The nonvoting membership is the principal.

77. Plaintiff alleges Walsh School Governance Council members faced intimidation and bullying by the Waterbury Teachers Association, Waterbury local school board members and Waterbury Superintendent and her designee for the Commissioner turnaround efforts, when the Walsh School Governance Council tried to enforce their right to participate in school improvement efforts via Public Act 10-111.**(EXHIBIT)**

78. Plaintiff Gwen Eaddy-Samuel alleges there is a conflict, in the law, between Public Act 10-111 and Public Act 12-116 because parents, teachers, community and students(where appropriate) have to wait three years, in a low performing and possibly unsafe school, that has not made adequate yearly progress in reading and math, to make a recommendation to utilize a school improvement model and demand fiscal and program oversight, under Public Act 10-111 to ensure their children are accessing suitable and substantially equal educational opportunities. And the Alliance District Program and Commissioners Network, under Public Act 12-116, has more immediate school improvement recommendation power which ties the hands of parents and community and students to participate in the decision making process that will demand and ensure fiscal and program oversight.(EXHIBIT)

79. Plaintiffs allege the Connecticut No Child Left Behind(NCLB) waiver denies suitable and substantially equal educational opportunities, discriminates and denies equal protections and due process for the Hispanic, Black, Special Needs, English Language learners, special needs children, those that receive free or reduced lunch and their parents because the waiver allows for 20% of its Title I, Part A allocation on parent/school choice-related activities and Supplemental Educational Support(SES) services funding to be used for student achievement “or” teacher professional development which forces school districts, local and state boards to choose between what is best for teachers and what is best for students.(EXHIBIT)

80. Title 1 of the Elementary and Secondary Education Act is a federally funded program and its purpose is to ensure that the educational needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children,

migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance have a fair, equal, and significant opportunity to obtain a high-quality education Title 1 under the No Child Left Behind Act, provides federal funds to local school districts that have a high percentage of free and reduced lunch, to improve the education of disadvantaged students.

81. Through Teacher Contracts, teachers/educators have their equal protection and due process rights protected through their unions, along with local and state decision makers, to ensure they receive appropriate professional development opportunities. Yet these professional development opportunities may not always meet the academic needs of at-risk students in need of qualified instructors in core subject areas like reading and math.

82. Example, through Waterbury Teacher Association contracts, teachers can take professional development subject areas, i.e. culinary arts, which “may not” align with the academic needs at-risk students attending a low performing school that has not made adequate yearly progress in “reading and math”. **(EXHIBIT)**

83. Furthermore Title 1 federal funding holds schools, local educational agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education; distributing and targeting resources sufficiently to make a difference to local educational agencies and schools where needs are greatest;

84. Plaintiff Gwen Eaddy-Samuel also alleges that Connecticut's school residency laws, for free public elementary and secondary schools, disproportionately deny parents and guardians of children, mostly of color, Special Needs, English Language Learners, children with disabilities and/or eligible for free and reduce lunch and disadvantaged children, their constitutional right to obtain a suitable education based on child's town of residence. And violates due process and equal protections rights of parents by arresting and convicting parents who seek a suitable education in other local schools or school districts when no suitable educational opportunity are available in their zip-code. These felony arrest conflict with Statute 10-186 which provides an Administrative remedy to addressing school residency laws

WHEREFORE the Plaintiff moves for the following orders:

1. A temporary injunction restraining defendants from voting on or otherwise engaging in any action, inaction or any other measures in furtherance of a plan to seek turnaround efforts at Walsh Elementary School or any other school that violates student educational rights or to seek an Commissioner's Network School Turnaround Grant funds for that purpose.
2. Such other relief as this court deems equitable and just.

Plaintiff

County of New Haven

Personally appeared _____ and made oath to the truth of the matters contained in the foregoing verified complaint, before me.

