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**SCHOOL FINANCE AND EDUCATIONAL OPPORTUNITIES:
Seeking Equity in Challenging Times**

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I. INTRODUCTION:

School board budgets have been under attack, and recent legislation has invited municipal officials to intrude into educational decision-making. However, Article Eighth, Section 1 of the Connecticut Constitution provides: “There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.” For over forty years, courts in Connecticut have sought to give meaning to these two sentences. Most recently, the trial court has issued its decision in *Connecticut Coalition for Justice in Educational Funding* (2016), which was promptly appealed -- essentially by both sides! These are interesting times for school finance in Connecticut.

II. PRIOR LITIGATION:

A. Historical Antecedents.

1. *San Antonio School District v. Rodriguez* (1973)

In 1973, the United States Supreme Court ruled that education is not a right protected by the United States Constitution. *San Antonio School District v. Rodriguez*, 411 U.S. 1 (1973). In that case, the plaintiffs had challenged the Texas educational funding formula under the federal constitution. On a 5-4 vote, however, the Court dismissed their claims on the basis that there is no express reference to education in the federal constitution. Accordingly, state constitutional and statutory law governs school funding in Connecticut.

2. *Horton v. Meskill* (1977)

In 1974, the year after the *Rodriguez* case was decided, Wesley Horton brought a challenge to the school funding statutes in state court, and

ultimately the Connecticut Supreme Court decided this now-famous case in 1977. *Horton v. Meskill*, 172 Conn. 615 (1977). On behalf of his son, Mr. Horton claimed that the statutory formula for distributing state aid for education was inequitable, violating his son's right to education as guaranteed by Article Eighth, Section 1 of the Connecticut Constitution. The court agreed. It ruled that the formula in place at the time was inequitable, and it directed the General Assembly to revise the funding formula. In its ruling, the court found that the Connecticut Constitution guarantees all Connecticut children "a substantially equal educational opportunity," and that the state is responsible for enacting appropriate legislation to assure that each child in Connecticut receives such an equal educational opportunity.

Following the court's decision in *Horton v. Meskill*, the General Assembly made significant changes in the statutes related to state funding for education. The legislature established a "minimum expenditure requirement" (commonly called the MER) to assure relatively equal funding of education, and it established a funding formula to provide for a "guaranteed tax base" (GTB) to help all school districts afford to fund education in compliance with the MER. These provisions subsequently morphed into the "minimum budget requirement" of recent years.

The plaintiffs in *Horton v. Meskill* later challenged subsequent changes in the formula that reduced aid to education. However, the Connecticut Supreme Court rejected the challenge, holding that the General Assembly has some discretion in passing legislation concerning funding for education. *Horton v. Meskill (II)*, 195 Conn. 24 (1985). However, the basic outline remains – state funding will vary with the financial capability of the local school district, but all districts must fund education at a level dictated by state statute, and all children are entitled to a "substantially equal educational opportunity," whatever that means.

3. *Sheff v. O'Neill*

In 1989, a racially mixed group of eighteen schoolchildren residing in the city of Hartford and two neighboring suburban towns initiated a new legal challenge concerning education in Connecticut. They alleged that the racial and ethnic concentration of minorities in the Hartford schools violated their right under the state constitution to "a substantially equal educational opportunity." No federal remedy was available under the Equal Protection Clause of the U.S. Constitution, because there was no history of legally-sanctioned segregation in Connecticut. The plaintiffs in *Sheff* focused, therefore, on the Connecticut Constitution. They claimed that the pattern of racial, ethnic and economic isolation in

Hartford deprived students in Hartford of their right to a substantially equal educational opportunity.

