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RE: Failure To Offer Constitutionally Adequate Geometry Class To Certain Students At H.C. Wilcox Technical High School

Greetings Dr. Solek, Ms. Butkus, Ms. Manson, and Mr. Oczkowski,

I represent Jason Zandri and his daughter – an 11th grader at H.C. Wilcox Technical High School. I am writing on their behalf to demand redress for a course of conduct at H.C. Wilcox Technical High School that clearly violates the Connecticut Constitution and functionally treats certain H.C. Wilcox Technical High School students' futures as pawns on a bureaucratic chess board instead of as our community's most precious treasures.

As explained below, to avoid emergency legal action, we respectfully ask that you immediately assign Mr. Zandri's daughter and her fellow students to geometry classes where they can receive proper instruction that complies with the Connecticut Constitution.

FACTUAL BACKGROUND

At the start of the 2022 school year, H.C. Wilcox Technical High School divided its high school geometry students into multiple classrooms and class periods – a reasonable division to ensure that there is an appropriate student-to-teacher ratio. Approximately 20 students per class period were assigned to a class entitled “Geometry, Math 2” that was scheduled to take place in Room B211. Room B211 handles approximately 6 “Geometry, Math 2” class periods per day, which approximates to 80 to 100 students per day.

The approximately 80 to 100 unlucky students assigned to Room B211 have not had an instructor since the first day of the Fall 2022 school session – August 30, 2022. Instead, H.C. Wilcox Technical High School saw fit to assign them a “substitute teacher” – if that person can even fairly be called that – who merely sits in the classroom and babysits the students. That “substitute teacher” provides no instruction on the subject – geometry – and acts a deterrent to students helping each other by causing students to fear that they will be accused of cheating if they obtain help from their classmates on geometry topics that they may not understand.

Mr. Zandri's daughter is one of those unlucky students, and H.C. Wilcox Technical High School's failure to supply an instructor who actually instructs instead of acting solely as a deterrent to collaborative learning has been devastating to her geometry education. In Mr. Zandri's daughter's prior eight quarters of high school, she achieved high honors in her academics. So far in the Fall 2022 term, she has brought honors level grades in every one of her classes except “Geometry, Math 2.”

As the direct result of no instruction in that class, Mr. Zandri's daughter's grades in Geometry, Math 2 have plummeted.

Grades? Somehow, without providing any geometry instruction, H.C. Wilcox High School still has found a way to grade students who are making brave efforts to learn with no help from those who should be helping them. It assigns them electronic assignments that are automatically graded by a computer. The Room B211 students are forced to complete these assignments with short time periods monitored by computers, leaving them unable to obtain instructional assistance for problems and concepts that they have never been taught and are struggling to learn themselves.

The irony of the situation is that, upon information and belief, the “substitute teacher” assigned to Room B211 is not even the teacher programming the electronic assignments. Instead, the assignments are being programmed by geometry teachers for the other classrooms at H.C. Wilcox Technical High School, yet these teachers did not have the time or capacity to teach the Room B211 class. In other words, H.C. Wilcox Technical High School has focused more on assigning “grades” for the purpose of assigning “grades” instead of actually teaching geometry to the Room B211 students.

Mr. Zandri's daughter is a hero. After weeks of watching hers and her fellow students' futures being irreparably damaged, she approached H.C. Wilcox Technical High School officials and demanded that they do something to give her and her Room B211 classmates the education that they deserve. What Mr. Zandri's daughter got was a bureaucratic "pass the buck." Her concerns were brushed aside, and H.C. Wilcox Technical High School officials gave her an answer that they hoped would buy time and appease her: they were working on it.

After weeks of delay and continuing to suffer from the lack of instruction, Mr. Zandri's daughter sought to transfer herself into one of the other geometry classrooms and class periods that she knew had open seats and competent instructors to protect her future and further her own learning. H.C. Wilcox Technical High School officials denied her request on the grounds that other students had also requested to be transferred and that she shouldn't be worried because the school was working on getting an instructor for the class at the start of the next academic cycle. Upon information and belief, none of the Room B211 students were permitted to transfer into any of the other geometry classes that had the benefit of an actual teacher.

Mr. Zandri's daughter had run out of options to advocate for herself so she escalated it to her father. Mr. Zandri – rightfully incensed – contacted H.C. Wilcox Technical High School officials and inquired as to what could be done to fix his daughter's and her classmates' predicament. He, however, had no more success than she did. His repeated calls received nothing more than a "we are working on it" response.

Mr. Zandri then contacted Dr. Solek repeatedly to speak with her regarding the situation. His calls went ignored until State Representative Catherine Abercrombie took an interest and sent a request to Dr. Solek on October 7, 2022. Only then did Dr. Solek respond. Her response is below:

Good Afternoon Representative Abercrombie and Mr. Zandri: The math position at Wilcox Tech currently has a finalist math teacher candidate who has been offered the permanent math position. We are currently awaiting their response regarding acceptance of the offer. Upon their acceptance, the finalist candidate would start their new permanent math teacher position at Wilcox ASAP. I hope this is helpful information. Thank you – Ellen Solek

Dr. Solek offered no information on how to rehabilitate the damage done to the Room B211 students, and her answer amounts to "we might have a fix soon." Meanwhile, bureaucratic roulette with approximately 100 of Connecticut's greatest treasures continues as usual.

ANALYSIS

Article Eighth, § 1 of the Connecticut Constitution provides a right to a free and public education that "is so basic and fundamental that any infringement of that right must be strictly scrutinized." *Horton v. Meskill*, 172 Conn. 615, 646 (1977). It also imposes certain requirements on the education that the state of Connecticut must provide to students:

[T]he state must provide (1) minimally adequate physical facilities and classrooms which provide enough light, space, heat, and air to permit children to learn, (2) minimally adequate instrumentalities of learning such as desks, chairs, pencils, and reasonably current textbooks, (3) minimally adequate teaching of reasonably up-to-date basic curricula such as reading, writing, mathematics, science, and social studies, and (4) sufficient personnel adequately trained to teach those subject areas.”

