

Connecticut Debate Association

October 8, 2016

Joel Barlow High School and Westhill High School

Resolved: The Courts should set State education policy.

CONSTITUTION OF THE STATE OF CONNECTICUT

ARTICLE EIGHTH: OF EDUCATION.

SEC. 1. There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.

Judge, Citing Inequality, Orders Connecticut to Overhaul Its School System

The New York Times, By ELIZABETH A. HARRISSEPT. 7, 2016

In a decision that could fundamentally reshape public education in Connecticut, the state was ordered on Wednesday to make changes in everything from how schools are financed to which students are eligible to graduate from high school to how teachers are paid and evaluated.

Reading his ruling from the bench for more than two hours, Judge Thomas Moukawsher of State Superior Court in Hartford said that “Connecticut is defaulting on its constitutional duty” to give all children an adequate education.

Judge Moukawsher’s decision was a response to a lawsuit filed more than a decade ago that claimed the state was shortchanging the poorest districts when it came to school funding. What separates the decision from those in dozens of similar suits around the country is that rather than addressing money only, it requires the state to rethink nearly every major aspect of its system.

“This is a game changer,” said Joseph P. Ganim, the mayor of Bridgeport, Conn., one of the state’s poorest and lowest-performing school districts. “It’s an indictment of the application of the system, and of the system itself.”

Joseph P. Moodhe, who represented the plaintiffs in the case, Connecticut Coalition for Justice in Education Funding, said that virtually every state had faced an education funding suit. This year, the Kansas Supreme Court ruled that the state’s financing plan created “intolerable” inequities. And in New York, a 2006 lawsuit was supposed to yield additional money in New York City and districts with high poverty rates, but a battle persists over whether the state is meeting its obligations.

William S. Koski, a professor of law and education at Stanford University, called the scope of the ruling “highly unusual.”

“Most of these school finance lawsuits are about numbers, and about whether adequate funding is being provided for whatever learning outcomes the court establishes,” he said. “Really, it’s typically about the money.”

As for the Connecticut ruling, he said, “I would call it a school reform decision rather than a school funding decision.”

Connecticut is known for the quality of its schools, and the decision cited several impressive statistics about the good ones, including the highest average reading scores in the country for fourth and eighth graders on the 2013 National Assessment of Education Progress, or N.A.E.P., often called the nation’s report card.

But the state is also home to failing schools, especially those serving poor children. The 2015 N.A.E.P. report found that poor students in 40 other states, including perennial poorly performing Mississippi and Arkansas, did better than poor students in Connecticut. Schools serving the poorest children are concentrated in 30 of the state’s 169 municipalities.

The current system “has left rich school districts to flourish and poor school districts to flounder,” Judge Moukawsher said, betraying a promise in the State Constitution to give children a “fair opportunity for an elementary and secondary school education.”

Connecticut finances its schools with a combination of local property taxes and federal and state money in a way that is supposed to offset the huge disparities in property values between rich and poor towns. Bridgeport, court documents noted, has nearly eight times the population of nearby New Canaan, but property in that wealthy Fairfield County town is worth more than \$1 billion more.

The state has faced a punishing fiscal crisis this year, resulting in layoffs and spending cutbacks. That led the General Assembly to cut state education aid to some of the poorest districts, with more than \$905,000 cut from Bridgeport, and

more than \$600,000 cut from New Haven. Comparatively wealthy districts got more money: Branford, a New Haven suburb, got a funding increase of \$300,000.

“An approach that allows rich towns to raid money desperately needed by poor towns makes a mockery of the state’s constitutional duty to provide adequate educational opportunities to all students,” Judge Moukawsher wrote.

The heart of the decision was a critique of the different quality of education the state’s children receive.

Judge Moukawsher called graduation standards and rising graduation rates meaningless. He said that the Bridgeport school superintendent acknowledged that a “functionally illiterate person could get a Bridgeport high school degree.”

The judge also criticized how teachers are evaluated and paid. Teachers in Connecticut, as elsewhere, are almost universally rated as effective on evaluations, even when their students fail. Teachers’ unions have argued that teachers should not be held responsible for all of the difficulties poor students have. And while the judge called those concerns legitimate, he was unconvinced that no reasonable way existed to measure how much teachers managed to teach.