The trial court dismissed these claims, but in 1996, the Connecticut Supreme Court reversed. It held that funding alone does not guarantee equal educational opportunity, and that the racial and ethnic concentration of the Hartford schools violated the state Constitution. *Sheff v. O'Neill*, 238 Conn. 1 (1996). In finding for the plaintiffs, the Court considered the state's constitutional obligation to provide schoolchildren with a substantially equal educational opportunity under Article Eighth, Section 1, as well as the state constitutional guarantee that "[n]o person shall be denied the equal protection of the law nor be subjected to segregation or discrimination . . . because of . . . race." Article First, Section 20. The court decided that these two constitutional provisions must be read together, and it concluded that the existence of extreme racial and ethnic isolation deprived schoolchildren in Hartford of a substantially equal educational opportunity.

While the majority found that the plaintiffs' claims had merit, but it did not specify a remedy; instead, it referred the matter back to the General Assembly for appropriate action. It noted, however, that "[e]very passing day denies these children their constitutional right to a substantially equal educational opportunity," and urged "the legislature and the executive branch to put the search for appropriate remedial measures at the top of their respective agendas."

Plaintiffs returned to court in 2002, and the *Sheff* plaintiffs and the State defendants reached a settlement in 2003 setting forth specific targets for measuring reduction in racial, ethnic and economic isolation, and the State has committed millions to building new interdistrict magnet schools. See OLR Research Report 2003-R-0112 (January 27, 2003). The 2003 settlement permitted plaintiffs to return to court in 2007, and the parties reached a new settlement through stipulation in 2008. That Stipulation was extended, and it ran from 2007 through 2014. In 2010, the plaintiffs went back to court claiming that the State had materially breached the Stipulation. However, the superior court denied their motion. *Sheff v. O'Neill*, No. X07 CV 89-4026240-S (February 22, 2010). However, the efforts to address the concerns underlying the *Sheff* case continue. In 2013, the parties entered into a Stipulation dated December 13, 2013, and that Stipulation has since been amended and extended in new Stipulation and Order dated February 23, 2015.

4. *Connecticut Coalition for Justice in Educational Funding v. Rell.*

The latest case dealing with the constitutional obligation under Article Eighth, Section 1 is *Connecticut Coalition for Justice in Educational Funding v. Rell*, 295 Conn. 240 (2010), recently decided at trial by Judge Moukawsher (September 7, 2016, X07 HHD CV 145037565 S).

The Connecticut Coalition for Justice in Education Funding includes a number of towns and their boards of education, as well as other groups including CABE and CAPSS. After deliberating almost two years, a deeply divided Connecticut Supreme Court decided in 2010 (without a majority opinion) that the plaintiffs could proceed with their claim that their right to a suitable education under Article Eighth, Section 1 was violated by the current system of funding for education.

In the Supreme Court decision in 2010, five justices held that the case was justiciable (*i.e.* subject to the court's jurisdiction), but only two other justices (Katz and Schaller) joined in the plurality opinion by Justice Norcott. There, Justice Norcott held that the Connecticut Constitution guarantees student a public education of a minimum quality:

Having determined that the plaintiffs' claims are justiciable because they do not present a political question, we conclude that article eighth, § 1, of the Connecticut constitution guarantees Connecticut's public school students educational standards and resources suitable to participate in democratic institutions, and to prepare them to attain productive employment and otherwise to contribute to the state's economy, or to progress on to higher education. Accordingly, we reverse the judgment of the trial court.

Justice Palmer wrote a *concurring opinion* in which he joined the plurality in ruling that the dispute is justiciable and that the Connecticut Constitution does establish a minimal standard for education. However, he stated that the courts should defer to the legislature, and thus "the plaintiffs will not be able to prevail on their claims unless they are able to establish that what the state has done to discharge its obligations under article eighth, § 1, is so lacking as to be unreasonable by any fair or objective standard." Justice Schaller also wrote a *concurring opinion* even though he also joined with Justices Norcott and Katz in the plurality opinion. In addition, there were two dissenting opinions. Justice Vertefeuille wrote a *dissenting opinion*, in which she opined that the claims were justiciable, but only as to the question of whether the

General Assembly had complied with its constitutional obligation to maintain free public schools in the State. Justice Zarella wrote a *dissenting opinion* as well, joined by Justice McLachlan, in which he opined that the plaintiffs' claims were not justiciable and that the Connecticut Constitution leaves to the General Assembly the responsibility to establish and maintain the public schools.

