




# Superior Court Issues Historic Ruling In Connecticut School Funding Case

Patrice McCarthy, Deputy Director and General  
Counsel, **Connecticut Association of Boards of  
Education, Wethersfield, CT**  
pmccarthy@cabe.org



# 90 Page Decision – In Brief

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- I. To be constitutional, the state's chief education policies do not have to be richly funded but they must at least 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 schools resources and standards that are rationally, substantially, and verifiably connected to teaching children.”

“Children have a judicially enforceable right to first principles governing our schools that are reasoned, substantial, and verifiably connected to teaching.”



## **2. The State is responsible for the condition of our schools: Its duty to educate is non delegable.**


Connecticut's Constitution, article eighth, section one "there shall always be free public elementary and secondary schools in the state. The General Assembly shall implement this principle by appropriate legislation."

"The court has to decide if the state is keeping its promise about education. If it isn't, the court has to decide what to do about it. This would require the court to weed out any General Statutes holding the effort back.



**(2 continued)**

Orders might have to limit state power, but given the state's direct and non delegable responsibilities, court orders could also increase the power of the State Board of Education and the Department of Education over troubled school systems and the agents they use to keep the state's promises to children."

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- 3. The courts may impose reason in state spending, but they may not dictate precisely how much to spend beyond the bare minimum.**

“Beyond a bare minimum, it is for the legislature to decide how much to spend on schools.”



**4. This state spends more than the bare minimum on schools.**

The legislature must spend at least enough to create things recognizable under contemporary standards as schools, and Connecticut has done so.



**5. Whatever the state spends on education it must at least spend rationally.**

“A rational education plan has a substantial and verifiable link between educating children and the means used to do it.”

“If there is a meaningful role for the courts in enforcing the constitutional promise of an adequate education, it has to be at a very high level: the courts can set a minimum base for overall resources and then ensure that the major policies carrying them into action are rationally, substantially, and verifiably calculated to achieve educational opportunities.”





**(5 continued)**

“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.”



**6. The state must define an elementary and secondary education reasonably.**

“A new system is constitutionally required to rationally, substantially, and verifiably connect an education degree with an education.”

“The state must submit for court review an objective mandatory statewide graduation standard.”

“Presenting a policy in six months doesn’t mean that the state has to apply it to all students immediately. The state should propose a way to introduce the new requirement as quickly as possible but as fairly as possible.



**(6 continued)**

It should address the problem of requiring students to meet a new standard we haven't prepared some of them to face."

"Elementary school is the heart of the problem for students in struggling Connecticut districts."


"The state will have 180 days from this decision to propose a remedy that creates a rational, substantial, and verifiable definition of elementary school."

"The state must tell the court what powers over local districts it needs to get the job done. But it must also marshal its financial resources."



**(6 continued)**

“The court will only review the formula to be sure that it is rationally, substantially, and verifiably connects education spending with educational needs.



**7. 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.

Most of the state's education money is spent on teachers. Both sides (CCJEF and the State of Connecticut) agree this is where the money belongs. It is also undisputed that good teachers are the key to a good school system.



**(7 continued)**

The problem is that in Connecticut there is no way to know who the best teachers are and no rational and substantial connection between their compensation and their effect on teaching children.

(CCJEF v. Rell decision page 62)

The first problem is a dysfunctional evaluation system.”

(CCJEF v. Rell decision page 62)



**(7 continued)**

“The only thing the court concludes is that beyond a reasonable doubt the teacher pay system we have lacks a rational, substantial, and verifiable connection between teaching need and teaching pay.” (CCJEF v. Rell decision page 70)

The court finds beyond a reasonable doubt that the state is using an irrational statewide system of evaluation and compensation for educational professionals and therefore denies students constitutionally adequate opportunities to learn. (CCJEF v. Rell decision page 71)



**(7 continued)**

The state will submit plans to replace them no later than 180 days from the date of this decision. The plans can include appropriate rational elements of the current system but should include proposals for hiring, evaluating, promoting, removing, and compensating educational professionals including teachers, principals, and superintendents. (CCJEF v. Rell decision page 71)





**8. The state's program of special education spending is irrational.**

Congress and the (Connecticut) General Assembly have ordered school districts to bear immense financial burdens in the name of special education without giving them much help shouldering them. (CCJEF v. Rell decision page 72)

The cost of special education is staggering. In many places over 20% of the money spent on schools is spent on special education, and more than 66,000 students are enrolled. In 2013-14 spending on special education in Connecticut reached \$1.82 billion when annual basic state school aid was roughly \$2 billion.



