



Connecticut Association of Boards of Education

## Connecticut Coalition for Justice in Education (CCJEF) v. Rell

Issue Profile  
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On November 22, 2005, the Connecticut Coalition for Justice in Educational Funding (CCJEF) filed suit against the state's system of funding education. The plaintiffs include several students, towns, boards of education CAPSS, CEA, AFT, and CABE. CABE is a founding member of CCJEF.

A summary from the Connecticut General Assembly states: the lawsuit, *CCJEF v. Rell*, et al., alleges that "by failing to maintain an education system that provides children with suitable and substantially equal opportunities, the state is violating their constitutional rights" and has fostered an "educational underclass." It also contends that the state's failure to provide a suitable educational opportunity causes the plaintiffs irreparable harm.



The complaint cites disparities in educational resources and outcomes as evidence of a constitutional violation. It also cites shortcomings in the Education Cost Sharing (ECS) formula, state funding for special education, and other state education grants

to justify the request for relief.

The plaintiffs ask the court, among other things, to (1) declare the state's system of funding public education unconstitutional, (2) bar the state from continuing to use it, and (3) appoint a special master to evaluate and make recommendations to the court concerning any revisions to the system the state proposes.

### The Decision

On September 7, 2016 Judge Thomas Moukawsher read his 90-page decision from the bench. The case involved 60 days of trial stretched over 6 months, 50 witness, and 1060 individual findings of fact.

The judge found that the amount of funding the state sends local districts, in the aggregate, to be minimally adequate and, therefore, constitutional. "To be constitutional, the state's chief education policies do not have to be richly funded but they must be rational, substantial and verifiable." "Beyond the bare minimum, it is for the General Assembly to decide how much to spend on schools, but the state must at least employ in its school's resources and standards that are rationally, substantially, and verifiably connected to teaching children." Connecticut spends more than the bare minimum on schools, said Judge Moukawsher.

"Beyond a reasonable doubt, Connecticut is defaulting on its constitutional duty to provide adequate public school opportunities because it has no rational, substantial and verifiable plan to distribute money for education aid and school construction."

However, Judge Moukawsher found that the state's education funding system is unconstitutional because it fails to provide every student with and adequate education; an education which prepares each student to leave secondary education prepared for careers or to go on to higher education. The state is entirely responsible for the condition of our schools: its duty to educate is non delegable.

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The Judge further remarked:

- Connecticut’s teacher evaluation and compensation systems are impermissibly disconnected from student learning. The way that educators are hired, fired, paid and evaluated is not sensibly linked to its value in teaching children.
- The state’s program of special education spending is irrational. Congress and the CT General Assembly have ordered districts to bear immense financial burdens in the name of special education without giving them much help shouldering them.
- The difference between rational policy and the best policy. The connection between the Constitution’s education mandate and the means of carrying it out doesn’t have to be ideal to avoid judicial scrutiny. But the state would be wise to adopter best practice and provide students with education that all the experts agree is important, such as pre-kindergarten.

Judge Moukawsher ordered the state to submit proposals to remedy the constitutional defects in Connecticut’s education funding system to him within 180 days of the decision. More specifically, he tasked the state to address:

- the relationship between the state and local government in education.
- an educational aid formula;
- a definition of elementary and secondary education
- standards for hiring, firing, evaluating, and paying education professionals;
- funding, identification, and educational services standards for special education.

## The Decision is Appealed

On September 15, 2016, The Attorney General requested that the CT Supreme Court certify an appeal of the trial court decision.

Governor Malloy, while accepting the legal rationale for the appeal, said:

- The Attorney General’s decision to appeal does not negate the urgency to take action for students. It would be prudent to

address the systemic problems in our educational system, particularly fair funding, in a serious manner once and for all in the 2017 legislative session. Legislative action is always preferable to a judicial decision.

- “Let us take this opportunity to act on behalf of all of our students. We know that we do not need to wait for the legal outcome to start improving outcomes for our students. We’ve begun to make progress by investing hundreds of millions of dollars in education directed at the students who need it most. These investments are already paying off with students across the board showing progress in math and reading on state tests, but we know there is more work to do.

“We hope that this moment marks the start, rather than the stalling, of a statewide dialogue around finding a better way to fund our schools, which ultimately results in a better solution for our students and communities. We should act together, and we should do it sooner rather than later.”

## The Appeal is Accepted

On September 20, 2016, Chief Justice Chase Rodgers granted the State of Connecticut’s request to hear an appeal of *CCJEF v. Rell*. The Chief Justice also approved the State’s request to stay the 180 days timeline for the state to propose remedies. In addition, Chief Justice Rodgers granted the CCJEF Coalition’s request that, if the Supreme Court agreed to take the appeal, the Supreme Court hear all of the determinations made by the trial court in its decision.

This means that the Supreme Court will consider all of the findings and conclusions of law made by Judge Moukawsher, including those regarding the standard for the State’s responsibility to fund and provide all public school children with an adequate education. Briefs have been filed and oral argument will be held in fall 2017.