Given the divided court and absence of a majority opinion, Justice Palmer's concurring opinion is especially important. Plaintiffs will now have an opportunity to present evidence on whether the current system of funding education meets the requirements of Article Eighth, Section 1. However, as of this writing the deference described by Justice Palmer and the concerns expressed by the three dissenting justices outweigh the three votes in favor of the standard announced by Justice Norcott.

The litigation continues. The State moved to dismiss this case, but on December 4, 2013, the superior court denied the motion. *Connecticut Coalition for Justice in Educational Funding v. Rell*, 2013 Conn. Super. LEXIS 2804 (Conn. Super. 2013). It postponed resolving the jurisdictional issues of ripeness and mootness until a full trial on the merits, and it denied the State's motion to dismiss. Most recently, by Supplemental Trial Management Order Dated September 16, 2015, the trial court extended the date for the trial to begin to January 16, 2016. In so doing, the court expressed its frustrations over the continued delays:

This is a demanding case. But it is 10 years old. The parties have had 5 years to prepare for trial following remand from the Supreme Court. The October 7, 2015 trial date has been set for seven months, and the parties should have been prepared to go to go on trial on that date. Therefore, no extensions of time beyond those permitted here will be considered.

The amount of information that the parties will present at trial is overwhelming. However, the ultimate decision will turn on the standard for decision, in the first instance as applied by the trial court and then, following the inevitable appeal, by the Connecticut Supreme Court. In writing for the plurality decision that the case is justiciable, Justice Norcott offered this standard:

- Does the current system for educational funding “[guarantee] Connecticut’s public school students educational standards and resources suitable to participate in democratic institutions, and to prepare them to attain productive employment and otherwise to

contribute to the state's economy, or to progress on to higher education."

By contrast, in providing the decisive vote that the matter is justiciable, Justice Palmer offered this standard:

- Is "what the state has done to discharge its obligations under article eighth, § 1, . . . so lacking as to be unreasonable by any fair or objective standard." (Palmer)

In the trial court ruling, the judge managed to make both sides unhappy. Focusing on the standard announced by Justice Palmer, he ruled that the State's level of funding of the public schools meets constitutional requirements because the State spends more than the bare minimum funding level required by article eighth, § 1. However, he went on to say that, "while only the legislature can decide precisely how much money to spend on public schools, the system cannot work unless the state sticks to an honest formula that delivers state aid according to local need." Furthermore, he rules that the judiciary is authorized to assure that the state scheme for spending on public education is rational. With that introduction, the trial court addressed a number of issues in a far-reaching decision that finds significant fault with the current system of allocating funds for education:

- The State has no rational, substantial and verifiable plan to distribute funds for education aid.
- The State's funding plan must be "rationally, substantially, and verifiably connected to creating educational opportunities for children."
- The State must reasonably define an elementary and secondary education.
- The State statutes governing how teachers and administrators are hired, evaluated and compensated is not reasonably related to the education of children.
- The State's system for educational children with disabilities is irrational.
- The State's system for granting funds for school construction is not rationally related to student needs.

The trial court gave the State 180 days to come up with proposed reforms 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 trial court further gave the plaintiffs sixty days to comment on these State-proposed remedies, after which a hearing would be held.

The State promptly appealed, and the plaintiffs also asked that their disagreements with the trial court ruled be considered. The Connecticut Supreme Court took the case directly, and the appeal is now pending.

As to the outcome of the appeal, we must wait and see. A new majority of the court could agree with the trial judge, could agree with the State, or could even come up with a new standard to guide further litigation. What is certain, however, is that we are many years away from definitive guidance on what, if any, additional requirements for school funding and educational opportunities will be found in the two sentences of article eighth, § 1.

