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State NAACP Seeks to Intervene In No Child Left Behind Suit

HARTFORD – The Connecticut State NAACP, accompanied by several minority schoolchildren, today requested permission from a federal court to join a case brought by the State contesting the No Child Left Behind Act.

The NAACP claims the lawsuit (CT vs. Spellings), which outlines the State's objection to testing and other requirements, hurts minority and poor schoolchildren and wastes State resources that could be used to improve schools. The group will hold a press conference at 11:30 a.m. on Tuesday, January 31, 2006 in front of the U.S. District Court, 141 Church Street, New Haven.

"This is a suit by two giants – the state and the federal governments – about educational policy primarily designed to help our schoolchildren," said State Conference President Scot X. Esdaile. "The bottom line is, the concerns with No Child Left Behind shouldn't be used as an excuse to not provide equity in education to these children, and they deserve a seat at the table."

The NAACP and the group of minority schoolchildren want to block the state from creating a legal defense that allows them to avoid the obligations of No Child Left Behind on the grounds that the requirements are an "unfunded mandate." Such a claim, if supported, could threaten the enforcement of many civil rights statutes.

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Under the rules of federal procedure, the NAACP must join the lawsuit as a defendant in intervention on the side of the U.S. Department of Education. This unusual alignment for the civil rights organization, however, does not represent full support of the No Child Left Behind Act. The group's position questions the reasoning behind the proposed suit, calling it an excuse to not meet the needs of Connecticut's children of color. Specifically, the NAACP feels that rather than filing a frivolous lawsuit against the federal government, the richest state in the nation should be working to help the poorest children have the maximum capacity to succeed with qualified teachers and other resources.

Connecticut currently has the worst gap in achievement between poor and non-poor children, according to the National Assessment of Educational Progress. Moreover, the State has not yet satisfactorily addressed the Connecticut Supreme Court's order to reduce the extreme racial and ethnic isolation and unequal educational opportunities outlined in the *Sheff vs. O'Neill* case. The time has come for Connecticut to cease speaking about supporting the goals of NCLB, to start complying in good faith with its obligations and to get down to the hard work of eliminating educational inequality.

The lawyers for the defendant intervenors NAACP and minority schoolchildren include William L. Taylor and Dianne Piché of the Citizens' Commission on Civil Rights; John Brittain and Erika Woods of the Lawyers' Committee for Civil Rights Under Law; Dennis Hayes and Victor Goode of the NAACP General Counsel's Office; Steven Pesner, Andrew Rossman, James d'Auguste and Sarah J. Baumgartel from Akin Gump Strauss Hauer and Feld; and James J. Walker of Walker and Associates.

See *CT v. Spellings*, Civ. No. 3:05-CV-01330 (MRK), (D. Ct. New Haven 2005).

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