Connecticut Coalition for Justice In Education Funding, Inc. v. Rell, 327 Conn. 650, 696-97 (2018) (internal quotation marks and citations omitted).

Since “the phrase ‘minimally adequate’ is not self-defining,” courts typically “exercise some degree of judgement” in determining whether the state of Connecticut has met this standard. *Id.* at 697. The Connecticut Supreme Court’s instruction is that courts and the State are required to operate “within the limits of rationality.” *Id.* at 697 (internal quotation marks and citations omitted). In other words, “the education opportunity provided by the state cannot be so lacking as to be unreasonable by any fair or objective standard.” *Id.* at 697 (internal quotation marks and citations omitted).

H.C. Wilcox Technical High School has failed to meet both the third and fourth requirements for the “Geometry, Math 2” students that it has sent to Room B211. It has assigned the Room B211 students a glorified baby-sitter who makes no effort to teach them geometry. That “substitute teacher” is not qualified to teach geometry or mathematics. Instead, the “substitute teacher” acts as a discouragement to students helping each other to learn geometry.

There is no world in which H.C. Wilcox Technical High School’s actions are within the limits of rationality. It somehow has qualified geometry teachers that it uses to program homework assignments for the Room B211 students, but those teachers have no time or space in their classrooms to properly include the Room B211 students in their geometry classes so they can receive proper instruction.

Further adding to the complete irrationality of this issue is that **the Room B211 students have not had a proper teacher since Day One of the Fall 2022 school year.** It completely strains all credulity to believe that H.C. Wilcox Technical High School did not know that this situation would arise prior to the school year starting and would not make plans to prevent a disaster like this from happening. It further strains anyone’s imagination to believe that H.C. Wilcox Technical High School would allow this situation to continue for almost two months and would not take any steps to remedy it even when Mr. Zandri’s daughter fought and begged to protect her future and those of her classmates.

H.C. Wilcox Technical High School had options to prevent this situation from happening. It could have temporarily assigned the Room B211 students to the other geometry classrooms. It could have made arrangements to change the schedule of the Room B211 classrooms to provide them a proper instructor from the geometry teachers who apparently man the other classrooms. It could have searched the state’s retirement pool and asked a retired geometry teacher to have filled

in until a full-time replacement could be hired. It could have hired a competent substitute teacher instead of a glorified babysitter.

It chose not to, and its choice is an unconscionable violation of the Connecticut Constitution.

The consequences will linger too. Mr. Zandri's daughter and her classmates will face significant challenges in navigating certain aspects of their lives involving geometry, including college applications, Preliminary Scholastic Aptitude Testing (PSAT), Scholastic Aptitude Testing (SAT), and pursuing other endeavors. They will have to explain why their grades in this class are so poor, which may put them at a disadvantage for obtaining scholarships and other college benefits. Most importantly, the Room B211 students have fallen far behind their peers in an academic subject area where sequential learning is crucial. They will struggle to learn geometry concepts for the remainder of the 2022-23 school year because H.C. Wilcox Technical High School has failed to provide them proper instruction in the rudimentary concepts of geometry.

The stigma will last in these students lives – the sad consequences of a bureaucratic game of roulette with H.C. Wilcox Technical High School students' futures.

PRESERVATION OF EVIDENCE

Mr. Zandri hereby notifies you of your obligation to preserve electronically stored information and any other evidence pertaining to the assignment of students to Room B211 and any other matter discussed herein in anticipation of litigation under Federal Rule of Civil Procedure 37(e) and *Rizzuto v. Davidson Ladders, Inc.*, 280 Conn. 225 (2006). This obligation includes any evidence pertaining to possible claims that Mr. Zandri may have against third parties unassociated with you. *Haber, Trustee for Murray Haber Revocable Trust v. Bankers Standards Insurance Co.*, 2019 WL 2305066 (CT Super. Ct. Apr. 30, 2019).

Thus, Mr. Zandri hereby notifies you that he reserves all of his legal rights pertaining to pursuing litigation and respectfully requests that you adhere to your obligations under federal and Connecticut law by immediately placing a litigation hold on all email accounts, document collections, social media accounts, and all other sources of information or communications (including electronically stored information that reference in any way the situation pertaining to the "Geometry, Math 2" classes offered at H.C. Wilcox Technical High School.

CONCLUSION

H.C. Wilcox Technical High School's actions pertaining to Mr. Zandri's daughter and her classmates are unconscionable and fall far short of meeting your obligations to provide her and her classmates with an adequate public education under Article Eighth of the Connecticut Constitution.

Thus, we respectfully request that you immediately supply the Room B211 "Geometry, Math 2" class with a proper instructor in geometry. We further request that you nullify all of Mr. Zandri's daughter's grades in the "Geometry, Math 2" course and develop a plan by which she can be fairly assessed after proper instruction.

Additionally, Mr. Zandri and his daughter are now represented by counsel – yours truly – and I respectfully demand that you copy me on any further correspondence regarding this matter.

Connecticut's children are its most important treasure. Our state constitution recognizes that and provides for their future. To their credit, Connecticut children recognize their importance and their responsibility to prepare to be productive members of society who will make us all proud. Mr. Zandri's daughter deserves better than a bureaucratic run-around, and both she and our state deserve far better than a game of bureaucratic roulette with her future and those of her classmates. As previously stated, she is a hero. She stepped up to be a leader. We implore you to heed her message. Neither she nor her father will stop fighting to protect her future.

Regards,

Cameron L. Atkinson

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