“Why bother measuring students if it never has any direct connection to how they’re being taught,” he wrote.

He said that the state also needed to revamp how it identified and served children with special education needs because the criteria for receiving services varied widely from town to town.

Judge Moukawsher did not dictate any new funding formula in his ruling or explain what the state’s graduation requirements or other policies should be. Instead, he ordered the attorney general’s office to submit plans within 180 days to fix the areas he had found deficient. It was not immediately clear who might draw up the proposals or whether the state would appeal the decision.

The attorney general’s office said in an email that “we are reviewing this decision in consultation with our client agencies and decline to comment further at this time.”

When the lawsuit was filed in 2005, Gov. Dannel P. Malloy, a Democrat, was mayor of Stamford and spoke out in favor of the suit.

On Wednesday, he said, “We know that to improve outcomes for all Connecticut students and to close persistent achievement gaps, we need to challenge the status quo and take bold action.” He added, “We know there is more work to do.”

Putting the sweep of Judge Moukawsher’s decision into practice will be a challenge for the state, said Mr. Ganim, the Bridgeport mayor. “The easiest part of this,” he said, “is probably the funding.”

Why I Appealed Sweeping CT Education Ruling

The Hartford Courant, George Jepsen, Sep. 22, 2016

The problems with Connecticut’s public education system highlighted by the Superior Court in its recent decision in a case filed by Connecticut Coalition for Justice in Education Funding deserve the immediate attention and action of policy-makers at every level of government.

Yet I did seek, and the Supreme Court has now granted, an appeal of this sweeping decision, and many — including The Courant — have questioned this course of action. Why did I appeal this decision rather than simply stepping aside and allowing it to be implemented? As the state’s chief civil law enforcement officer, it is my responsibility to defend the constitutionality of our laws and, in this case, I strongly believe that the court has overstepped its authority.

The crux of this case at trial was whether the state provides adequate educational opportunities for public school students in Connecticut. The constitution sets a minimum standard of educational adequacy, below which it cannot fall without risking court enforcement. The court ruled that, by any legal measure, the state meets that minimal standard in providing educational opportunities. This does not mean our public education system does not suffer from serious challenges, but it does mean that the system is not so deficient as to be unconstitutional.

That should have been the end of the decision as a legal matter, but the trial court went on to identify what it determined to be problems in many areas of education policy — specifically, the manner in which the existing level of funding is distributed, the standards for graduation and grade-level promotion, the way that certain students benefit from special education funding and the process for evaluating the performance of teachers.

Unfortunately, but not surprisingly, the judge did not offer solutions for those problems, some of which are among the most persistent and challenging policy problems faced by any state. Rather, he ordered the state to propose solutions within 180 days, reserving for himself — one single, unelected judge — the ultimate authority to bless or reject any proposals. This is problematic for a number of reasons, both legal and practical.

Will parents of special needs students accept a decision limiting their children’s right to public education if that ruling hasn’t been reviewed and approved by the state’s highest court? Will municipalities accept a ruling that reduces local

control of schools and imposes additional mandates if those policies haven't been considered through the normal give and take of the political process? Will teachers accept a ruling that alters fundamental terms of their employment, including contractual protections, because one judge thinks that's the best policy?

Reasonable minds often differ on and debate the best means to improve outcomes for students in under-performing districts. The authority to make policy rests with the legislature, and the authority to implement policy rests with the executive branch. That is the democratic process — as messy and imperfect as it often is — that our constitution prescribes.

To create policy outside of our constitutional democratic process risks a crisis of legitimacy. I believe that, for the public to have any confidence in a trial court decision that calls for such dramatic change to our public education system, review by our highest court is essential.

No one in government should mistake my appeal as an excuse to not address difficult and persistent education challenges. I continue to urge them to do so without delay.

The elected branches of government have always had the authority to establish sound and effective education policy, and they still do. The press and the public have always had — and still have — the right to demand that government use its constitutional authority to improve education for all of our children and profound challenges do exist. But ultimately, it is — and likely always has been — our Supreme Court that will have the final say on this important case.