Martinez v. Malloy, Case 3:16-cv-01439 (D. Conn. 2016)

Plaintiff children and parents in Bridgeport and Hartford have brought an action in federal district court, claiming that unequal educational opportunities have denied them their equal protection and due process rights under the United States Constitution. In essence, plaintiffs seek to overturn the 1973 United States Supreme Court decision in *San Antonio School District v. Rodriguez* (1973).

III. LEGISLATIVE EFFORTS TO REGULATE SCHOOL SPENDING:

A. Conn. Gen. Stat. Section 10-222.

Over many years, this statute has assured fiscal autonomy for Connecticut boards of education as they implement the educational interests of the state. Section 10-222 has long provided that “The money appropriated by any municipality for the maintenance of public schools shall be expended by and in the discretion of the board of education,” and further that “any such board may transfer any unexpended or uncontracted-for portion of any appropriation for school purposes to any other item of such itemized estimate.” However, in recent years the General Assembly has qualified this authority in various ways.

In 1998, the statute was amended to regulate the process of line item transfers. Now, boards of education may “authorize designated personnel to make limited transfers under emergency circumstances if the urgent need for the transfer prevents the board from meeting in a timely fashion to consider such transfer.” By implication, this provision prohibits transfers without meeting these requirements. Moreover, the law goes on to provide that “All transfers made in such instances shall be announced at the next regularly scheduled meeting of the board,” and in 2013 the General Assembly added the further requirement that “a written explanation of such transfer shall be provided to the legislative body of the municipality or, in a municipality where the legislative body is a town meeting, to the board of selectmen.” Clearly, these requirements are intended to impose greater municipal oversight over boards of education.

In 2013, the General Assembly provided for further municipal involvement in board of education financial decision-making. Now, the statute requires that the fiscal authority make spending recommendations to the board of education with a goal of consolidating and greater efficiencies:

The board or authority that receives such estimate shall, not later than ten days after the date the board of education submits such estimate, make spending recommendations and suggestions to such board of education as to how such board of education may consolidate noneducational services and realize financial efficiencies. Such board of education may accept or reject the suggestions of the board of finance, board of selectmen or appropriating authority and shall provide the board of finance, board of selectmen or appropriating authority with a written explanation of the reason for any rejection.

While there is merit in a review and recommendations for financial efficiencies, one may reasonable question whether it is a good idea to go through this procedure every budget season.

B. Conn. Gen. Stat. Section 10-220o.

In 2013, the General Assembly imposed a new requirement on boards of education with regard to financial matters. In Public Act 13-247, Section 192 (now codified at Conn. Gen. Stat. Section 10-220o), the following statutory obligation was imposed:

(a) For the fiscal year ending June 30, 2014, and each fiscal year thereafter, each local and regional board of education shall annually make available on the Internet web site of such local or regional board of education the aggregate spending on salaries, employee benefits, instructional supplies, educational media supplies, instructional

equipment, regular education tuition, special education tuition, purchased services and all other expenditure items, excluding debt service, for each school under the jurisdiction of such local or regional board of education.

To the extent that records of this information would otherwise be maintained, it is all public information. However, this new requirement provides that all of this information be affirmatively posted on the district's websites, whether or not it was separately accounted for. Moreover, the information will perforce be estimated in some cases because such aggregate spending on such items is not typically accounted "for each school" as the statute provides.

C. Conn. Gen. Stat. Section 4-66l.

In the 2015 legislative session, the General Assembly passed Public Act 15-244, Section 207, and subsequently amended and replaced that legislation with Special Act 15-5, Section 494. This legislation substantially amends Conn. Gen. Stat. Section 4-66l, which establishes a municipal revenue sharing account. There has been a great deal of misunderstanding and misinformation concerning this statutory amendment, with some claiming that it imposes a 2.5% budget cap on municipal spending. It does not.

The applicable provision in the amended law will not take effect until the fiscal year commencing July 1, 2018, and it provides that the amount of grant funds that a municipality would otherwise receive from a municipal revenue sharing account will be decreased as described below if the municipal budget increases in that fiscal year by more than a "cap" of 2.5 percent over the prior year or the rate of inflation, whichever is greater.

