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Oral History Interview on School Residency and Civil Rights (with video)

Bruce Morris

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Transcribed by: Richelle Benjamin, Trinity Class of '15

Additional files: n/a

Abstract:

Bruce Morris, state representative from Norwalk of the 140th district, sponsor of bills 6695 and 6677, and vice-chairman of the Black and Puerto Rican caucus, discusses his involvement in sponsoring a bill to decriminalize the act of enrolling in schools outside of district of residency. In the interview, he explains the issue from a public policy perspective. He deems it improper for the state to imprison parents for their involvement in crossing school district boundaries, and instead points out that there are existing statutes designed to deal with this kind of offense. Parents should be asked to leave the school or pay tuition, not be imprisoned. During the interview, Morris also touches on past cases, including the Tanya McDowell (Bridgeport, 2011) and Marie Menard (Stratford, 2011) cases, which originally brought the issue to his attention. Representative Morris understands that many people are opposed to his bill because taxpayers are afraid of having their money “stolen,” but in the end, he explains that the cost of educating kids from other towns is minimal. He hopes that, if the bill passes and he succeeds in decriminalizing the act of crossing district lines, that he will be able to end imprisonment for this act in other states as well.

Speaker key:

RB: Richelle Benjamin

BM: Bruce Morris

[all comments by transcriber in brackets]

RB: So, go ahead and introduce yourself, um, and tell, tell me what you do and and then go on to tell me a little bit about the bill you are currently working on.

BM: Okay, Bruce Morris, state representative from the 140th district, uh, which is located in Norwalk, Connecticut, um, and also the vice-chairman of the Black and Puerto Rican caucus. Uh, the the bill that I'm be, will be doing today, um, is is an effort of a couple of years of work, uh, dealing with, um, misrepresentation of school residency. Across the country, um, we do have this challenge, uh, but more so particularly now that more and more often people are being arrested and being charged with a felony. Uh, here in the state of Connecticut, we actually have the most extreme, uh, penalty that there is. We are the only one that treats it as a as a, uh, larceny in first degree, um, uh, class B felony punishable by up to 20 years. Um, two years ago when we

tried to move this bill forward, which really was a result, uh, at that time of a woman in the city of Norwalk, um, who had been arrested. Uh, she had some other problems involving drugs and things, um, but she's a woman who claimed to be homeless. Um, although she had a home with her parents in Bridgeport, and, ah, was falsely using an address in Norwalk, uh, but the prosecutors chose to try the case the school system had not, uh, even been interested in that prosecution however. Uh, did not bring the case forward. Ultimately, the, uh, the young lady was, uh, convicted. Uh, was given six years in total, uh, of which, um, uh, she's currently, she's currently serving and that was a result of a plea bargain largely used because of the twenty years that she was facing. Um, this year as we're bringing the bill back and the conversation is, uh, r-raises a conversation, uh, I, I never was satisfied with us trying to get the bill done two years ago with the change of making it into a misdemeanor, uh, because there was a few people who felt that, "Listen, we just need to have some penalty." I was willing to compromise that as a quick measure. But now having more time and having talked to more people, everyone is pretty much on the same page that we have existing education statutes, which were more deliberate in their thoughtfulness about how you handle this issue. Uh, because in large part across almost every district in the state of Connecticut, everyone agrees that they have someone in their school, someone in their district, uh, that likely lives in another town. Um, s-some people believe that the number is so large it's raising, it's costing tax payers monies, uh, some of us feel it's unjust and needs to be dealt with. H-however, school districts, I would say 99 percent of them, 99 percent of the time use existing Connecticut general statutes, that's 10-26, which provides for administrative remedies by imp-impartial hearing officers, very similar to what is done in a, uh, expulsion hearing. Um, and school districts are better acclimated, er, bet, more knowledgeable about what the challenges that families are having today, of, da, families that are divorced where, uh, where the the mother and father are living in two different towns and sometimes the children are living in one town one week and another town the other week. Uh, homelessness is on the rise. So many different things. The school districts are best at handling this and at the end, if they choose, they have a couple of options: Number one, they can send the person back to the district that they really belong in but the district has the ability to assess the actual cost and that's a formula stipulated in law, um, for repayment. And they can recover that through civil means. My understanding is, even the the districts that do have the hearings, they typically don't even go after the parents for the civil cost, they just, um, they just have the students removed. Um, e-e-and that's the reason we're push, I'm pushing for the law this time because f-for those very few cases, uh, in fact to my knowledge, uh during the year we had the one in in in Norwalk, I think within that same year or year thereafter where there was a woman in Stratford who was a grandmother, um, who really was raising her own grandchildren. And when her daughter became old enough, that she could, um, move out, she went to public housing in the town of Milford, and and got an apartment large enough that she could at least put her two children on the lease even though they were staying with her grandmother in Stratford, her mother in Stratford, paying taxes there. And it was the housing authority that notified the schools, um, and and raised the issue that there may be, uh, misrepresentation of, um, of residency and the school district in that case chose to bypass, um, the the remedies they have within the education statutes, bypass the method that they typically would use, which would be to use the hearing officer, and went straight to the criminal justice system. This is a perfect example why the criminal justice system is not the way to do this. Aside from the fact that you're selectively picking people to do this to, uh, because whether Stratford, Norwalk, Hartford, whatever town it is, again, everyone acknowledges that, to some extent, they have a number of

