

## HISTORY OF SCHOOL FINANCE IN CONNECTICUT

**1927:** The Division of Research and Surveys of Connecticut's State Board of Education address school inequality in the state in a study called *Financing Education in Connecticut: a Proposed Plan to Enable the State of Connecticut to Meet More Adequately its Educational Responsibility*. The group was appointed by the Connecticut General Assembly to revise education statutes and narrow the inequality gap that resulted from a variety of factors including: fiscal issues, rural vs. urban demographics, and access to school transportation. The report made several recommendations, including allocation of state grant money for students, and encouraged the use of town tax revenue for school financing.<sup>1</sup>

**1973:** Led by parent and lawyer Wesley Horton, a group of parents from Canton file suit against Governor Thomas J. Meskill, and other state officials, alleging Connecticut's method of funding public schools violates the state's constitution.<sup>2</sup>

**1977:** The Connecticut Supreme Court issues its ruling in *Horton v. Meskill* and finds the state's school finance system is unconstitutional because it allows "property wealthy" towns to spend more on education with less effort, impeding children's constitutional rights to an equal education. The Connecticut Supreme Court also rules the State has a constitutional obligation to make up for the disparities in town wealth, however, the Court does not address the overall level or sufficiency of state education aid nor does it propose specific remedies to address the disparities. Rather, the Court rules it is up to the legislature to devise a constitutional system for funding the state's public schools. Finally, the Court affirms local control of school districts and rules that property taxes are a viable means of funding public schools, and that all towns are not required to have the same per student spending amount.<sup>3</sup>

**1979:** In response to the *Horton v. Meskill* ruling, the General Assembly adopts the state's first major education equalization funding formula, the Guaranteed Tax Base (GTB) grant.<sup>4</sup>

**1979:** The State Board of Education and an education finance advisory group launch an 18-month study of education finance reform that eventually recommends the long-term goal of state education aid being "at least equal to local revenues" for public elementary and secondary education.<sup>5</sup>

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<sup>1</sup> Rose, C. (2012). *Milestones in Connecticut Education: 1912-2012* (2012-R-0094). Hartford, CT: Office of Legislative Research. Retrieved from <https://www.cga.ct.gov/2012/rpt/2012-R-0094.htm>.

<sup>2</sup> Connecticut Conference of Municipalities. (2014). *Major Issues in Financing PreK-12 Public Education: Achieving a Balanced Local-State Relationship*. New Haven, CT: Connecticut Conference of Municipalities. Retrieved from [http://ccm-docs.org/CB\\_Education/Education.html](http://ccm-docs.org/CB_Education/Education.html).

<sup>3</sup> *Horton v. Meskill*, 172 Conn. 615 (1977).

<sup>4</sup> Conn. Acts 79-128.

<sup>5</sup> Connecticut State Department of Education. (2011, September 15). *Connecticut's Education Cost Sharing (ECS) Grant: History, Formula & Challenges*. Presentation to the Education Cost Sharing Task Force. Hartford, CT. Retrieved from

**1985:** Following the adoption of the GTB formula, the *Horton* plaintiffs file suite against the State of Connecticut again, this time challenging how the *Horton v. Meskill* decision was implemented. In their second suit against the State, the plaintiffs address the adequacy of state education funding and argue the only remedy for funding disparities is for the State to fund 50 percent of the state's overall cost of education. The trial court and Connecticut Supreme Court reject this argument and uphold the GTB formula — and the State's categorical grant distribution — while noting its equalizing effects were undermined by some implementation factors. In its ruling, the Connecticut Supreme Court finds mandating a fixed expenditure share to the State “did not provide a sound basis for assuring a proper distribution of responsibility or of funding for substantially equal education opportunities.”<sup>6</sup>

**1988:** The General Assembly adopts the Education Cost Sharing (ECS) formula as a way to take property wealth into consideration when distributing state education aid. The ECS grant is passed to make up the difference between what a community can afford to pay and what it costs to run a public school system. The 1988 formula takes into account a town's property wealth, income, poverty, number of students, and student performance when determining the amount of state education aid a town is eligible for. The General Assembly sets a \$4,800 per pupil “foundation” for the ECS formula that is supposed to represent the average estimated cost of educating a student.<sup>7</sup>

**1989:** Led by Elizabeth Horton Sheff, a group of city and suburban parents file suit on behalf of their 18 children against Governor William O’Neill. The plaintiffs argue that public schools in Hartford are segregated, underfunded, and deny students in the Hartford area their constitutional right to an adequate and equal education due to the disparities in the distribution of funding and resources between communities of color in Hartford and the adjacent, majority white, suburbs.<sup>8</sup>

**1990:** In the first of a number of changes and revisions to the ECS formula, the General Assembly limits the overall amount of state education funds available to cities and towns under the ECS formula.<sup>9</sup>

**1991:** General Assembly reduces ECS hold-harmless grants to towns for fiscal year 1992 and amends the formula so towns — for years beyond fiscal year 1992 — are not guaranteed a minimum four percent increase in ECS aid every year.<sup>10</sup>

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[https://www.cga.ct.gov/ed/tfs%5C20110815\\_Education%20Cost%20Sharing%20Task%20Force%5C20110915/Connecticut%20Education%20Cost%20Sharing%20Grant%20-%20History,%20Formula%20&%20Challenges.pdf](https://www.cga.ct.gov/ed/tfs%5C20110815_Education%20Cost%20Sharing%20Task%20Force%5C20110915/Connecticut%20Education%20Cost%20Sharing%20Grant%20-%20History,%20Formula%20&%20Challenges.pdf).