Beginning the fiscal year commencing July 1, 2018, and each fiscal year thereafter, municipalities will no longer receive grant funds in accordance with any schedule. Rather, subsection (b)(6) of amended Section 4-66l provides:

(6) For the fiscal year ending June 30, 2019, and each fiscal year thereafter, moneys in the account remaining shall be expended annually by the Secretary of the Office of Policy and Management for the purposes of the municipal revenue sharing grants established pursuant to subsection (f) of this section.

Subsection (f) in turn provides that in fiscal years commencing July 1, 2018, the remaining funds in this account (after other obligations are discharged) will be distributed either per capita or pro rata depending on the tax rate in that town.

The two and a half percent (2.5%) budget “cap” is found in subsection h of amended Section 4-66l. It provides:

For the fiscal year ending June 30, 2018,¹ and each fiscal year thereafter, *the amount of the grant payable to a municipality in any year in accordance with subsection (f) of this section shall be reduced if such municipality increases its general budget expenditures for such fiscal year above a cap equal to the amount of general budget expenditures authorized for the previous fiscal year by 2.5 per cent or more or the rate of inflation whichever is greater.* Such reduction shall be in an amount equal to fifty cents for every dollar expended over the cap set forth in this subsection. *For the purposes of this section, “municipal spending” does not include expenditures for debt service, special education, implementation of court orders or arbitration awards,* expenditures associated with a major disaster or emergency declaration by the President of the United States or a disaster emergency declaration issued by the Governor pursuant to chapter 517 or any disbursement made to a district pursuant to subsection (c) or (g) of this section. Each municipality shall annually certify to the Secretary of the Office of Policy and Management, on a form prescribed by said secretary, whether such municipality has exceeded the cap set forth in this subsection and if so the amount by which the cap was exceeded. (Emphasis added).

The Act places the municipality’s grant funds in jeopardy if the municipality increases its annual budget expenditures in a fiscal year “above a cap equal to the amount of the general budget expenditures authorized for the previous fiscal year by 2.5 per cent or more or the rate of inflation, whichever is greater.” The Act requires the state to reduce the amount of the grant by fifty cents for every dollar expended over the 2.5 percent or inflation cap. However, the new legislation further provides that funds needed to implement arbitration awards are specifically exempted from this cap, as well as funds needed to implement court orders, expenditures for special education, and expenditures made to address a major disaster or emergency.

Given that the potential reductions in state aid will first apply during the 2018-2019 to an indeterminate amount of “moneys in the account remaining,” and given the significant public policy questions about the exemptions from the cap,

¹ The legislation is especially confusing because the “cap” provision in subsection (h) refers to the fiscal year commencing July 1, 2017, but in a last minute change in Special Act 15-5, the effective date of the referenced section (f) was changed to the fiscal year commencing July 1, 2018.

the impact of this legislation is uncertain. However, this statutory amendment is certainly an effort to encourage municipalities to keep budget increases low, a change that will serve to put further financial pressure on educational spending.

D. Conn. Gen. Stat. Section 10-262j.

Finally, the minimum budget requirement has again been revised. Previously, the law permitted a town to reduce its budgeted appropriation for education because of decreased school enrollment or savings through increased efficiencies or regional collaboration, but not both. The new law now allows a town to reduce its budgeted appropriation for education for both reasons.

