

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BRIDGEPORT DISTRICT PARENT ADVISORY COUNCIL FOR THE BRIDGEPORT PUBLIC SCHOOLS

DEFENDANTS

BRIDGEPORT BOARD OF EDUCATION and FRANCES RABINOWICZ

(b) County of Residence of First Listed Plaintiff Fairfield
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)
NORMAN A. PATTIS,
383 ORANGE STREET, NEW HAVEN, CT 06511; 293-393-3017

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. SECTION 1983

Brief description of cause:
Equal protection clause

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
03/04/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

membership at large biannually. In addition, the DPAC Executive Board has an appointed parliamentarian and treasurer.

4. At all times relevant to this complaint, the DPAC Executive Board consisted of the following persons: Tammy Boyle, President; Claudia Emelaire, Vice-President; Faith Villegas, Recording Secretary; Migdalia Feliciano, Corresponding Secretary; Albert Benejan, Bilingual Secretary; Angel Resto, District Community Committee Representative; Miriam Egea, District Community Committee Representative; Randolph Brown, District Community Committee Representative; Eneida Lamourt, District Community Committee Representative; Maria Pereira, District Community Committee Representative. The parliamentarian was Nick Felix and the treasurer was Marylee Taylor. All were ousted from their offices by vote of the Bridgeport Board of Education at a special meeting of the board held on February 23, 2015.

5. The Bridgeport Board of Education is the nine-member governing body of the Bridgeport Public Schools. At all times relevant to this action, the board was acting under color of law.

6. Frances Rabinowitz was at all times relevant to this action, and she remains, interim superintendent of the Bridgeport Public Schools. She is sued in her individual capacity only. At all times relevant to this action, she was acting under color of law. Her individual acts were intentional, and were inspired by malice, to wit: an actual desire to retaliate against members of the DPAC Executive Board on account of their speech.

7. In order to secure federal funding of the Bridgeport public schools, the board is required to adopt and maintain written policies designed to foster and encourage parental involvement in programs designed to enrich the education of disadvantaged children.

8. Consistent with this federal mandate, the board adopted a written policy to create a District PAC, one Parent Advisory Council for each K-8 school and a Parent, Teacher and Student Organization for each high school. Federal law requires that school districts receiving federal funds seek, and obtain, parental approval for parental engagement policies of the sort that created the elective DPAC Executive Board.

9. The District PAC operates, and has operated for many years, under a written set of bylaws. Those bylaws call for the creation of the DPAC Executive Board composed of a president, vice president, recording secretary, corresponding secretary, bilingual secretary, and district community committee representatives.

10. The Bridgeport Board of Education has never taken legal action of any kind to challenge the bylaws of the District PAC, but has, instead, adopted, condoned and recognized the bylaws as the governing instrument for the council. In so doing, the Bridgeport School Board has sought to maintain a steady stream of federal funding under the ESEA.

11. In October 2013, the District PAC adopted a conflict of interest bylaw to assure the council members had undivided loyalties to serving the public schools of the City of Bridgeport. Of particular concern to members of the District PAC were the efforts of charter school advocates and/or proponents to influence educational policy in the public schools in a manner inconsistent with the welfare of the Bridgeport public schools, and the disadvantaged students targeted for assistance in the ESEA.

12. Upon information and belief, no parent of any Bridgeport school child affected by the new bylaws initiated legal action of any sort to complain that they were either prevented from being involved on the executive board of the council or were deprived of a right to serve on the executive board of the council.

13. On February 20, 2015, at or near the close of the ordinary business day, the Bridgeport School Board noticed a special public meeting to convene at 5 p.m. on

February 23, 2015. On the agenda was a “discussion and possible action regarding the DPAC leadership.” Because the meeting was a special meeting, there was no public comment allowed.

14. At the commencement of the meeting on February 23, 2015, counsel for the board distributed a memorandum recommending restructuring of the District PAC.