<sup>6</sup> *Horton v. Meskill*, 195 Conn. 24 (1985).

<sup>7</sup> Conn. Acts 88-358.

<sup>8</sup> Complaint, *Sheff v. O’Neill*, Superior Court, judicial district of Hartford/New Britain at Hartford (April 26, 1989). Retrieved from [http://www.sheffmovement.org/wp-content/uploads/2014/05/1989\\_Original-Sheff-Complaint.pdf](http://www.sheffmovement.org/wp-content/uploads/2014/05/1989_Original-Sheff-Complaint.pdf).

<sup>9</sup> Connecticut Conference of Municipalities. (2014). *Major Issues in Financing PreK-12 Public Education: Achieving a Balanced Local-State Relationship*. New Haven, CT: Connecticut Conference of Municipalities. Retrieved from [http://ccm-docs.org/CB\\_Education/Education.html](http://ccm-docs.org/CB_Education/Education.html).

<sup>10</sup> Conn. Acts 91-7 (June Special Session).

**1992:** The legislature caps the annual increase in ECS aid a town can receive at 4.35 percent, regardless of the town's entitlement under the ECS formula. General Assembly also revises the hold-harmless grants and extends the three-year phase-in plan of the Minimum Expenditure Requirement (MER) by one year. In its 1992 changes to the ECS formula, the General Assembly also establishes alternate versions of the MER. The legislature also eliminates all reimbursements for gifted and talented programs, reduces the minimum State reimbursement for special education costs from 10 percent to zero percent, and establishes a special education hold-harmless grant for towns that would lose money.<sup>11</sup>

**1993:** General Assembly freezes ECS foundation at \$4,800 for fiscal years 1994 and 1995.<sup>12</sup>

**1995:** General Assembly creates new ECS formula, adding students with disabilities to the ECS resident student count and increasing the foundation by \$911 to \$5,711 in an attempt to include special education costs in the main education equalization aid grant to Connecticut municipalities. At the same time, Connecticut eliminates its primary special education grant and caps increases in state education aid to no more than two percent. The General Assembly also adds a 10 percent weight to the student need count for students with limited English whose local district is not offering a bilingual education program. Finally, the General Assembly sets a new MER, eliminates the hold-harmless grant, and adds a "stop-loss" provision that ensures no city or town's state education aid can be cut by more than a certain amount from year to year.<sup>13</sup>

**1996:** Connecticut Supreme Court rules in *Sheff v. O'Neill* and finds Hartford's public schools are racially segregated and in violation of the state constitution's anti-segregation provision. The Court finds the racial segregation — regardless of whether or not it is the result of intentional State action — deprives the plaintiff's children of their right to substantially equal educational opportunity. The Court orders the State to take remedial measures but defers to the legislature to develop a constitutional remedy.<sup>14</sup>

**1997:** General Assembly responds to *Sheff v. O'Neill* decision by passing 3-part legislation that includes: 1) a 5-year state takeover of the Hartford school system; 2) a major new commitment to early childhood education throughout the state; and 3) the basic structure of a two-way, voluntary integration program, including a new regional magnet school system and an expanded interdistrict transfer program to be known as "Project Concern" and, eventually, "Open Choice."<sup>15</sup>

**1997:** Legislature extends ECS formula through fiscal year 1999 with a \$5,711 foundation, a two percent cap, and a minus nine percent stop-loss provision. General Assembly reduces MER for towns with declining enrollments, but mandates Priority

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<sup>11</sup> Conn. Acts 92-262.

<sup>12</sup> Conn. Acts 93-145.

<sup>13</sup> Conn. Acts 95-226.

<sup>14</sup> *Sheff v. O'Neill*, 238 Conn. 1, 678 A.2d 1267 (1996).

<sup>15</sup> Conn. Acts 97-290.