George Jepsen is Connecticut's state attorney general.

End Municipal Funding, Control Of Schools In CT

The Hartford Courant, JOSH MICHTOM, September 16, 2016

In the days since Superior Court Judge Thomas Moukawsher issued his barnburner of a decision in Connecticut Coalition for Justice in Education Funding v. Rell, which ordered Connecticut to find a new formula for funding schools, I have heard a variety of sensible criticisms of the ruling.

My friends who are teachers and others in the labor movement bemoan the emphasis on teacher evaluations and the suggestion that seniority not figure as heavily in salary determinations. Lawyers I know, some of whom represent the state and others who represent poor people in criminal and child protection matters, agreed that Moukawsher overreached. They argue that it was inappropriate for one judge to undo what voters in a democracy created over the course of centuries.

In addition, special education advocates I talked to took issue with his seemingly callous approach to the utility of educating children with severe disabilities. What no one has objected to, though, is the fundamental principle of the decision: letting towns finance and administer education without uniformity is a recipe for injustice.

We argue in this state about who is responsible for the dire fiscal circumstances of the cities, and who should rally to save them. Hartford's mayor, facing municipal insolvency within a year, argues that current revenue systems are unfair to his city and regional funding structures would be more equitable. Many suburbanites counter, however, that the city is the victim of nothing more than internal mismanagement and corruption, and that its citizens have the duty to right their own ship.

But no one says that Hartford's children are responsible for their own failing schools. It is hard to imagine anyone making a principled argument that Glastonbury children deserve better schooling than the children one town over in East Hartford simply because their parents are richer. No one will make that argument because it is stupid and immoral.

So, there is a simple answer to how the legislature can comply with Moukawsher's ruling: Abolish town funding and control of schools. Don't simply recalibrate the state's already complicated and often disregarded school education formula for offsetting local poverty with state aid. Don't develop new administrative mechanisms to punish Ansonia when it doesn't provide special education services in the same way as Derby. Just take the towns out of it.

We love our local government in Connecticut, and there is a lot to be said for it. Having 169 towns in a state as small as ours can seem silly to outsiders, but having the ability to see your first selectman when you walk your dog or chat with your councilwoman at the grocery store is to interact with democracy up close, and it is wonderful.

Many of us choose the towns we live in to reflect our preferences and values, and — let's be honest — to have some control over the sort of people who live next to us. Our children do not make this choice. They don't vote. They don't go to town meetings to speak in favor of bond issues. And none of them deserves a worse education than any other.

We can argue in good faith about whether people who pay more in property taxes ought to receive more in public services, but we cannot do the same for their children.

We know that town lines track historical divisions based on class and race, and that town-based school districts perpetuate segregation. We know that children who live across the street from each other can receive dramatically

different educations for no good reason because of a town border. It's time to admit that town-based school districts, town-based school funding and town-based school administration don't work. This court ruling is our opportunity to do something better, once and for all.

Josh Michtom of Hartford is an assistant public defender in the Office of the Chief Public Defender Juvenile/Child Protection Unit.

CT Education Ruling Leaves Poor Kids On Poor Track

The Hartford Courant, BETTY J. STERNBERG, Sept. 17, 2016

The recent Superior Court decision ordering Connecticut to rework its funding for education was disappointing at best, dangerous at worst. After 44 years in the profession — 26 at the state Department of Education — here's what I know.

First, Connecticut's education funding formula could be tweaked but is basically sound. It directs more state money to the poorest towns and less to the richest. The problem is that the legislature never fully funded the formula. In addition, in these dire economic times, legislators mucked around with the distribution of funds and created the opposite of what strict adherence to the formula would require. While the judge pointed to the latter issue, he stopped short of ordering full funding of the formula.

Second, on standardized tests such as the Scholastic Achievement Test, National Assessment of Educational Progress and all others — poor kids everywhere score lower compared to their wealthier counterparts. In Connecticut, we have the poorest of the poor, with Hartford, New Haven and Bridgeport in the top 10 poorest cities — when compared to cities of their size — in the nation. We also have the wealthiest of the wealthy. Not surprisingly, most of our wealthy kids do exceedingly well and most of our poor kids do exceedingly badly; understandable statistically but unacceptable for poor children.

