CONNECTICUT STATE BOARD OF EDUCATION **INQUIRY #**
Complainant

v.

KILLINGLY BOARD OF EDUCATION **JANUARY 7, 2023**
Respondent

RESPONDENT'S OBJECTION TO MOTION FOR INTERVENOR STATUS

For the reasons more particularly set forth below, the Respondent hereby respectfully objects to the "Motion of Concerned Residents/Parents of Killingly Students to Intervene in Pending Inquiry Pursuant to ac.g.s. §10-4b".

I. Brief history of the case.

The State Board of Education, ("SBE"), approved a November 2, 2022 Resolution to conduct an Inquiry before a duly designated hearing panel, following receipt of a report by its legal counsel, and investigator, attorney Michael McKeon into the allegations raised by the complainants. Attorney McKeon's report alleged that the Killingly Board of Education failed or is unable to make reasonable provisions to implement the educational interest of the State of Connecticut.

II. Argument.

A. The Concerned Residents, (hereinafter, the "petitioners"), lack standing to intervene.

1. The petitioners have failed to demonstrate aggrievement.

In order to have standing to bring an administrative appeal, a person must be aggrieved. *Moutinho v. Planning & Zoning Commission,* 278 Conn. 660, 664, 899 A.2d 26 (2006).

> "Classical aggrievement requires a two part showing. First, a party must demonstrate a specific, personal and legal interest in the subject matter of the decision, as opposed to a general interest that all members of the community share.... Second, the party must also show that the agency's decision has specially and injuriously affected that specific personal or legal interest...." (Internal quotation marks omitted.) *Fairwindct, Inc. v. Conn. Siting Council,* 313 Conn. 669, 99 A.3d 1038 (2014).

A complaint does not sufficiently allege standing by merely reciting the statute.

> "It must set forth facts to support an inference that unreasonable specific harm will probably result from the challenged activities." *Fort Trumbull Conservancy, LLC v. New London*, 282 Conn. 791, 804–805, 925 A.2d 292 (2007).

Here, the petitioners have not demonstrated a specific, personal and legal interest in the subject matter of the decision before this agency panel, as opposed to a general interest that all members of the community share. In their Complaint, the petitioners allege that

> "The Killingly Board of Education has failed to fulfill the educational interest of the state of Connecticut by failing to provide the minimum services and supports necessary to deal with the social, emotional and mental health needs of the students of Killingly High School." Compl., 1.

Clearly, this is simply a general interest that all members of the community share, and not a specific, personal or legal interest.

They also cite for support only additional generic statements, evincing only a general interest that all members of the community share. That is, the petitioners merely state that "students across our state are facing a mental health crisis" that "is even greater for KHS students"; a survey of Killingly Public School students in grades 7-12 indicating students "are experiencing mental health issues that directly impact their ability to learn"; and "the Killingly Board of Education voted down the proposal" for a School Based Health Center [SBHC], which they claim "has left KHS students without access to the mental/behavioral health services necessary to support their social-emotional and educational needs". Id., 2.

The petitioners then follow up in their Complaint by simply listing the names of their 57 members, indicating only that either they were residents of Killingly and/or they were parents of Killingly Public School students. Id., 3-6. Again, they demonstrated absolutely no specific, personal or legal interest, whatsoever, in the subject matter before this panel.

Similarly, their proof is sorely lacking in their Motion to Intervene. In that document, the petitioners allege only, and without specifics, that they "have a strong interest in having the Killingly Public Schools provide effective social, emotional, behavioral and mental health services for students in Killingly schools"; that the "interest stems both from a general concern

about the future of their community and specific concerns because many of the Concerned Residents have students in Killingly Public Schools". Again, their factual support is sorely lacking. They cite for support only a survey of Killingly students, and their disagreements about the Killingly Board of Education's consideration, this time, of a new proposal for establishment of a School Based Health Center by a new provider, Community Health Centers, Inc. (CHCI).

Nowhere in the Complaint, and nowhere in the Motion to Intervene, do the petitioners demonstrate any specific, personal and legal interest, as opposed to a general interest in the social-emotional and mental health of all public school students in Killingly. In fact, in their Motion to Intervene, they pointedly admit that their interest is merely "general", and that their only "specific" interest is that many of them have students in the public schools. Thus, the petitioners have absolutely failed to meet the first prong of the test for aggrievement.