School Districts receive at least the same aid as the year before and at least 70 percent of their entitled aid under the ECS formula.<sup>16</sup>

**1998:** Seven children file suit against Connecticut claiming the state's Supreme Court 1977 ruling in *Horton v. Meskill* is not being implemented. The case is known as *Johnson v. Rowland* and a dozen municipalities fund the lawsuit, including: Bridgeport, Coventry, East Hartford, Manchester, Meriden, New Britain, and New Haven.<sup>17</sup>

**1998:** Legislature raises ECS foundation from \$5,711 to \$5,775 and raises the cap on annual aid increases from two percent to five percent. General Assembly also reduces the maximum stop-loss percentage from minus nine percent to minus five percent, and requires any ECS aid increases to be used for educational purposes without supplanting local education funding.<sup>18</sup>

**1998:** Governor John Rowland establishes a Task Force to Study the Education Cost Sharing (ECS) Grant to examine "year-to-year growth of the state [ECS] appropriation and stability and predictability of revenue for towns." In addition, Gov. Rowland asks the 12-member task force to examine "town-by-town distribution, the formula factors, the data, accountability for student learning, local use of ECS funds, [and] the Minimum Expenditure Requirement," and make "concrete recommendations on the issues of growth and stability."<sup>19</sup>

**1999:** After five months, the Task Force to Study the Education Cost Sharing (ECS) Grant appointed by Gov. Rowland issues its recommendations to the governor and General Assembly. The task force's major recommendations include:

- Replacing the cap on the growth in a town's ECS grant with a phase-in program that would begin in 1999-2000 and result in full funding by the end of a phase-in period not to exceed 10 years;
- Increasing the ECS formula's foundation biennially "based on a cost index that is specified in statute and reflects the increasing cost of education and achieves the goal of educational expenditures at the 80<sup>th</sup> percentile town;"
- Raising the State Guaranteed Wealth Level (SGWL) incrementally to 2.0 through a "percentage-of-formula-aid methodology;"
- Restoring the MER to a "per pupil basis that is relevant to the foundation (with annual growth);"
- Modifying the definition of need students to limit the impact of the decline in the student poverty count "due to switch in the definition from Aid to Families with Dependent Children (AFDC) to Temporary Family Assistance (TFA);"
- Computing all current ECS formula factors on the basis of a 3-year rolling average;

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<sup>16</sup> Conn. Acts 97-318.

<sup>17</sup> Connecticut Conference of Municipalities. (2014). *Major Issues in Financing PreK-12 Public Education: Achieving a Balanced Local-State Relationship*. New Haven, CT: Connecticut Conference of Municipalities. Retrieved from [http://ccm-docs.org/CB\\_Education/Education.html](http://ccm-docs.org/CB_Education/Education.html).

<sup>18</sup> Conn. Acts 98-168.

<sup>19</sup> State of Connecticut, Office of the Governor, Task Force to Study the Education Cost Sharing Grant. (1999). *Task Force to Study the Education Cost Sharing Grant, Recommendations*. Available from <http://ctschoolfinance.org/assets/uploads/files/Rowland-ECS-Task-Force-1998.pdf>.

- Ceasing to use mastery test results, “provided a better measure of need students can be achieved;”
- Adjusting current stop-loss provisions through “minimum aid or hold harmless to improve the stability of funding to towns with declining formula aid;”
- Providing minimum state aid per pupil to every school district; and
- Expanding the regional bonus concept to regional efforts outside of formal regional school districts.<sup>20</sup>

Three organizations represented on the Task Force — the Connecticut Conference of Municipalities, the Connecticut Education Association, and the Connecticut Association of Boards of Education — issue a minority report with their own recommendations separate from the Task Force’s final report.<sup>21</sup>

**1999:** General Assembly implements several changes to the ECS formula, including: a hold-harmless provision for non-priority districts guaranteeing no municipality receives less state education aid than it did the previous year; a minimum level of state funding aid equal to six percent of the ECS foundation; and a two percent increase to the foundation, bringing it to \$5,891. The General Assembly also eliminates the minus five percent stop-loss provision and raises the ECS cap from five percent to six percent for three years and eliminates the cap beginning in fiscal year 2004. In its changes, the legislature also requires Priority School Districts receive at least the same per-student ECS grant as they did the previous year and establishes a minimum grant for 12 transitional districts of at least 40 percent of what they are entitled to under the formula. Finally, the General Assembly extends the MER for two fiscal years, requiring a higher MER for towns with increasing enrollments and allowing municipalities with declining enrollments to reduce their MER.<sup>22</sup>

**2000:** Legislature passes bill requiring districts spend at least their per-pupil MER for the previous year plus any increases in their per-pupil ECS aid.<sup>23</sup>

**2001:** General Assembly provides each town whose ECS grant is capped a proportional share of \$25 million for fiscal year 2002 and \$50 million for fiscal year 2003. For all cities and towns, the legislature also implements a minimum grant increase of 1.68 percent for fiscal year 2002 and 1.2 percent for fiscal year 2003.<sup>24</sup>

**2002:** The General Assembly’s Legislative Program Review and Investigations Committee releases a report examining the state’s school finance system, and making recommendations for changes to the ECS formula. The Committee’s recommendations include:

- Establishing a nine-member bipartisan educational cost commission to:

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<sup>20</sup> Ibid.

<sup>21</sup> Connecticut Conference of Municipalities, Connecticut Education Association, & Connecticut Association of Boards of Education. (1999). *Common Ground on Education Finance*. Available from <http://ctschoollfinance.org/assets/uploads/files/Rowland-ECS-Task-Force-Minority-Report.pdf>.

