

CCJEF v RELL

EDUCATION ADEQUACY AND EQUITY LAWSUIT FILED TO ENFORCE SCHOOLCHILDREN'S RIGHTS UNDER THE CONNECTICUT CONSTITUTION TO EQUAL EDUCATIONAL OPPORTUNITY

On November 22, 2005, fifteen students and their families from eight communities brought action in the Superior Court of Hartford to enforce their fundamental right to an adequate education in Connecticut's public schools. An additional student from another community was added via amended complaint on January 20, 2006. These plaintiff schoolchildren represent the plight of children ages 3 to 18 across the state who are not receiving the suitable and substantially equal educational opportunities guaranteed them under the Connecticut constitution.

The Connecticut Coalition for Justice in Education Funding (CCJEF) is also a plaintiff in the case, ensuring that the interests of all schoolchildren served by its broad-based membership are similarly represented in this action, and signaling to legislators that this is not just an action brought on behalf of students who attend large urban school districts but also those who attend urban-ring, suburban, and rural schools throughout Connecticut.

The complaint alleges that the state's failure to adequately and equitably fund its public schools has irreparably harmed the plaintiff schoolchildren by limiting their future abilities to take full advantage of the nation's democratic processes and institutions, to secure meaningful employment in the competitive high-skills/high-wage global marketplace, and to successfully continue their education beyond high school and to reap the monetary and intellectual awards thereof. In other words, the state's failure to provide plaintiff schoolchildren a reasonable opportunity to meet the state's own learning standards has resulted in a system that sets them up for economic, social, and intellectual failure. The complaint also alleges that the state's systemic school funding failure has resulted in constitutional violations that disproportionately impact African-American, Latino, and other minority students.

The complaint describes the Education Cost Sharing (ECS) system, the state's equalization aid formula devised in 1988 but never fully funded or implemented, and its lack of a rational basis in the real costs of educating students. Further alleged is that plaintiff schoolchildren's municipalities do not have the ability to raise the funds needed to compensate for the monetary shortfalls that result from the state's arbitrary and inadequate funding system.

CCJEF is a broad-based coalition of municipalities, local boards of education, statewide education associations, and related advocacy organizations. The coalition's growing membership includes approximately 65 entities, representing cities and towns of varying wealth levels that serve 38% of the state's population; public school districts of all sizes; statewide professional associations serving boards of education, superintendents, and other school administrators; the two teachers unions and other large unions whose memberships consist of public- and private-sector employees, parents, and others impacted by the performance of the schools; parent, child, and social advocacy groups; and others.

Notwithstanding the lawsuit, CCJEF is working diligently with the legislature and Rell Administration to help resolve the funding crisis. Toward that end, CCJEF Executive Director Steve Cassano serves on the Governor's Commission on Education Finance. CCJEF seeks to revamp the ECS formula to become an adequacy-based, student needs-driven formula and to bring about the restructuring of taxes to shift the school funding burden from its current heavy reliance on local property taxes to more progressive tax mechanisms.

A June 2005 education adequacy cost study, commissioned by CCJEF and conducted by Augenblick, Palaich and Associates, concluded that more than half of the state's school districts are not funded at levels sufficient for meeting 2007-08 No Child Left Behind's Adequate Yearly Progress requirements. The total shortfall (from federal, state, and local revenue sources) in meeting operating costs alone was estimated to be just under \$0.5B as of 2003. Were the state to assume 50% of the cost of adequacy for 2007-08, it would need to boost aid to schools by \$1.1B annually.

The adequacy cost study also found that 145 school districts are underfunded if 95% of students are expected to reach state goals in math and reading on the state's CMT and CAPT assessments. The state's 50% share at this higher level of student performance would require an additional annual investment of some \$2B (in 2003 dollars).

The CCJEF complaint, the adequacy cost study, and town-by-town summary of adequacy study results are available at www.ccjef.org. For more info, contact Dr. Dianne Kaplan deVries at (860) 461-0320 or dianne@ccjef.org.