The petitioners also have failed to demonstrate, either in their Complaint, or in their Motion to Intervene, that this agency panel's ultimate decision, specially and injuriously, would affect, in any way, any specific personal or legal interest of any of their members. The petitioners simply omitted any reference, at all, to this point. Thus, the petitioners also utterly have failed to meet the second prong of the test for aggrievement.

Because the petitioners have failed to meet their burden of proof as to both prongs of the test for aggrievement, the petitioners lack any standing to be granted the status of party intervenors.

2. The petitioners lack standing to be party intervenors because they seek to intervene for an improper purpose, raising a non-justiciable political question only.

In their Complaint, the petitioners assert,

> "We bring this complaint to prompt the State Board of Education to use its statutory powers pursuant to C.G.S. §10-4b to investigate and **force corrective action** against the Killingly Board of Education….The Killingly Board's failure occurred as follows. KPS Superintendent, Robert Angeli, with the support of KPS administrators, asked Generations Family Health Center to submit a **proposal to operate a School-Based Health Center** (SBHC) offering mental/behavioral health services to students who attend KillinglyHigh School (KHS)…Despite an extensive advocacy campaign and overwhelming community support for the SBHC, the **Killingly Board of Education voted down the proposal**….We

believe that the Killingly BOE's **decision to vote no to the SBHC proposal** is in direct conflict with the Educational Interests of the state as outlined in the CT State Board of Education's Five-Year Comprehensive Plan for 2016-2021."

In its simplest terms, there can be no doubt that the petitioners filed their Complaint for the express purpose of getting the State Board of Education to "force" the Killingly Board of Education to take "corrective action" to reverse their vote and to compel the Board to accept the School Based Health Center as proposed.

Indeed, the petitioners repeated, and underscored, that this is what they seek, in their most recent pleading. In their Motion to Intervene, the petitioners assert

"Of note for purposes of this motion is the fact that an unincorporated group of 57 parents, teachers, students and other citizen (sic) of Killingly, under the name Concerned Residents/Parents of Killingly Students (hereinafter "Concerned Residents") filed a complaint pursuant to section 10-4b of the Connecticut General Statutes, on April 5, 2022, **asserting that, in voting down on March 16, 2022, a proposal by the Superintendent of Schools of Killingly to contract with Generations Family Health Centers** (hereinafter "Generations") for the establishment of a school-based health center, **the Killingly Board of Education failed to implement the educational interests of the state**."

Moreover, they add to their Motion that they are concerned that the Killingly Board of Education may take another vote that they don't like, based upon a proposal submitted to a committee of the Board to possibly agree to establish a School Based Health Center, but not the School Based Health Center the petitioners lobbied for run by Generations. Instead, the petitioners are concerned that the Board may vote to establish a School Based Health Center proposed by a competitor company called Community Health Centers, Inc. The petitioners go to great length in their Motion to emphasize that they are **"troubled"** by the **"differences"** in the proposal by Community Health Centers, Inc. compared to the proposal by Generations. It would appear from the petitioners' Motion that they, preemptively, are casting aspersions on that company, along with the Killingly Board's consideration of that company's proposal, even

before the Killingly Board has a chance to take its vote on the new proposal. It would appear, also by these actions then, that the petitioners true aim is to arm twist the Killingly Board into adopting only the Generations proposal, by pressuring the State to use its awesome powers to get the Killingly Board to reverse its initial vote rejecting the Generations proposal, and to "force corrective action" on the Killingly Board, apparently to compel the Board to accept that proposal above all else.

This is not some fantasy. This comes directly from the petitioners' own written documents. Obviously, this is completely unacceptable by anyone's definition. Troubled or not, the petitioners, under these circumstances, ought not to be able intervene to further push their improper agenda, and this agency's hearing panel has no authority to "force" such "corrective action" as is requested.

B. The agency hearing panel lacks jurisdiction to allow the Concerned Residents to intervene as the claim raises a non-justiciable political question only.

Standing

> "is not a technical rule intended to keep aggrieved parties out of court; nor is it a test of substantive rights. Rather it is a practical concept designed to ensure that courts and parties are not vexed by suits brought to vindicate non-justiciable interests…" Broadnax v. New Haven, 270 Conn. 133, 153, 851 A.2d 1113 (2004).

It is axiomatic that

> "no branch of a government organized under a constitution may exercise any power that is not explicitly bestowed by that constitution or that is not essential to the exercise thereof." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 176, 2 L.Ed. 60 (1803); *State v. Clemente*, 166 Conn. 501, 533, 353 A.2d [192 Conn. 724] 723 (1974); *Norwalk Street Ry. Co.'s Appeal,* 69 Conn. 576, 597, 37 A. 1080 (1897); *Opinion of the Judges of the Supreme Court as to Constitutionality of Soldiers' Voting Act,* 30 Conn. 591, 593-94 (1862).