<sup>22</sup> Conn. Acts 99-217.

<sup>23</sup> Conn. Acts 00-187.

<sup>24</sup> Conn. Acts 01-1 (June Special Session).

- Set and systematically update the ECS formula foundation amount so that the foundation reflects "the minimum amount of money necessary to provide an adequate education for an average student."
- Set and systematically update the ECS formula's weights so they "reflect the amount of money necessary to provide an adequate education for the average student in the classification being weighted." These weights include those assigned to "students exhibiting characteristics of poverty, remedial-level performance on standardized proficiency tests, limited English proficiency, and any other characteristics" required by state statute.
- Terminating the following components of the ECS formula by the end of fiscal year 2013:
  - Supplemental aid component, "in conjunction with the adoption of a set of ECS weights for counting students with special needs recommend by the education cost committee."
  - Regional bonus component, and placing funding to address specific needs of consolidated school districts into a categorical grant.
  - ECS cap.
  - Density supplement component, and placing funding to address specific needs of urbanized school districts into a categorical grant.
- Ensuring that going forward, no town receives less than the total ECS grant it received for fiscal year 2002.
- Ensuring that beginning with fiscal year 2004, if the State does not fully fund the ECS grant, "each town shall receive the same percentage of the funds budgeted for the ECS grant program as the town's percentage share of the total base aid."
- Requiring the Connecticut State Department of Education to make an interactive ECS grant calculation spreadsheet available online; and
- Clarifying the intent of the non-supplant provision as well as making spending restrictions more reasonable by incorporating several provisions, such as: allowing municipalities to "request approval from the commissioner of education to reduce its local share of education spending, with approval only being granted if the town demonstrates reductions are related to significant cost efficiencies or reductions in student needs, receipt of state aid to compensate for prior under funding, or other circumstances the commissioner deems reasonable."<sup>25</sup>

**2002:** Dissatisfied with the rate of school integration since the Connecticut Supreme Court's 1996 ruling, the *Sheff v. O'Neill* plaintiffs return to court.<sup>26</sup>

**2003:** After two evidentiary hearings, the *Sheff* plaintiffs and Gov. Rowland come to a mediated agreement as to the implementation of a number of voluntary, interdistrict programs designed to reduce the racial and ethnic isolation of Hartford students. This

<sup>25</sup> Connecticut General Assembly, Legislative Program Review and Investigations Committee. (2002). *Connecticut's Public School Finance System*. Retrieved from [https://www.cga.ct.gov/pri/docs/2001/Connecticut's%20Public%20School%20Finance%20System%20\(2001\).pdf](https://www.cga.ct.gov/pri/docs/2001/Connecticut's%20Public%20School%20Finance%20System%20(2001).pdf).

<sup>26</sup> SchoolFunding.Info. (n.d.). Overview of Litigation History: Connecticut. New York, NY: Campaign for Educational Equity. Retrieved from <http://schoolfunding.info/litigation-map/connecticut/#1484004342539-fd26c596-a9c0>.

temporary, 4-year settlement — approved by both the General Assembly and the trial court — is known as the Phase I stipulated agreement and requires, among other things, the State to spend \$45 million over four years to establish eight additional magnet schools in the Hartford area. The out-of-court settlement also requires the State to increase the percentage of Hartford students attending integrated schools to 30 percent by 2007.<sup>27</sup>

**2003:** General Assembly eliminates the hold-harmless provision for Priority School Districts as well as the ECS density supplement, which gave additional funds to towns with higher-than-average population density. The legislature also distributes a \$53 million “cap supplement” to capped towns for fiscal year 2004, reduces every town’s fiscal year 2004 grant by three percent, and requires Bridgeport, Hartford, and New Haven to receive at least their fiscal year 2003 grant plus \$1 million.<sup>28</sup>

**2003:** Lack of funding for legal fees causes *Johnson v. Rowland* to be withdrawn.<sup>29</sup>

**2004:** Density supplement is restored to the ECS formula after being eliminated in 2003, and the General Assembly gives each town an ECS grant equal to its previous year’s grant, plus 23.27 percent of the difference between its fiscal year 2004 grant and the town’s full entitlement under the ECS formula.<sup>30</sup>

**2005:** Connecticut Coalition for Justice in Education Funding (CCJEF) files lawsuit against the State of Connecticut alleging the state’s school finance system is unconstitutional and denies students suitable and substantially equal educational opportunities. CCJEF also claims Connecticut’s school finance system fails to prepare students for higher education, secure meaningful employment, and participate in the political lives of their communities.<sup>31</sup>

**2006:** Governor Jodi Rell forms a Commission on Education Finance to examine how Connecticut funds its public schools.<sup>32</sup>

**2007:** Based on recommendations from the Commission on Education Finance, Gov. Rell proposes changes to the state’s school finance system, including:<sup>33</sup>

- Increasing the ECS grant \$1.1 billion over the next five years to \$2.7 billion;

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<sup>27</sup> Stipulation and Order, *Sheff v. O’Neill*, Superior Court, judicial district of New Britain, Docket No. X03-89-042119S (January 22, 2003). Retrieved from [http://www.sheffmovement.org/wp-content/uploads/2014/04/2003\\_Stipulation-and-Order\\_Ex71.pdf](http://www.sheffmovement.org/wp-content/uploads/2014/04/2003_Stipulation-and-Order_Ex71.pdf).