15. The memorandum and supporting document raised the specter of a disgruntled parent adversely affected by the conflict bylaw might possibly raise a First Amendment claim arising under 42 U.S.C. Section 1983 for abridgement of their right to freedom of association. Although counsel for the board recited boilerplate law on Section 1983, he could summon no case in support of this red herring. The fear of potential litigation on behalf of aggrieved parents was, in fact, pretextual. There is no clearly established right to be a DPAC officer while in violation of the entity’s conflict of interest bylaw.

16. In fact, members of the DPAC Executive Board have been vocal and critical of the majority of the Bridgeport School Board, the current interim board superintendent, Frances Rabinowicz, and the incumbent mayor, William Finch, accusing them of seeking to undermine the quality of education for all students in the Bridgeport public schools by systematically underfunding the schools and showing favoritism to individuals supporting charter schools.

17. By a vote of 6-2 on February 23, 2015, the board voted “disassociate[] itself from the Executive Committee of the District PAC” and that “all references to the District PAC bylaws be eliminated from its Policy Statement on Parent & Family Engagement in the Bridgeport Public Schools.”

18. By a vote of 6-2 on February 23, 2015, the board voted to inform the Executive Committee of the District PAC that it “no longer recognizes” it and that any federally funded support tendered to the committee, including office space and staff

support be terminated.

19. By a vote of 6-2 on February 23, 2015, the board “establish[ed] and recogniz[ed]” a new District PAC.

20. The vote described in the preceding paragraphs violated the federal requirement that any parent engagement policy be a product of mutual agreement between parents and the local governing authority.

21. This vote effectively amounted to an unlawful coup d’etat, dispossessing elected parents from the offices to which they had been elected, and thereby potentially placing at jeopardy continued federal funding of the Bridgeport schools.

22. Each member of the District PAC had a property interest arising under the Fourteenth Amendment in completing the balance of their elected term, said terms set to expire in June 2015, with elections for new two-year terms set for April 30, 2015.

23. Each member of the District PAC had a liberty interest in completing the balance of their elected term. By summarily ousting the current members from their elective office, the members have both suffered adverse action and have been stigmatized as somehow unfit, or suitable, to serve their community and to have leadership roles in schools attended by their children.

24. There is no basis in law or in fact to suspect or believe that the Bridgeport School Board stood in any danger of being sued by parents unhappy with the conflict of interest bylaw. The stated reasons for removing the District PAC were pretextual and were specifically intended to remove vocal critics of the current administration, including the Bridgeport School Board, Mayor Finch and interim-superintendent Rabinowitz.

25. Individual members of the DPAC Executive Board have, in fact, been vocal critics of the efforts of privately funded charter school advocates to play a greater role in the operation of the Bridgeport schools.

26. Defendant Rabinowitz intended to silence and discredit the DPAC

Executive Board by ousting it from the offices members were elected in retaliation for their criticism of her, Mayor Finch and certain Bridgeport School Board members.

27. Defendant Rabinowitz's actions as complained of herein were inspired by malice, as were the actions of the six School Board members voting to oust the DPAC Executive Board.

28. As a direct and proximate result of the acts and omissions complained of herein, the elected members of the DPAC Executive Board have been summarily removed from an office they were elected to fill, and deprived of the right to complete their terms. Each member has been retaliated against for their exercise of their right to freedom of speech. Because the individual members of the DPAC Executive Board do not seek to benefit personally from any award of financial damages, they request any punitive damages awarded against Defendant Rabinowitz revert to the treasure of the Bridgeport District PAC.

WHEREFORE, the plaintiff claims relief as follows:

- a. A declaratory ruling that the February 23, 2013 vote violated the rights of the members of the DPAC Executive Board, and declaring the vote null and void;
- b. Injunctive relief ordering the defendants to restore the DPAC Executive Board to the position it was elected to fill;
- c. A temporary restraining order directing the defendants to cease and desist from efforts to deprive the lawfully elected DPAC Executive Board from completing its terms, and enjoying the ancillary support it has historically enjoyed from Bridgeport public school employees;
- d. Puntive damages awarded to the Bridgeport District PAC from Defendant Rabinowitz only;

- e. Such other relief as this Court deems fair and equitable.

THE PLAINTIFF

By



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