The constitution of the state,

> "framed by a convention elected for that purpose and adopted by the people, embodies their supreme original will, in respect to the organization and perpetuation of a state government; the division and distribution of its powers; the officers by whom those powers are to be exercised; and the limitations necessary to restrain the action of each and all for the preservation of the rights, liberties and privileges of all; and is therefore the supreme and paramount law, **to which the legislative, as well as every other branch of**

> **the government, and every officer in the performance of his duties, must conform.**" (Emphasis added). *Kinsella v. Jaekle,* 192 Conn. 704, 475 A.2d 243 (1984).
>
> "Whatever that supreme original will prescribes, the General Assembly, and every officer or citizen to whom the mandate is addressed, **must do; and whatever it prohibits, the General Assembly, and every officer and citizen, must refrain from doing**; and if either attempt to do that which is prescribed, in any other manner than that prescribed, or to do in any manner that which is prohibited, **their action is repugnant to that supreme and paramount law, and invalid**." (Emphasis in original.) *Opinion of the Judges of the Supreme Court as to Constitutionality of Soldiers' Voting Act*, 30 Conn. 591, 593-94 (1862).

In the present case, it is abundantly clear that what the petitioners seek cannot be given as it clearly involves a nonjusticiable political question.

An electorate's satisfaction with its local government is a matter left to the ballot box, not to "forced" compulsion by an administrative agency of the State.

The law is clear on this. No executive branch agency has the authority to interfere with a lawful vote by any legislative policy making body. That is called a non-justiciable political question, left solely to the legislative policy making branch to decide.

> "An **administrative agency, as a tribunal of limited jurisdiction, must act strictly within its statutory authority."** (Internal quotation marks omitted.) *State v. State Employees' Review Board,* supra, 231 Conn. 406. "It is a familiar principle that [an administrative agency] which exercises a limited and statutory jurisdiction is without jurisdiction to act unless it does so under the precise circumstances and in the manner particularly prescribed by the enabling legislation.... [*Castro v. Viera*, 207 Conn. 420, 427-28, 541 A.2d 1216 (1988)]." (Internal quotation marks omitted.) *Hall v. Gilbert & Bennett Mfg. Co.*, 241 Conn. 282, 291, 695 A.2d 1051 (1997)". (Emphasis added.) *Nizzardo v. State Traffic Commission*, 788 A.2d 1158, 259 Conn. 131 (2002).

Furthermore, the facts contained in the petitioners' Complaint and Motion are paramount and determinative as to the agency's determination of jurisdiction.

> "The facts contained therein should be sufficient to allow the agency to determine **from the face of the petition** whether the intervention implicates an issue within the agency's jurisdiction." *Nizzardo v. State Traffic Commission*, 788 A.2d 1158, 259 Conn. 131 (2002).

The facts on the face of the petition, here, clearly demonstrate that the agency has no jurisdiction to allow the petitioners to intervene.

Yet, in their Complaint, and their Motion to Intervene, the petitioners seek just that - for this State executive branch agency, without authority to do so, to interfere with, and decide upon, a lawful vote by a local legislative body. More importantly, the petitioners seek this agency to compel the petitioners to do their bidding through the awesome power of the State on a non-justiciable political issue. Needless to say, this is wholly impermissible and cannot happen.

It was clear, first, from the petitioner's initial Complaint, that they filed it for an improper purpose, but that purpose has become abundantly clearer in their Motion to Intervene. They filed their claim, and eagerly await participation in pushing for success on their claim, for only one specific improper purpose: to "force" a duly elected local Board of Education to change a lawful vote rejecting the adoption of a School Based Health Center operated by a provider called "Generations". The petitioners lobbied their elected representatives on the Killingly Board of Education strenuously for the adoption of that proposal, but the petitioners didn't get their way. The Board rejected that proposal in a properly conducted public meeting. The petitioners were sorely angered by that vote. So they took their battle to the State, filing the §10-4b Complaint. As shown above, they were quite clear in their Complaint what they wanted the State to do. They said, quite blatantly, that they want the State to "force corrective action" against the Killingly Board of Education for its "failure" to vote to approve a School Based Health Center proposed by Generations Family Health Center. The petitioners also, quite clearly, stated in their Motion that they continue to urge the State to "force corrective action" on the Killingly Board, in part now also, because they are "troubled" by their perceived and purported "differences" in a proposal the Board may vote to approve for a School Based Health Center submitted by a competitor provider, Community Health Centers, Inc.