<sup>28</sup> Conn. Acts 03-6 (June Special Session).

<sup>29</sup> Connecticut Conference of Municipalities. (2014). *Major Issues in Financing PreK-12 Public Education: Achieving a Balanced Local-State Relationship*. New Haven, CT: Connecticut Conference of Municipalities. Retrieved from [http://ccm-docs.org/CB\\_Education/Education.html](http://ccm-docs.org/CB_Education/Education.html).

<sup>30</sup> Conn. Acts 04-252.

<sup>31</sup> Amended Complaint, *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, Superior Court, judicial district of Hartford, Docket No. CV-94-533485-S (January 20, 2006). Retrieved from <http://www.ccjef.org/documents/Plaintiffs%27%20Amended%20Complaint,%20Jan%2020,%202006.pdf>.

<sup>32</sup> State of Connecticut, Office of the Governor. (2006, January 9). Governor Rell Announces First Meeting of Education Finance Commission [Press release]. Retrieved from <http://www.ct.gov/Governorrell/cwp/view.asp?A=2425&Q=308410>.

<sup>33</sup> Governor M. Jodi Rell’s Commission on Education Finance. (2007). *Governor Rell’s Commission on Education Finance – Final Report*. Retrieved from <http://www.ct.gov/opm/lib/opm/budget/educationfinance/edufinancefinalreport.pdf>.

- Increasing the foundation from \$5,891 to \$9,867;
- Increasing the SGWL to 1.75;
- Raising the minimum aid ratio from six percent to 10 percent;
- Calculating “Need Students” using 33 percent of a district’s Title I poverty count and 15 percent of students with Limited English Proficiency; and
- Eliminating grant caps.

After Rell’s proposals, the General Assembly ends up adopting a budget that increases total education funding \$237 million, including \$182 million for the ECS grant, and increases weights for low-income students and English Learners. Additionally, the ECS formula’s foundation is increased to \$9,687, the minimum aid ratio is increased to nine percent of the foundation and 13 percent for the 20 school districts with the highest concentration of low-income students, and the SGWL is increased to 1.75. The General Assembly also eliminates supplemental ECS aid based on poverty concentration, higher-than-average population density, and low-achieving students.<sup>34</sup>

**2007:** *Sheff* plaintiffs return to court again claiming the State has failed to increase the percentage of Hartford students attending integrated schools to 30 percent by the designated time under the 2003 settlement.<sup>35</sup>

**2007:** Trial court dismisses several counts of plaintiffs’ complaint in *CCJEF v. Rell* and finds there is no constitutional right under article eighth, section 1 of the Connecticut Constitution to any particular quality of education, and that the issue is non-justiciable. CCJEF appeals the decision.<sup>36</sup>

**2008:** *Sheff* plaintiffs and the State agree to new five-year Phase II settlement that calls for building more magnet schools in the Hartford suburbs and expanding the number of openings available for Hartford children through Project Choice (formerly Project Concern). The Phase II settlement also includes state-run technical and agricultural high schools.<sup>37</sup>

**2008:** Oral arguments for *CCJEF v. Rell* are heard before the Connecticut Supreme Court after CCJEF appeals the trial court’s ruling.<sup>38</sup>

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<sup>34</sup> Conn. Acts 07-3 (June Special Session).

<sup>35</sup> Motion for Order Enforcing Judgment and to Obtain a Court-Ordered Remedy, *Sheff v. O’Neill*, Superior Court, judicial district of Hartford, Docket No. HHD-X07-CV89-4026240-S (July 5, 2007). Retrieved from <http://www.sheffmovement.org/wp-content/uploads/2014/05/sheffmotiontoenforcejudgment.pdf>.

<sup>36</sup> Memorandum of Decision on Motion to Strike. *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, Superior Court, judicial district of Hartford, Docket No. X-09-CV-05-4019406 (September 17, 2007). Retrieved from <http://www.ccjef.org/documents/Trial%20Court%27s%20Decision%20on%20Defendants%27%20Motion%20to%20Strike,%20Sept%2017,%202007.pdf>.

<sup>37</sup> Stipulation and Proposed Order, *Sheff v. O’Neill*, Superior Court, judicial district of Hartford, Docket No. HHD-X07-CV89-4026240-S (April 4, 2008). Retrieved from [http://www.sheffmovement.org/wp-content/uploads/2014/05/2008\\_SheffPhaseIIStipandOrder.pdf](http://www.sheffmovement.org/wp-content/uploads/2014/05/2008_SheffPhaseIIStipandOrder.pdf).