Connecticut educators have worked tirelessly to fix these outcomes for poor children, but they have failed. Why? They cannot do this in isolation from more foundational influences. It's time to pass stricter laws that get at the heart of poverty and its consequences.

For example, laws that would immediately require landlords to clean up houses that have lead paint (most of which are in our inner cities and poorer towns) and fine or jail them if they do not, would help close the achievement gap. Full lead abatement is costly to landlords, but lack of it is more costly to poor children. They suffer severe negative mental and physical effects of continued exposure to lead. Massachusetts, touted for its educational measures, dealt long ago with poverty issues such as lead poisoning through strong laws and monitoring of their implementation. Connecticut needs to look beyond schools, too.

Third, the best investment we could make is to fully fund high-quality early childhood programs for all 3- and 4-year-old children who are at risk of educational failure — mostly children who live in our poorest communities. Research shows that for every dollar invested in such programs, we save \$11 to \$17 in later expenses to give children remedial help. The judge was silent about this cure.

Fourth, tying students' test scores to teacher evaluation is a mistake. The coupling sounds like common sense to folks who have not been in a classroom or do not understand school culture. But research shows that doing so has at best neutral effects and at worst negative effects on student achievement. The new federal education law no longer requires states to do this; before we enact this requirement because of a judge's ruling, the research must be thoroughly checked.

Fifth, requiring yet more tests for students to move from one level to another and out of high school is a mistake. Many states that initially required high school graduation tests have backed away from them, seeing no effect on the ills they are trying to address. Moreover, despite the judge's claim, Connecticut has a set of common core standards that establish clear expectations for students' achievement — standards that were created in the 1980s and revised many times since.

I know from teaching teachers who want to be administrators that we have a strong cadre of educators who have fire in their bellies to meet the needs of all children. But they talk about the stultifying and demoralizing effects of "teaching to the test" in fear of receiving negative evaluations. Many have considered leaving the profession, but are so committed to kids that they forge on in the belief that becoming administrators might give them a chance to help reduce this over-emphasis on tests.

Sadly, this court decision leads us to double-down on testing. Those who can will flee the public schools in favor of privates that advertise "we see your child as a person, not a test score." The "haves" will be stronger and richer; the "have-nots" will fill in more bubbles on tests and stay mired in poverty.

Betty J. Sternberg is former Connecticut commissioner of education, superintendent of schools, teacher pre-K through doctoral levels and currently directs a teacher leader fellowship program at Central Connecticut State University.

Superior Court Judge Raises Profile With Divisive Education Reform Ruling

The Hartford Courant, Daniela Altimari, Sept. 18, 2016

Superior Court Judge Thomas G. Moukawsher is a military school graduate, a longtime Democratic party insider, a one-term state representative and an expert in employment benefits law.

Now, with virtually no experience in education and just three years on the bench, he has positioned himself as the lone savior of Connecticut's public school children.

Moukawsher is the author of an extraordinary 90-page opinion, that seeks to overturn many of the principles and practices that have long defined the American educational system, from the seniority-based method of compensating teachers to the deeply ingrained tradition of local control over schools. The scope and breadth of his ruling went far beyond questions about the fairness of the state's education-funding formula, the focus of the lawsuit before him.

Formal and politically connected, Moukawsher, 54, declined a request to be interviewed. However he provided a glimpse into his mind-set when he wrote that he did not take on the challenge of ordering a top-to-bottom fix of the state's public schools "lightly or blindly" in his Sept. 7 ruling.

"He has very strong opinions and they're almost always well-reasoned," Jay B. Levin, a lobbyist at the state Capitol who has known Moukawsher for decades. "Knowing his intellectual capabilities and the background of his family, I'm truly not surprised by the decision."

The judge's expansive ruling — which he read aloud in its entirety, a process that took nearly three hours — quickly won him national notice. The New York Times applauded his "holistic" approach and said the "blistering ruling should shame lawmakers, who have for decades looked away from the problem of educational inequality." The New Yorker hailed Moukawsher's "smartly written, sometimes sardonic, and unusually pointed ninety-page opinion."

