

DOCKET NUMBER: CV-07-4006100 : SUPERIOR COURT
JOHN M. PRATT, JR., ET AL : JUDICIAL DISTRICT
VS. : AT LITCHFIELD
THE BOARD OF EDUCATION FOR : AUGUST 15, 2006
REGIONAL SCHOOL DISTRICT #14

SUPPLEMENTAL BRIEF – TEMPORARY INJUNCTION

The Plaintiffs respectfully submit elucidation of CGS 10-220. The Defendant argues that "... shall designate the schools which shall be attended by the various children within the school district" (a portion of CGS 10-220) authorizes the shut down of two local elementary K-5 schools and creation of separate K-2 and 3-5 schools.

It does not. Part III of Chapter 164 (Conn. Gen. Stats.) is the 'Statutory Scheme' for regional education. Upon inception each region has an education plan by operation of law. The 1968 Education Plan for Region 14 specifies two elementary (K-5) school buildings, one in each town.

For CGS 10-45(b) and 10-47c to retain their meaning, CGS 10-220 can only mean that within the framework of the 1968 Education Plan the Defendant may "designate the schools which shall be attended by the various children..." (CGS10-220)

"Designate" is not meant to permit the elimination or "reconfiguration" of

existing, Plan designated schools. “Designate” means only that the Defendant may, as it has done for years, designate that 100 + Woodbury children attend elementary school in Bethlehem. Any school system in Connecticut may move children around within their respective Plan designated schools.

Finally, the Supreme Court’s Atwood decision compels this interrelation of CGS 10-45(b) and 10-47c with CGS 10-220. Atwood held at pg. 621 that the recommendations of a study committee become the Plan by operation of law. CGS 10-47c provides for the amendment of the Plan. CGS 10-220 clashes with Atwood and the ‘Statutory Scheme’ of Part III if it is interpreted as allowing a regional board to “re-designate” the nature and function of schools as opposed to “designate” which children go to which existing school.

The Defendant must take the school buildings as the Plan dictates. It may not and must not be permitted to use CGS 10-220 to justify its refusal to grant John Pratt and Susan Scherf their individual rights to vote on such a fundamental amendment as the closure of elementary K-5 schools and the establishment of a K-2 school and separate 3-5 school.

PLAINTIFFS

By:

Charles W. Bauer

CERTIFICATION

This is to certify that a copy of the foregoing has been e-mailed to and sent, postage prepaid, this 15nd day of August, 2007, to the following:

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