<sup>38</sup> Connecticut Coalition for Justice in Education Funding, Inc. v. Rell. (2008, April 21). Connecticut Supreme Court Faces Historic Question in Tuesday’s Oral Arguments: Do Children Have the Right to an Adequate Education? [Press release]. Retrieved from [http://ccjef.org/documents/new-pdfs/CCJEF\\_News\\_release\\_on\\_CCJEFvRell\\_oral\\_arguments.pdf](http://ccjef.org/documents/new-pdfs/CCJEF_News_release_on_CCJEFvRell_oral_arguments.pdf).



**2009:** General Assembly overrides statutory ECS formula and allocates state education aid to municipalities through block grants for fiscal years 2010 and 2011.<sup>39 40</sup>

**2010:** Connecticut Supreme Court reverses trial court's ruling in *CCJEF v. Rell* and in a plurality decision concludes the state's 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." The Connecticut Supreme Court remands the case, instructing the trial court to determine whether the standards and resources for public education in Connecticut are adequate. However, the Connecticut Supreme Court does not provide a clear standard or definition for adequacy on which the trial court should make its ruling.<sup>41</sup>

**2011:** General Assembly overrides statutory ECS formula and allocates state education aid to municipalities through block grants for fiscal years 2012 and 2013.<sup>42</sup>

**2011:** General Assembly passes legislation creating the ECS Task Force to 1) support efforts to increase and make more predictable ECS funding; 2) update and improve the ECS formula; 3) support equitable funding for school choice programs, including interdistrict magnet schools and regional agriscience technology centers; and 4) explore fairer and more reasonable approaches to funding services for students with special educational needs.<sup>43</sup>

**2013:** ECS Task Force issues its final report and recommendations.<sup>44</sup> In response, the General Assembly increases the ECS foundation to \$11,525 and adjusts wealth and need-student calculations. The formula is amended to only include a student need weight for low-income students. Additionally, the updated ECS formula features a faster phase-in of funding, of the difference between their previous entitlements and their updated entitlements under the new formula, for Alliance and Education Reform Districts. Under the phase-in schedule passed by the General Assembly, it would take more than 20 years for districts to receive the full ECS grant they are entitled to under the formula.<sup>45</sup>

**2013:** Parties in *Sheff v. O'Neill* adopt one-year, court-ordered stipulation allowing State of Connecticut an additional year to reach the 2012-13 goal of 41 percent of Hartford's minority students being in "reduced isolation settings."<sup>46</sup>

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<sup>39</sup> Conn. Acts 09-3 (June Special Session).

<sup>40</sup> Moran, J. (2012). *Education Cost Sharing Formula*. (2012-R-0101). Hartford, CT: Office of Legislative Research. Retrieved from <https://www.cga.ct.gov/2012/rpt/2012-R-0101.htm>.

<sup>41</sup> *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, 295 Conn. 240 A.2d (2010).

<sup>42</sup> Conn. Acts 11-6.

<sup>43</sup> Conn. Acts 11-48.

<sup>44</sup> State of Connecticut. (2013). *Task Force to Study State Education Funding – Final Report*. Retrieved from [http://www.cga.ct.gov/ed/tfs%5C20110815\\_Education%20Cost%20Sharing%20Task%20Force%5C20120123/Education%20Cost%20Sharing%20Task%20Force%20Final%20Report%201-23-13.pdf](http://www.cga.ct.gov/ed/tfs%5C20110815_Education%20Cost%20Sharing%20Task%20Force%5C20120123/Education%20Cost%20Sharing%20Task%20Force%20Final%20Report%201-23-13.pdf).

<sup>45</sup> Conn. Gen. Statutes ch. 172, § 10-262h (2013).

<sup>46</sup> Stipulation and Order, *Sheff v. O'Neill*, Superior Court, judicial district of Hartford, Docket No. HHD-X07-CV89-4026240-S (April 30, 2013). Retrieved from [http://www.sheffmovement.org/wp-content/uploads/2014/04/2013\\_Stipulation-and-Order.pdf](http://www.sheffmovement.org/wp-content/uploads/2014/04/2013_Stipulation-and-Order.pdf).

**2013:** Parties in *Sheff v. O'Neill* announce a one-year Phase 3 settlement, which increases the number of magnet school seats, expands Open Choice, and allocates funds to strengthen a Hartford neighborhood “Lighthouse School.”<sup>47</sup>

**2014:** At the beginning of fiscal year 2014, the state Stops using the ECS formula because the State did not have enough money to fund the phase-in. Instead, the State begins making block grants to each municipality to fund public schools.<sup>48</sup>

**2015:** Parties in *Sheff v. O'Neill* adopt one-year extension to the case's Phase 3 settlement.<sup>49</sup>

**2016:** After several years of delays, the remanded *CCJEF v. Rell* trial begins in Hartford Superior Court.<sup>50</sup>

**2016:** Hartford Superior Court Judge Thomas Moukawsher rules in *CCJEF v. Rell* and rules partially in favor of CCJEF in a lengthy, wide-reaching decision regarding Connecticut's school finance system.<sup>51</sup> Judge Moukawsher made the findings quoted below and gave the State 180 days to submit proposed changes to address the parts of Connecticut's education system that he found unconstitutional.