While the new law maintains the current cap on the reduction of a town's MBR for increased efficiencies at half the amount of such savings as long as the reduction does not exceed 0.5% of the district's budgeted appropriation, the caps on MBR reductions for decreased enrollment have changed. Specifically, the law raises the amount of the cap on per-student reduction permitted for decreased enrollment from the previous \$3,000 per student to 50% of the net current expenditure per student. The new law also increases the threshold for the total percentage of a district's education budget that may be reduced as a result of decreased enrollment. While that cap previously was set at 0.5%, now the total MBR reduction for decreased enrollment may not exceed 1.5% of the district's budgeted appropriation in districts where 20% or more of students qualify for free or reduced price lunch and may not exceed 3.0% of the district's budgeted appropriation in districts where less than 20% of students qualify for free or reduced price lunch. All towns seeking to reduce their MBR due to decreased enrollment, however, will now be able to seek approval from the Commissioner of Education to reduce their MBR by greater than 1.5% or 3.0% if the board of education votes for such a proposed reduction. However, the law makes clear that any current alliance district or district formerly designated as an alliance district, is prohibited from taking advantage of any MBR relief.

IV. CONCLUSIONS:

- There will be no judicial fix in the near future.
- The General Assembly and municipalities will be facing budget pressures for years to come.
- The key is to coordinate support for educational funding.
- At least in the short term, issues of educational funding must be addressed through the political process.

Summary of CCJEF v. Rell, September 2016

What is CCJEF v Rell?

In 2005, a coalition, called the Connecticut Coalition for Justice in Education Funding (CCJEF), filed a lawsuit against Governor Jodi M. Rell arguing that Connecticut was failing to meet its state constitutional obligation to provide a “minimally adequate public education” for all students. On behalf of 16 towns and 14 individual students, the CCJEF plaintiffs asserted that the state was not adequately funding public education and, therefore, failing to fulfill its constitutional obligation to children.

In 2010, a deeply divided Connecticut Supreme Court affirmed in a 4-3 decision (without a majority opinion) that the state does have a constitutional obligation to deliver a minimally adequate public education to students. The Justices sent the case back to trial in Superior Court. After several delays and some controversy, the case finally went to trial in 2016. Superior Court Judge Thomas Moukawsher issued his ruling on September 7, 2016.

What did the judge decide?

In his ruling, Judge Moukawsher issued a sweeping indictment of Connecticut’s public education system for its persistent inequities and its failure to deliver results for all students. He cited extensive data about our state’s pervasive achievement gaps and the fact that far too many students, especially students of color and students in poverty, are graduating from high school unprepared for college. He emphasized that the state has primary legal responsibility for fulfilling its constitutional obligations to students and must act on that obligation, even if it means overriding local control and decision making.

On the issue of school funding, Judge Moukawsher was clear that the state, overall, spent a sufficient amount on public education and that he would neither order the state to spend more nor prescribe a set amount of spending on education. He indicated that such decisions were political and best left to the members of the General Assembly, who have to allocate funds across numerous and competing constitutional obligations and services to state residents. This was not the ruling that the plaintiffs had hoped for: estimates indicated that the plaintiffs were seeking an additional \$2 billion investment in public education.

However, the judge ordered the state to develop “rational, sustainable and verifiable” plans to:

- **Develop a new education funding formula** and method for school construction spending that takes student need into account and progressively directs dollars to students with the greater learning needs.
- **Develop a definition of elementary and secondary education** so that all students graduate from high school with diplomas that truly indicate readiness for college and careers. The state must define mastery and identify actions steps needed so that students are ready each step of their way through elementary, middle and high school.
- **Develop a plan to replace current seniority-based hiring, promotion, pay and evaluation systems** for teachers, principals and superintendents with systems that take student outcomes and growth into account.
- **Develop a plan for funding, identification and providing special education services** so that students who need high quality special education services get them.

What's next?

Both parties have until September 27, 2016 to appeal (20 days from the ruling). The state has 180 days to comply with the order and the plaintiffs have 60 days to respond to the state's proposals. On September 15, the state motioned for an appeal on the Judge's ruling. Chief Justice Chase T. Rogers granted the state's request for an appeal on September 20.

What does the ruling mean for Connecticut?