**(8 continued)**

Almost all of that \$1.82 billion comes from local government; federal and state aid amounts to just 15-20%. (CCJEF v. Rell decision page 73)

There are two problems with special education serious enough to warrant constitutional concern. First is the problem of spending education money on those in special education who cannot receive any form of elementary or secondary education. Second is the evidence that shows that getting picked for special education in this state is mostly arbitrary and depends not on rational criteria but on where children live and what pressures the system faces in their name. (CCJEF v. Rell decision pages 74-75)

**(8 continued)**

Within 180 days, the state will submit new standards concerning special education which rationally, substantially, and verifiably link special education spending with elementary and secondary education. (CCJEF v. Rell decision page 86)

## 9. **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 if there was any one thing that stood out as good –as opposed to constitutional- policy it was the need for good high-quality pre-school. Witnesses for both sides agree that high-quality pre-school would be the best weapon to get ahead of the literacy and numeracy problems plaguing schools in impoverished cities.

(CCJEF decision pages 86-87)



## 10. The next job is to craft remedies.

“To get rid of an irrational policy, adopt a rational one.”

“The state will propose changes consistent with this opinion on the following subjects:

- 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.



**(10 continued)**

Once the state submits proposed remedies, the plaintiffs will have 60 days to comment.

A hearing will then be scheduled.

All proposals will include timetable, variables related to carrying them out and thorough justification.

The parties should list any statutes they claim are invalidated by the court's ruling.



## **II. Conclusion: Schools are for kids.**

Case started in 2005. CT Supreme Court sent the case to Superior Court for trial nearly 7 years ago.

60 days of trial stretched over 6 months.

50 witnesses, 1060 individual findings of fact.

“If they are to succeed where they are most strained schools have to be about teaching children and nothing else.”

“The state has to accept that the schools are its blessing and its burden, and if it can not be wise, it must at least be sensible.”



(II continued)

**Implications:**

- State's responsibility for education is direct and non-delegable: it must assume unconditional authority to intervene in troubled districts.
- Court can't dictate the amount of education spending, but spending including school construction spending must follow a formula influenced only by school needs and good practice.
- State must define elementary and secondary education objectively, ending the abuses that in some places have nearly destroyed the meaning of high school graduation and have left children rising from elementary school to high school without knowing how to read, write, and do math well enough to move up.





**(II continued)**

- State must link terms of educators' job with things known to promote better schools: It cannot churn out uselessly perfect teacher evaluations nor can teacher pay consider solely what degrees teachers have and how long they have been on the job.
- State must end arbitrary spending on special education that has delivered too little to help to some and educationally useless services to others; it must set sensible rules for schools to follow in identifying and helping disabled children.



**(II continued)**

Judgment entered partially favoring the plaintiffs.  
Court will schedule hearing on remedies after reviewing proposals.

Court will retain jurisdiction to enforce the equitable constitutional decrees in this ruling.

## Appeal

The Connecticut Supreme Court granted the request of the Attorney General to hear an appeal of the trial court decision. The Chief Justice also approved the State's request to stay the 180 day timeline for the state to propose remedies to address its failure to provide an adequate education. In addition, Chief Justice Rodgers granted the Connecticut Coalition for Justice in Education'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 the trial court judge, including those regarding the standard for the State's responsibility to fund and provide all public school children with an adequate education.



**(Appeal continued)**

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



**(Appeal continued)**

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.”



**Questions?**