people there that they know are not residents. But with this selective use, this grandmother ended up having to pay for an attorney, get finger printed, did a mug shot, everything else. At the end of the day, when she's sitting there with her attorney trying to figure this out, our attorney says, "Listen, you you can fight this." He says, "However, you're facing 20 years." He says, "Otherwise, I I can get you a plea bargain." And that's exactly what she did. She pleaded down something less, she burnt her AR, um, so she gets caught driving under the influence or something else she'll never have the ability to do that again. Um, she did that, she is now at least suing, uh, the school district and she's using some of the best reasons, some that I will even use in my arguments today if I end up having to argue this, um, that this is a matter of equal protection of the law. Um, you know, i-in terms of our constitution, we're violating that when we selectively choose who we're going to enforce that law against. Alright? Um, uh moreover this was not a law, uh, the larceny statute. When you look at the way it was crafted it was never really intended for this purpose. So, for those reasons we're doing this. Education is a great equalizer from my vantage point, um, all parents, all residents, uh, of of of of the state of Connecticut who largely are, uh, large, particularly in this case they're all American citizens, um, who are looking for what, seeking life, liberty, and pursuit of happiness. Alright? W-what other way, uh, to get that other than through education? For us as a state of Connecticut to have a constitution that says that we will provide quality education for all children and our Connecticut Supreme Court verified that, has affirmed that fact. And however, we're not providing that, and yet we're going to criminalize parents. It's clearly wrong. Um, using the education statutes is the proper way of doing this, uh, when that becomes a problem. [00:07:12.19]

RB: Um, and, from your understanding, why are families doing this? Why are they putting themselves at risk in the first place?

BM: Again, because pursuit of life, liberty, pursuit of happiness. We educate by zip code. It's unfortunate, but that is the reality throughout the country. Um, e-every school district is not equal. Um, I mean, fortunately in the state of Connecticut, yes we have a lot of reforms that were directed towards education at this point in time. But but we're not there. A child in the city of Bridgeport does not get the same education as a child in in in, um, Westport, um, th-th-that that's the reality an-and particularly when we have so many failing schools, I mean some schools that are have been on a list, uh, for the longest time as failing schools. Uh, if you're a parent that is heavily involved in your child's life but yet you don't have the, uh, means to move out of that town to a more affluent town, um, e-and you want your child to get the best, you're going to do whatever's necessary. The woman in Norwalk was, I mean, sh-she was arrested for prostitution, selling sales of drugs, possession of drugs, but she yet was a mother who still wanted to make certain that her child had a better chance of life than she was given. So tha-that's why parents do this. If our, if all of our schools were were excelling this would be a non issue. [00:08:36.23]

RB: Mhm. Um, and and now, originally, there was the the bill No. 6695 that died in committee. Why why did it die in committee? Or why did you think it did?

BM: Well, it it was called at the very end and and I only had 20 minutes left on [inaudible] day, uh, e-e-and it turned out, I I didn't get a chance to argue the merits of the bill. So I I I think people from the other side, um, who who have the concern that most people do have. Uh, I mean you see cases that are sensationalized they put them up on the front page of the newspaper, uh,