Commissioner of the Superior Court

RETURN DATE:	:	SUPERIOR COURT
ALISHA LOVE ,	:	
GWENDOLYN EADDY-SAMUEL,	:	J.D. OF WATERBURY
<i>Plaintiff</i>	:	
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SENATOR ERIC D. BROWN	:	
EDUCATION COMMITTEE CO- CHAIRS	:	
STATE REPRESENTATIVE ANDREW M. FLEISCHMANN	:	
SENATOR ANDREA L. STILLMAN	:	
WATERBURY BOARD OF EDUCATION	:	
DR. KATHLEEN OUELLETTE	:	
	:	
<i>Defendants</i>	:	MAY 1, 2013

EX PARTE APPLICATION FOR INJUNCTION

The Plaintiffs in the above entitled action hereby moves this Honorable Court to issue an ex parte order pursuant to Conn. Gen. Stat. § 52-471 et seq. enjoining the Defendants from voting on or otherwise engaging in any action, inaction or any other measures in furtherance of a plan to seek turnaround of Walsh Elementary School or to seek an allocation of School Improvement Grant funds for that purpose.

FOR THE PLAINTIFF

By: _____
Alisha Love
45 Sumac Street Apartment 2
Waterbury, CT 06704

RETURN DATE: : SUPERIOR COURT
ALISHA LOVE ,
GWENDOLYN EADDY-SAMUEL,
Plaintiff : J.D. OF WATERBURY
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WATERBURY BOARD OF EDUCATION
DR. KATHLEEN OUELLETTE

Defendants :
: MAY 1, 2013

ORDER FOR HEARING AND NOTICE

To Any Proper Officer:

By the authority of the State of Connecticut, you are hereby commanded to summon the defendants in and for the Judicial District of Waterbury at Waterbury, on _____2013, at ____a.m., then and there to answer unto the complaint of Alisha Love of Waterbury , Connecticut in the nature of a temporary injunction then and there to show cause why a temporary injunction should continue by leaving with the Defendants a true and attested copy of the foregoing and of this order on or before _____2013. Hereof fail not, but due service and return make.

Dated at Waterbury this _____ day of May 2013.

By the Court

Judge/Clerk

RETURN DATE:	:	SUPERIOR COURT
ALISHA LOVE ,		
GWENDOLYN EADDY-SAMUEL,	:	J.D. OF WATERBURY
<i>Plaintiff</i>		
v.	:	AT WATERBURY
	:	
	:	
	:	
GOVERNOR DANIEL P. MALLOY,		
COMMISSIONER PRYOR,		
STATE BOARD OF EDUCATION,		
TREASURER DENISE L. NAPPIER,		
COMPTROLLER KEVIN LEMBO		
CONNECTICUT GENERAL ASSEMBLY		
JUDICIARY COMMITTEE CHAIRS,		
STATE REPRESENTATIVE GERALD M. FOX		
SENATOR ERIC D. BROWN		
EDUCATION COMMITTEE CO- CHAIRS		
STATE REPRESENTATIVE ANDREW M. FLEISCHMANN		
SENATOR ANDREA L. STILLMAN		
WATERBURY BOARD OF EDUCATION		
DR. KATHLEEN OUELLETTE		
	:	
<i>Defendants</i>	:	MAY 1, 2013

ORDER FOR EX PARTE TEMPORARY INJUNCTION

WHEREFORE, from an examination of the complaint, Motion for Temporary Injunction and application for Ex Parte order regarding Temporary Injunction, it is found that there is probable cause to sustain the validity of the Plaintiffs’ claim and that the application should be granted because the Plaintiffs have no other speedy and adequate remedy at law, and unless a temporary injunction is issued prior to a determination of Plaintiffs’ claims on the merits, the Plaintiffs will suffer irreparable harm.

Therefore, it is hereby ORDERED that the Defendants are enjoined from voting on or otherwise engaging in any action, inaction or any other measures in furtherance of a

plan to turn around Walsh Elementary School or to seek an allocation of School Improvement Grant funds for that purpose

Dated this _____ day of May, 2013.

A Judge of the Superior Court