This ruling requires an overhaul and modernization of the state's public education system. It creates an opportunity to advocate for changes so that all students get the public education they need and deserve. These improvements cannot be solved by money alone. The problems in our education system did not occur overnight, but improvement is possible if our state leaders seize the moment to act now. Together, we can fix our broken educational system and ensure:

- All students, across all types of public schools, are funded fairly based on their learning needs.
- All students have access to great teachers and leaders who are recognized for their job performance.
- All students have the support and opportunities they need every step of the way to reach high standards, demonstrate mastery and graduate ready for college and career.

**Now is our moment to ensure a bright future for
Connecticut's children, our communities and our state.**

For more information please visit us at ConnCAN.org

TO: Interested Parties

FROM: Danny Franklin, Managing Partner, Benenson Strategy Group

RE: Connecticut Voters' Views on Education

DATE: October 25, 2016

- **Connecticut voters support the ruling in CCJEF v. Rell** because they see it as an opportunity to create a stronger, fairer public school system that prepares every child to succeed.
 - ✓ After hearing a neutral description of the case and the ruling, more than two-thirds (68%) of voters support the ruling, while just 20% oppose it.
- Across party lines, voters understand that a fair education system where every student has a chance is essential for a strong economy.
 - ✓ 87% of Connecticut voters agree “for Connecticut to have a strong economy, we need a public school system that prepares every student to succeed in college and in good careers” (69% strongly agree)
 - Among Democrats: 89% agree with this statement (71% strongly agree)
 - Among Independents: 85% agree (67% strongly agree)
 - Among Republicans: 85% agree (67% strongly agree)
- Connecticut voters see the state’s public schools falling short of their expectations, and failing to meet the state’s critical education needs. Few see significant improvements in the school system, and a strong majority believes that real action is long overdue.
 - ✓ In a forced choice, 38% say Connecticut public schools have “**urgent problems that need to be addressed immediately**” and another 38% say they face “some problems;” just 18% say the public schools in Connecticut “are doing a good job educating Connecticut’s children.”
 - ✓ In the face of these problems, voters see schools as falling behind or stagnant. 29% say the quality of public schools in the state has “gotten worse” over the past 5 years, and 36% say school quality has “stayed the same.”
 - ✓ 75% of voters agree “Connecticut’s public schools have been struggling for far too long, and **real improvement is long overdue**” (42% strongly agree)
- Despite these serious issues, voters believe that progress is possible and remain tentatively hopeful for the future. Fifty-five percent of voters say they are “optimistic” about Connecticut’s public schools.
- Not only are voters optimistic about improvements in Connecticut’s schools, but they have strong views about how leaders in Connecticut can fix the problems in schools.
 - ✓ On a range of issues, Connecticut voters support real changes like those called for in the CCJEF v. Rell ruling, even before hearing about the ruling itself.
 - ✓ We tested head-to-head arguments on several issues raised by the ruling, pitting an argument for change directly against a strong counterargument. As shown in the table below, voters chose the case for change by significant margins in every case.
 - ✓ Voters’ support for fair funding in the public school system extends to charter schools. 79% of voters agree that “Connecticut should use consistent and fair rules to distribute funding to all kinds of local public schools, including charter schools and traditional public schools, so every student gets the resources they need,” and fully 56% of voters strongly agree with the statement.



Argument <u>For</u> Change		Argument <u>Against</u> Change	
Message	% Agree	% Agree	Message
Some people say we need to fix the way Connecticut funds local public schools so it's fair to kids and based on their learning needs, instead of the current arbitrary system based on political wrangling.	62%	28%	Other people say we shouldn't let the state of Connecticut redistribute local schools' money to take funding away from schools that are doing a good job and give it to failing schools that are wasting the money they already have.
Some people say every student deserves the opportunity and support they need to get an education that prepares them for college and to compete in the global economy. We need to set expectations so that graduating from high school means a student is ready for college and career.	63%	32%	Other people say it just isn't realistic to expect all students in Connecticut to go to college, and denying students a diploma just because they are not ready for college will do nothing to help the kids who need it most.
Some people say we need to evaluate and reward teachers and school administrators based on how much they help their students , not just how long they've been on the job.	64%	30%	Other people say government evaluations can't measure real learning and will only punish good teachers and administrators who are working in the toughest classrooms in the state.