and it gets tax payers riled because taxpayers begin to think that someone is stealing their money. So, that was the reaction I was getting from people without the opportunity to rebut, because in 20 minutes you don't get that it's just one speaker and they weren't asking me questions. They were just going from one to the other and making their statement. Um, i-i-i-in reality, when they when we take a look at the numbers, when we take a look at this, you can you can show people that no, as a taxpayer, I'd probably say 99% of the time, you're not losing one penny. Uh, go-good example is in my town, Norwalk, I've got 19 schools, 12 of which are elementary schools. Eleven thousand students total about five thousand of them within my met, within my elementary schools. Uh, for all intents and purposes, let's say I have 100 kids from another town that want to come in and they're all elementary school students. Out of that 100 if I divide it between the five grades, say say it's 20 kids then. There's 20 kids that would be, let's say, fifth graders. If my average class size, before for my maximum class size is, say, 25 students, probably got an average of say 23 students. I've got two students extra per grade per school that I can do there. So, and if I've got three, let's say just for one school, that's at least six times the other twelve, six times twelve, that's, that's a lot of students. Before you ever get to the point that you have to add a teacher because there is no real cost to the district unless you have to add a classroom and a teacher. And and that's what people really don't understand. So, for the most part, districts can absorb, not that tax payers want to hear that, but they can absorb, um, probably an additional 5 percent more of whatever their normal enrollment is without having any real impact, depending on what grades and if it's spread across different schools. If all the kids are trying to go to one school, one grade, then it would be problematic. [00:11:09.22]

RB: Right. Um, so, would you say that the the Tanya McDowell case was the biggest, like, motivator for this bill or where there other influences? Like, I know, what lead you into sponsoring it?

BM: Well, the Tanya McDowell case got me involved first because it was the first time I had ever heard of this happening. I I mean even though it had happened prior to that, I had no idea. Uh, but I mean, and I work for the school district. I'm the human relations director. I'm the guy that actually has outreach workers, uh, who do the initial intake for the district to determine whether the person is a resident or not. Okay? So, I and I'm familiar with, uh, all the different cases, that we deal with with the McKinney Vento Act and the homelessness, and that's how complex this issue is. That when I heard about her case, despite what kind of mom she was, for me is unfathomable to think that a person could face 20 years because of trying to get education for their child. You're being treated like a bank robber. Alright? Um, for me, e-even before this happened, education is a is providing all kids access to a equal education, a quality education, is a civil rights issue of today. So, yes, this is what spurred me to say, "This is a fight I needed to take on." Now, if it was only about her, obviously I would have quit after she was incarcerated and said it was done. But, uh, with Mrs. Menard, uh, when I became aware of the woman in Ohio, and just all the different people across the country, uh, I recognize that this is something we need to put an end to. Certainly, we're going to work on education reform, but while we're working on that, we cannot dismiss the fact that we have American citizens who actually we are treating worse than we are illegal immigrants. Because a-a person who is an illegal immigrant is in this country, is residing in this country i-i-illegally, and yet you can't, you we're so benevolent as a country that you can't even ask about their residency or their status, um, they'll never be penalized for that, we'll not incriminate them for that. But we're doing that for American citizens

who are certainly supposed to have the dream, all the promises of the dream, and all the promises of quality of life here in America. So, uh, this is something that I won't stop. The reality is, once I get this done here, I'll probably try to work on this in a few other places. [00:13:27.12]

RB: Yeah, uh, well that was actually my next question. Wh-what is the future for for this, and, um, I guess, this act and and, like what are you plans for the future as far as this goes?

BM: Well th-there are some other people who nationally are talking about this, because they're concerned about this because education by zip code, again, it's a national problem. Um, eh, I would hope that other states would follow suit. And I don't see that as a difficult thing, again because there's only seven states, there are only seven states that criminalize this activity. Only seven. So, I I I think it's easy enough to kind of at least move the conversation away from criminalizing the parents. Uh, not that we're saying, as schools you have to open your doors. We-we're just not financially there. Um, you gotta work the other side of the equation on how we improve schools and ref-reform schools. I mean, that that that's the political reality. [00:14:18.28]

RB: Um, and my last question is what changes would you really like to be, uh, to see being made in school districts in Connecticut, um, especially?

BM: Um, o-one that I don't expect will ever happen, um, is regionalism. Uh, I-I think some of the financial, uh, issues that we're having challenge that. If we were to take a more regional approach to schools, um, th-there is a greater sharing of resources, uh, that that would help get rid of some of those disparities. Uh, a, I-I'm glad to see that as a state we're moving forward with the common core curriculum. Um, and all the things that we kinda do to standardize some practices whether via curriculum. Those are all good things for us as a state state. Um, the things we did with our last education reform bill are good, although they're still not even adequately funded. Uh, f-funding is an issue. How do you how do you move people to understand that, a-as a nation, as a nation we're falling behind every other nation and yes we've got all these other challenges, but one of our greatest strategic investments is in educating our children. We cannot allow other countries, um, to uh to surpass us, uh, i-i-in in in in in their ability to educate their kids. Regardless of our military might, our financial might isn't what it used to be, our military might is there but our intellectual might is decreasing year by year. That's a national security issue from my perspective. [00:15:50.02]

RB: Well that's all my questions, um, thank you so much.

BM: You're welcome.