They were even clearer in this latest pleading, stating in their Motion to Intervene,

> "Of note **for purposes of this motion** is the fact that an unincorporated group of 57 parents, teachers, students and other citizens (sic) of Killingly, under the name Concerned Residents/Parents of Killingly Students (hereinafter "Concerned Residents:), filed a complaint pursuant secant (sic) 10-4b of the Connecticut General Statutes, on April 5, 2022, asserting that, in **voting down on March 16, 2022, a proposal by the Superintendent of Schools of Killingly to contract with Generations Family Health Centers** (hereinafter "Generations") for the establishment of a school-based health center, the Killingly Board of Education failed to implement the educational interests of the state." Compl. 1-2.

Unfortunately, the facts on the face of the Complaint, and now the instant Motion, show the filing of those pleadings was for that entirely improper purpose. One that violates the doctrine of separation of powers, and that seeks improperly to use the full force of the State to interfere with the right of duly elected official members of the local Board of Education to cast their votes. Interference with the vote of anyone, let alone duly elected officials, defies the most basic tenets of our Constitutional republic, and of our State, (the "Constitution State").

Here, the petitioner's filed their Complaint for a wholly improper purpose, to compel elected officials to reverse their vote on a public issue, and, now apparently, to preclude a potential vote of approval on a second public issue involving a competitor proposal.

Given the impropriety of the basis for this Complaint, the State Board of Education never should have accepted the Complaint, in the first place. Given that the Motion to Intervene, repeats the improper basis for the Complaint and the Motion, the Motion, undeniably, also should be denied.

Because there is no proper purpose in allowing the petitioners to intervene for what they admit is their only basis - to force a change in the vote of an elected legislative policy making body, because this agency hearing panel has no authority to allow them to intervene for that singular and wholly improper purpose, and because the panel lacks authority to even entertain the Motion at all, the Motion to Intervene must be denied.

In addition, for all of the reasons set forth above, as well as set forth in the respondents' Motion to Dismiss, also filed on this date, which is hereby incorporated by reference, the the Motion to Dismiss must be granted, and the Motion to Intervene must be denied.

C. The Motion to Intervene must be denied because the hearing panel has no authority to coerce the respondents into changing their vote on any issue or to compel the respondents to accept a particular School Based Health Center.

The admitted sole purpose of the petitioners' Complaint and Motion to Intervene is to have the State "force" compliance upon the Killingly Board of Education to accept the establishment of a School Based Health Center.

Because the Killingly Board consists of elected members of the public, whose function is to represent the public and to vote on policy matters that come before it, they are lawfully allowed to vote on any issue without the encumbrance of compulsion by any person or government agency.

Indeed, there is a law against "forced" compulsion. It is called the "Coercion" statute, C.G. S. §53a-192. It is a criminal statute, defined either as a class A misdemeanor or a class D felonly. It states,

> "(a) A person is guilty of coercion when he compels or induces another person to engage in conduct which such other person has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which such other person has a legal right to engage, by means of instilling in such other person a fear that, if the demand is not complied with, the actor or another will:
> (1) Commit any criminal offense; or
> (2) accuse any person of a criminal offense; or
> (3) expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair any person's credit or business repute; or
> (4) **take or withhold action as an official, or cause an official to take or withhold action**.
> (b) It shall be an affirmative defense to prosecution based on subdivision (2), (3) or (4) of subsection (a) of this section that the actor believed the accusation or secret to be true or the proposed official action justified and that his purpose was limited to compelling the other person to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure or proposed official action, as by desisting from further misbehavior or making good a wrong done.
> (c) Coercion is a class A misdemeanor except, if the threat is to commit a felony, coercion is a class D felony."

It is subsection (a)(4) of that statute that is relevant here.

In this case, the petitioners are urging the State Department of Education, and the State Board of Education hearing panel to engage in the act of coercion. They are urging the State to compel the Killingly Board of Education to engage in conduct to reverse its vote rejecting a School Based Health Center, or to be forced to accept a School Based Health Center, which conduct the Killingly Board has an absolute legal right to engage or abstain from engaging in, by means of instilling in the Board of Education a fear that, if the State's demand is not complied with, the State will take or withhold action as an official, or cause the Killingly Board of Education to take or withhold the action sought.