- Voters' appetite for real changes and improvements in Connecticut's public schools is reflected in a **strong endorsement of the CCJEF v. Rell ruling as a call to action**, and a clear desire for the state's political leaders to act on the ruling.
 - ✓ After hearing a neutral description of the case and ruling, 68% of voters support the ruling, including 39% who strongly support it. Only 20% oppose the ruling.
 - ✓ When they are told the ruling is being appealed, 57% of voters want the General Assembly to "act immediately to create a plan for improving Connecticut's public schools," while just 36% say the General Assembly should "wait until after the Supreme Court has ruled on the appeal."
 - ✓ In a forced choice, just 25% of voters see the ruling as "[going] too far because an unelected judge is mandating a specific policy agenda" while **63% say CCJEF v. Rell is "the call to action that our state government needs to finally get Connecticut's public schools on the right track."**

The bottom line: Connecticut voters see serious problems in public schools, and they believe those problems could be addressed by the types of changes called for by the CCJEF v. Rell ruling. When faced with arguments for and against those changes, they want change. When they hear about the ruling itself, they support it by wide margins and want the General Assembly to act on the ruling immediately rather than wait for resolution on the appeal. Voters see the ruling as an opportunity for Connecticut to tackle the problems in public schools, and they want the state's leaders to seize that opportunity.

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Benenson Strategy Group conducted 600 telephone interviews with gubernatorial election voters in Connecticut from October 5 – 9, 2016. The margin of error for the entire data is ±3.39% at the 95% confidence level. It is higher among subgroups.



Quarter and Year	<i>Martinez v. Malloy</i>	
Q3 2016	<ul style="list-style-type: none"> • August 23: Students Matter Files Case in U.S. District Court 	
Q4 2016	<ul style="list-style-type: none"> • November 21: State of Connecticut Files Motion to Dismiss the Case 	
Q1 2017	<ul style="list-style-type: none"> • Mid February (Estimated): Students Matter Files Brief Opposing Motion to Dismiss • Late February (Estimated): State of Connecticut Replies to Students Matter's Opposition Brief • Late March (Estimated): Hearing on Motion to Dismiss in U.S. District Court 	
Q2 2017 (Part I)	<ul style="list-style-type: none"> • Late April (Estimated): Ruling on Motion to Dismiss in U.S. District Court 	
Q2 2017 (Part II)	<p>Option A: Proceed on Path to Trial in U.S. District Court in Connecticut</p> <ul style="list-style-type: none"> • Late April (Estimated): U.S. District Court Denies Motion to Dismiss the Case • May (Estimated): Legal Discovery Process Begins <p style="text-align: center;">↓</p>	<p>Option B: Appeal to U.S. Court of Appeals for the Second Circuit</p> <ul style="list-style-type: none"> • Late April (Estimated): U.S. District Court Grants Motion to Dismiss the Case and Enters Judgment in the State of Connecticut's Favor • May (Estimated): Students Matter Files Appeal to the U.S. Court of Appeals
Q3 2017	<ul style="list-style-type: none"> • Q3: Legal Discovery Process Continues <p style="text-align: center;">↓</p>	<ul style="list-style-type: none"> • May or June (Estimated): Students Matter Files Opening Brief On Appeal
Q4 2017	<ul style="list-style-type: none"> • Q4: Legal Discovery Process Continues <p style="text-align: center;">↓</p> <ul style="list-style-type: none"> • Q4: State of Connecticut Files Motion for Summary Judgment • Q4: Hearing on Motion for Summary Judgment in U.S. District Court 	<ul style="list-style-type: none"> • October (Estimated): State Files Answering Brief On Appeal • November (Estimated): Students Matter Files Reply Brief on Appeal • Q4: Await Oral Argument Date in U.S. Court of Appeals, Will Take Place in 2018

