

TESTIMONY OF

**John Rose, Esq.**

ON BEHALF OF THE

**CONNECTICUT COALITION  
FOR *JUSTICE*  
IN EDUCATION FUNDING**

BEFORE THE

**EDUCATION COMMITTEE**

**Regional Information Meeting  
Hartford Learning Corridor**

**March 7, 2006**

My name is John Rose. For the past two years I have been serving as Corporation Counsel for the City of Hartford, but I have been engaged in the practice of law in Connecticut – much of it pertaining to civil rights litigation – for almost 40 years. I also co-chair the Litigation Committee of the Connecticut Coalition for Justice in Education Funding. The Litigation Committee steers the work of Yale Law School’s Education Adequacy Clinic, which represents CCJEF and has recently brought legal action on our behalf.

I am speaking tonight to clear up a few inaccuracies of interpretation that we have heard over the past several weeks and months concerning just what the focus of our lawsuit, *CCJEF v Rell*, actually is. (And let me just start by saying that the reason Gov. Rell is named in this suit is because that is prescribed under the state’s legal practices codes, viz., *Horton v Meskill*, *Sheff v O’Neill*, *Johnson v Rowland*.)

On November 22, 2005, action was brought in the Superior Court of Hartford on behalf of fifteen students and their families from eight communities to enforce their fundamental right to an adequate education in Connecticut’s public schools. On January 20, 2006, an amended complaint was filed to add a sixteenth student from still another community – an English-language learner from New Haven. These plaintiff children 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. In other words, CCJEF assumed the lead plaintiff role to signal to legislators and the courts that this is not just an action brought on behalf of students who attend large urban school districts like Hartford and New Britain, but also those who attend urban-ring districts like East Hartford, Bloomfield, and Manchester; suburban districts, small towns, and rural schools such as Southington, Ashford, Coventry, Mansfield, and Region #19-E.O. Smith High School. CCJEF membership towns and school districts across the state will be the focus of the claims and remedies proposed, though the claims and remedies will undoubtedly also benefit all towns and school districts. Thus, while most of us here tonight reside in Hartford, this lawsuit is not just about Hartford.

First, let me attempt to define, in simple terms, the words “adequacy” and “equity.” “Adequate” means sufficient to accomplish the purpose for which something is intended and to such a degree that no unreasonable risk of failure is presented. An adequate education is one that provides schoolchildren a reasonable opportunity to meet the state’s own learning standards and the widely accepted standards, principles, and practices associated nationally with quality education. “Equity” has to do with fairness. Equitable opportunities to learn means that students in every community are afforded approximately the same quality of education regardless of wealth, language, race, disabilities, or other circumstances of the homes and neighborhoods in which they happen to have been born through no fault of their own.

Adequate and equitable are also terms that relate to school funding. Adequate funding, of course, simply means that there is sufficient funding available to provide an adequate education. Equitable funding means that every school district, and therefore all students, receives a fair share of the available resources to support education. As defined via numerous state court decisions across the nation over the past 15 years or so, adequate and equitable funding has come to mean that school districts need to receive funding in proportion to the needs of the students they serve and that state aid must have some direct and rational (reasonable) relationship to the actual cost of providing an adequate education.

So when we talk about *CCJEF v Rell* being an adequacy and equity lawsuit, we are referring to both levels of definitions — the quality of educational delivery within our schools, and the quantity and distribution of resources that impact educational quality.

Our primary claim under *CCJEF v Rell* is that the state has failed to adequately and equitably fund its public schools at a level that ensures a quality (adequate) education for all (equity). This failure, we claim, harms 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 rewards thereof. In other words, the state’s failure to provide all schoolchildren a reasonable opportunity to meet the state’s own learning standards — such as those measured by the CMTs and CAPT tests, high school graduation rates, and other such performance outcomes — has resulted in a system that sets student up for economic, social, and intellectual failure.

Moreover, *CCJEF v Rell* alleges that CT's systemic failure to adequately and equitably fund its public schools has resulted in constitutional violations that disproportionately impact African-American, Latino, and other minority students. Does this mean that this case only focuses on urban and urban-ring school districts? Not at all! It just means that these classes of students have been especially left behind by present funding practices.

And finally, *CCJEF v Rell* alleges 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. This will take us into the arguments concerning the disparities of mill rates, the disconnect between mill rates and income wealth, and the over-reliance on property taxes to support the schools.

We recognize that what this lawsuit has initiated is a long-term campaign on behalf of CT schoolchildren. As a case making its way through the Complex Litigation docket, we will be poised to "park it" at any point in time should CCJEF determine that major progress is being made in satisfactorily resolving the school funding crisis, and similarly, we will be able to resume court action should that progress reach a stalemate. Even when we win the state Supreme Court's decision that the present system is unconstitutional, this campaign won't be over. So long as there are public schoolchildren whose constitutional rights to adequate and equal educational opportunity need to be protected, this coalition will need to monitor that progress and remain vigilant.

# # #

Should you have any questions, Atty. John Rose can be reached at (860) 543-8575.