The Killingly Board of Education clearly has the right to vote without being compelled to engage in a particular vote, or to abstain from a particular vote, by the State instilling fear in the Board that if the right vote is not taken, the State will take or withhold its own action against the Board. In fact, the Killingly Board already did take a vote to reject a proposal, and the State not only instilled fear in the Killing Board that it would take action, but already did take action to institute an inquiry against the Board, which inquiry threatens further action against the Board. While the State has the right to oversee the actions of the local Board of Education to ensure that the educational interest of the State are implemented. The educational interests of the State do not include the authority to coerce or compel a local Board into taking or abstaining from engaging in an action for which it has the legal right to engage in or abstain from taking. In this case, the only action sought by the petitioners, by their own admissions on the face of their pleadings, is for the State to "force corrective action" against the Killingly Board of Education for its lawful vote to reject a School Based Health Center, a School Based Health Center that is not required by any law for the Board to establish.

The fact that 57 out of the thousands of voters who elected the Board members disagree with a particular vote of their duly elected officials on a particular issue, is a wholly insufficient and improper reason to allow those 57 individuals to make a mockery of existing law.

What the petitioners seek, the State Board lawfully cannot provide. The petitioners' Motion must be deni**ed.**

D. The Motion to intervene is premature.

The petitioners have not demonstrated a sufficient and lawful interest in the proceedings, as described above, to participate as intervenors of any kind, at any time in these proceedings. Should this panel, nonetheless, determine the petitioners have demonstrated such a valid interest by some as yet unknown means, this particular motion should be denied, regardless, because it is prematurely filed.

By their own admission, on the face of their pleading, the petitioners seek to intervene only for the purpose of assisting in crafting relief. In their Motion, the petitioners state,

> "The Concerned Residents seek to participate in the inquiry to ensure that, if the hearing panel finds a violation of C.G.S. §10-4a, it devises a remedy that appropriately and effective deals with the mental health crisis in Killingly schools….They seek to participate in the inquiry to ensure that the resolution of the matter, whether by ruling of the panel or by negotiation, fully protects the interest of the students." Motion, 3, 7.

The inquiry has not yet even begun to determine whether any violation has occurred, let alone having undertaken the topic of relief. Relief simply cannot be granted until, and unless, a determination has been made that there has been a violation. Here, that has not happened.

The petitioners cite no other reason for their request to intervene. Until, and unless, the hearing panel makes a determination that a violation has occurred, there should be no discussion, evidence, or testimony presented concerning any remedy, and, thus, no need to entertain any motion for the petitioners to intervene. Indeed, at this stage it is nonsensical to consider any "relief", when "relief" cannot be crafted, at all, without knowledge of what harm was caused, if any.

The petitioners have not put forth any sufficient facts or law that would allow them to intervene, in either the fact-finding portion of any inquiry or any portion of the inquiry concerning relief. In their Motion to Intervene, again, they provide only general statements that they are concerned about the mental health of the students.

They claim,

> "In this case the Concerned Residents have a direct and personal interest in the mental health of students in Killingly public schools." Motion, 8.

But, they provide absolutely no specific details about that interest. Hence, their interest is the same as the interest of any other taxpayer or resident of Killingly.

They also claim,

> "They seek to participate in the inquiry to ensure that the resolution of the matter, whether by ruling of the panel or by negotiation, fully protects the interest of the students." Motion, 8.

Again, they give no specifics of their personal interest in the matter that is any different than any other member of the public.

In short, they provide no facts or law sufficient to allow them to participate, even in any discussion regarding "relief". Any hearing by the panel on any issue of "relief", by ruling or by negotiation, should be left solely to the panel and the official parties to the litigation.

Therefore, for this reason, and all other reasons set forth herein, the Motion to Intervene must be denied.

F. The petitioners' participation as intervenors is not in the interest of justice and will unduly impair the orderly conduct of the proceedings.

The petitioners have done nothing up until this point but to impair the orderly conduct of proceedings throughout this entire process, unduly seeking improper overruling of a lawful vote by elected members of the Killingly Board of Education, unduly burdening the taxpayers of Killingly with unnecessary legal expenses incurred defending their frivolous claims in an attempt to overturn that lawful vote, and by appealing to the emotions of the public by espousing a myriad of untrue statements, all in an admitted attempt to "force" the State Department of Education, and now this panel, into doing its bidding to overturn a lawful vote when their political efforts failed.