- “The state's responsibility for education is direct and non-delegable: it must assume unconditional authority to intervene in troubled school districts.”
- “The 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 practices.”
- “The 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.”
- “The state must end arbitrary spending on special education that has delivered too little help to some and educationally useless services to others; it must set sensible rules for schools to follow in identifying and helping disabled children.”

**2016:** Connecticut Attorney General George Jepsen seeks a direct appeal to the Connecticut Supreme Court of the ruling issued by Connecticut Superior Court Judge

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<sup>47</sup> Stipulation and Proposed Order, *Sheff v. O'Neill*, Superior Court, judicial district of Hartford, Docket No. HHD-X07-CV89-4026240-S (December 13, 2013). Retrieved from [http://www.sheffmovement.org/wp-content/uploads/2014/05/sheff\\_12-13-13\\_stipulation.pdf](http://www.sheffmovement.org/wp-content/uploads/2014/05/sheff_12-13-13_stipulation.pdf).

<sup>48</sup> Conn. Acts 14-47.

<sup>49</sup> Stipulation and Order, *Sheff v. O'Neill*, Superior Court, judicial district of Hartford, Docket No. HHD-X07-CV89-4026240-S (February 23, 2015). Retrieved from <http://www.sheffmovement.org/wp-content/uploads/2015/02/sheff-settlement-2.23.15.pdf>.

<sup>50</sup> Rabe Thomas, J. (2016, January 12). On trial: Is educational opportunity sufficient everywhere in CT? *The Connecticut Mirror*. Retrieved from <http://ctmirror.org/2016/01/12/on-trial-is-educational-opportunity-sufficient-everywhere-in-ct/>.

<sup>51</sup> Memorandum of Decision, *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, Superior Court, judicial district of Hartford, Docket No. X07 HHD-CV-14-5037565-S (September 7, 2016). Retrieved from <http://www.jud.ct.gov/CCJEFvRell.pdf>.

Thomas Moukawsher in *CCJEF v. Rell*.<sup>52</sup> The State's petition to appeal is granted by Connecticut Supreme Court Chief Justice Chase T. Rogers, who also agrees to have the Court review all portions of Moukawsher's ruling,<sup>53</sup> including his finding that the State of Connecticut spends more than the bare minimum (or constitutionally required amount) on schools, which CCJEF argued should be reviewed if the Court granted the State's petition to appeal.<sup>54</sup> In addition to granting its appeal, the Connecticut Supreme Court also granted the State's request for a stay of Moukawsher's 180-day deadline to submit proposed changes to address the parts of Connecticut's education system Moukawsher found unconstitutional.<sup>55</sup> In the order for the stay of Moukawsher's ruling, it was also noted that Justice Andrew McDonald has recused himself from the case as he previously served as Governor Dannel Malloy's top lawyer and had advised Malloy on the lawsuit when the governor was a plaintiff in the suit as the mayor of Stamford.<sup>56</sup>

**2017:** Hartford Superior Court Judge Marshall Berger rules the State of Connecticut cannot raise, for the 2017-18 school year, the percent of minority enrollment a *Sheff* magnet school may have for the school to be considered racially integrated.<sup>57</sup> Under the rules worked out for implementing the decision in *Sheff v. O'Neill*, a school is deemed desegregated if students who are racial minorities (specifically black and Hispanic students) make up no more than 75 percent of the school's total enrollment. The State had planned to raise the limit to 80 percent, but the *Sheff* plaintiffs filed for an injunction, which was granted by Berger.<sup>58</sup>

**2017:** Connecticut Supreme Court hears arguments in *CCJEF v. Rell* on September 28 with a ruling expected sometime in the future.<sup>59</sup>

**2017:** As part of the biennial state budget for fiscal years 2018 and 2019, the Connecticut General Assembly passes a new ECS formula that is scheduled to be implemented beginning in fiscal year 2019. Compared to the previous ECS formula, the new ECS formula:

- Keeps the foundation at \$11,525 per student and continues to incorporate state aid for special education in the foundation;

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<sup>52</sup> Defendants' Petition for Certification, *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, Supreme Court, S.C. 160124, Docket No. XO7 HHD-CV-14-5037565-S (September 15, 2016). Retrieved from [http://www.ct.gov/ag/lib/ag/press\\_releases/2016/20160915\\_ccjef\\_cgs52-265aappealpetition.pdf](http://www.ct.gov/ag/lib/ag/press_releases/2016/20160915_ccjef_cgs52-265aappealpetition.pdf).