Having succeeded in getting this panel to hear their claims, the petitioners now seek to interfere with this process, presumably by seeking to cross examine, and introduce testimony and evidence, even asking to participate in negotiations. While, on face value, the petitioners

seek only to participate in crafting “relief”, in doing so, one can assume the cross-examination, evidence, testimony, and participation in negotiations, undoubtedly, as past history shows, will involve the emotional testimony of the petitioners urging the State to compel the Killingly Board to reverse its vote to reject the Generations proposed School Based Health Center, and to “force corrective action” by having the Board establish it in the Killingly public schools.

Not only did the petitioners file this entire Complaint frivolously seeking reversal of a lawful vote by an elected policy making body, but also they did so unethically, knowing that a Board’s vote is sacrosanct, and knowing that attempting to appeal to the emotions of the public and of the State Board of Education to have the State “force corrective action” nonetheless, is wholly improper, and undeniably was disruptive of the lawful proceedings leading up to this point.

Appeals to the emotions, the uttering in public of untrue or unprovable claims and assertions to further their cause, coupled with bullying tactics to “force” a change of a lawful vote by a duly elected policy making body by the filing of a Complaint to have the State consider improperly a non-justiciable political question and to compel reversal of that lawful vote, has been par for the course by these petitioners regarding this litigation, to date.

It seems as though the petitioners and their counsel, however, will stop at almost nothing to have their way, even stretching the boundaries of ethical rules to do so. For example, on more than one occasion throughout the course of this litigation, it appears that counsel for the petitioners has had an unknown number of conversations with some of the respondents directly, knowing that the respondents are represented by counsel, and knowing that it was improper or unethical to do so without going through respondents’ counsel. In fact, recently this occurred again, as can be seen in the attached exhibit, in which counsel admits that such a conversation with on of the respondents took place directly, without going through counsel. When confronted with this situation indicating its impropriety, counsel for the petitioners gave the excuse that his conduct was appropriate because the petitioners were “not a party” to the instant litigation. This, despite the fact that counsel was fully aware that there would be no litigation except for the instigation of the litigation by the petitioners. Remarkably, just days

after that incident, counsel for the petitioners, without a second thought to the incident, filed the instant Motion to Intervene, claiming, this time, that the petitioners have a “direct and personal” interest in the litigation.

The actions of the petitioners, and their counsel, to date, undeniably have been disruptive of the orderly process of all of the prior proceedings, and of all the norms of ethics and proper conduct during litigation. It is difficult, if not impossible, to comprehend that the petitioners, or their counsel, are likely to act any differently if allowed to intervene.

This is especially true because the petitioners claim to intervene now for the purpose of crafting “relief”. It is especially important in any litigation, when the parties are attempting to negotiate a settlement, or to craft “relief”, to adhere to all ethical rules, including rules about contacting parties in litigation only through their counsel. Counsel for the petitioners is fully aware of these rules, yet, he and his clients have played fast and loose with them, to date, to the extent that already it has interfered with the parties’ attempts to negotiate. This situation only is likely to be exacerbated if the petitioners are allowed to intervene, particularly in negotiations or any efforts by the parties, or by this panel, to craft “relief”.

Allowing the petitioners to intervene in the litigation, likely would allow them to continue with their pattern of disruptive tactics, of appealing to emotions without much, or any, backing in fact or law, and of attempting to improperly compel a result satisfactory to them through improperly coercive measures, which, inevitably would make a mockery of the entire system of administration and justice, and lead to further unnecessary and expensive litigation and appeals. It is the firm hope and request of the respondents that this panel will use their judgment wisely and discretion wisely, and not allow this to happen.

The intent of the statute is to allow for party intervenors, who truly have demonstrated specific factual harm to them, to allow them to justly participate in the orderly conduct of proceedings leading to a reasoned, fair, and just conclusion. Under these facts and circumstances, allowing the petitioners to intervene would be unduly disruptive and would not

allow for any such reasoned, fair, or just conclusion. Therefore, the petitioners' Motion to Intervene must be denied.

IV. Conclusion.

WHEREFORE, for all of the above reasons, the respondents respectfully request the hearing panel to DENY the petitioners' Motion to Intervene.

Respectfully submitted,
KILLINGLY BOARD OF EDUCATION

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CERTIFICATION

This is to certify that, on this date, the above document was provided electronically, in person, or by direct mail to: Assistant Attorney General Darren Cunningham, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106, Tel. (860) 808-5210, Fax (860) 808-5385, email: darren.cunningham@ct.gov; attorney Michael McKeon, Connecticut State Department of Education, 450 Columbus Boulevard, Hartford, Ct 06103, Tel. 860-713-6517, email: mike.mckeon@ct.gov.

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