<sup>53</sup> Granting Defendants' Petition for Certification to Appeal, *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, Supreme Court, S.C. 160124, Docket No. XO7 HHD-CV-14-5037565-S (September 20, 2016). Retrieved from <http://civilinquiry.jud.ct.gov/DocumentInquiry/DocumentInquiry.aspx?DocumentNo=11094613>.

<sup>54</sup> Plaintiffs' Opposition to Defendants' Petition for Certification, *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, Supreme Court, S.C. 160124, Docket No. XO7 HHD-CV-14-5037565-S (September 19, 2016). Retrieved from <http://civilinquiry.jud.ct.gov/DocumentInquiry/DocumentInquiry.aspx?DocumentNo=11094601>.

<sup>55</sup> Staying Proceedings While on Appeal, *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, Supreme Court, S.C. 160124, Docket No. XO7 HHD-CV-14-5037565-S (September 20, 2016). Retrieved from <http://civilinquiry.jud.ct.gov/DocumentInquiry/DocumentInquiry.aspx?DocumentNo=11094624>.

<sup>56</sup> Rabe Thomas, J. (2016, September 20). State Supreme Court says it will review school funding case. *The Connecticut Mirror*. Retrieved from <http://ctmirror.org/2016/09/20/state-supreme-court-says-it-will-review-school-funding-case/>.

<sup>57</sup> Memorandum of Decision, *Sheff v. O'Neill*, judicial district of Hartford, Docket No. LND CV-17-5045066-S (August 7, 2017). Retrieved from <http://civilinquiry.jud.ct.gov/DocumentInquiry/DocumentInquiry.aspx?DocumentNo=12744315>.

<sup>58</sup> Rabe Thomas, J., & Kara, J. (2017, June 16). Judge: Magnet schools cannot be made more segregated. *The Connecticut Mirror*. Retrieved from <https://ctmirror.org/2017/06/16/judge-magnet-schools-cannot-be-made-more-segregated/>.

<sup>59</sup> State of Connecticut, Judicial Branch. (2017). *Current Supreme Court Assignment*. Retrieved from <http://www.jud.ct.gov/external/supapp/SupAssign.pdf>.

- Maintains a 30 percent per-student weight for low-income students and continues to use eligibility for free and reduced price lunch as the metric for identifying students who are low-income;
- Adds a concentrated poverty weight of five percent per student for low-income students residing in districts where low-income students account for over 75 percent of the district's enrollment;
- Includes a per-student weight of 15 percent for English Learners;
- Adjusts the Base Aid Ratio to have a town's property wealth account for 70 percent (instead of 90 percent) and its income wealth account for 30 percent (instead of 10 percent) when determining the State's share in funding education for the town's local public schools;
- Adds a bonus of 3-6 percentage points to the Base Aid Ratio of communities with scores over 300 according to the Public Investment (PIC) index;
- Lowers the SGWL from 1.5 to 1.35;
- Maintains a minimum aid ratio of 10 percent for Alliance Districts but lowers the ratio for all other districts to one percent (previously two percent);
- Eliminates the "hold harmless" provision for all towns, which ensured every town would not receive less ECS funding than it did the previous fiscal year, and applies it only to Alliance Districts, who would not receive less than their fiscal year 2017 grant amounts even if the formula determined otherwise; and
- Includes a 10-year phase-in schedule that differs between towns receiving, according to the formula, an increase in ECS funding over their fiscal year 2017 grants and those receiving a decrease.<sup>60</sup>

**2018:** In a 4-3 ruling, the Connecticut Supreme Court hands down its decision in *CCJEF v. Rell* and rules in favor of the State of Connecticut and rejects each of the legal claims made by CCJEF. Writing for the Court, Chief Justice Chase Rogers notes there is "an imperfect public educational system in [Connecticut] that is straining to serve many students who, because their basic needs for, among other things, adequate parenting, financial resources, housing, nutrition and care for their physical and psychological health are not being met, cannot take advantage of the educational opportunities that the state is offering."

However, the Chief Justice and the Court's majority find that although Connecticut has "an imperfect public educational system," [i]t is not the function of the courts...to create educational policy or to attempt by judicial fiat to eliminate all of the societal deficiencies that continue to frustrate the state's educational efforts." Instead, the Court states "the function of the courts is to determine whether the narrow and specific criteria for a minimally adequate educational system under [Connecticut's] state constitution have been satisfied."

In its decision, the Court finds the State of Connecticut has satisfied its constitutional requirement to provide a minimally adequate public educational system, and reverses the Superior Court's ruling that the State violated article eighth, § 1 of the Connecticut Constitution by not having educational policies and spending practices that are "rationally, substantially and verifiably connected to creating educational opportunities

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<sup>60</sup> Conn. Acts 17-2 (June Special Session).

for children.” The Court does, however, uphold the Superior Court’s ruling that the State of Connecticut is spending more on education, in total, than the state constitution requires.<sup>61</sup>

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<sup>61</sup> *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, 327 Conn. 650 (2018). Retrieved from <https://jud.ct.gov/external/supapp/Cases/AROCr/CR327/327CR19.pdf>.