But others were taken aback by what they view as judicial hubris. Attorney General George Jepsen has filed an appeal, asserting there are "strong arguments that the trial court exceeded its authority."

Lawmakers from both parties concur. "Clearly he was operating as the education commissioner, the legislature and the governor all at the same time — none of which was the job that he has," said House Republican leader Themis Klarides.

She criticized Moukawsher for delving into other issues, such as teacher evaluations, special education and high school graduation tests when the case was primarily about education funding. "I'm surprised he didn't talk about what kind of pizza people are eating," Klarides said. "It was just beyond."

In particular, Moukawsher enraged parents and advocates for the disabled when he appeared to question whether money was being wasted on some special education students. "School officials never consider the possibility that the education appropriate for some students may be extremely limited because they are too profoundly disabled to get any benefit from an elementary or secondary school education," Moukawsher wrote.

Those remarks left parents of children with disabilities fuming. "If he thinks he can decide if someone deserves an education or not, he's got a fight with me again," said Cathy Cook, the mother of a grown son who has a developmental disability. Cook beat Moukawsher in a 1994 state Senate race, effectively ending his career in elective politics.

Sen. Gayle Slossberg, a Democrat from Milford and co-chairwoman of the legislature's education committee, predicted the judge's order would throw the state's public schools into "chaos." She said it reflects a failure to grasp "the real, nitty-gritty policy work" that many in the state have long engaged in.

Very Strong Opinions

There is little in Moukawsher's background to suggest a willingness to uproot the educational establishment. He never served on a school board and during his short and unremarkable stint in the legislature, he focused on environmental issues and worker safety, not education policy. He served on the judiciary, finance, commerce and insurance committees.

But the jurist, a lifelong resident of Groton who handles complex litigation from his perch in Superior Court in Hartford, is "a big thinker," said Levin, the capitol lobbyist.

Levin recalled a political spat he once had with Moukawsher. Electric Boat was seeking permission to build a hazardous waste incinerator. Levin, a Democratic state representative at the time, was comfortable with the idea because he viewed the state's permitting process as vigorous enough to ensure public safety.

Moukawsher vehemently disagreed and threatened to try to unseat Levin. "He's a tough infighter," Levin said. "We had our share of disagreements but we always walked away friends." Moukawsher later wound up running for — and winning — the House seat when Levin ran for attorney general.

The youngest of six children, Moukawsher comes from a prominent, politically connected, southeastern Connecticut family. His father, Joseph Moukawsher, was a Harvard Law School graduate and a well-known attorney who designed the government for the city of Groton in the early 1960s; his mother, Patricia, was an active volunteer for many

community organizations, including Catholic Charities and the Groton Public Library.

Joseph Moukawsher was the quintessential local lawyer who sometimes got paid by clients with a load of flounder or bluefish, The family lived in Groton's Eastern Point, spending summers on their boat on the Sound or at the Shenecossett Beach Club.

Moukawsher said both of his parents believed in public service "and they made sure we did, too, by volunteering for every aspect of our town's life.

"As a boy, I ran leaflets around during elections or sold lemonade for the Child and Family Services Agency," he recalled during his 2013 confirmation hearing. "I had two jobs by the age of 9 and learned what it meant to work hard and to play by the rules."

Moukawsher attended the Citadel in Charleston, S.C., and the military school in the deep South was well-suited to his personality, said Levin.

"He's a very formal person, in his presentation," Levin said. "He's a gentleman but he can be a tough cookie."

Moukawsher's emphasis on proper decorum extends to his courtroom: Last year, he issued an unusual written order instructing both sides in the school funding case to behave respectfully and dress properly.

"Strictly follow the rules of courtroom decorum, including with respect to punctuality, speech, dress and deportment," Moukawsher wrote.

A stickler for detail, Moukawsher questioned lawyers and witnesses intently during the seven-month trial, which concluded in August. The image of a dapper dresser with a formal streak is reflected in the ornate language of the decision. The current teacher evaluation system is deemed as useless as "cotton candy in a rainstorm," and high school proficiency requirements are like "a sugar cube boat ... [that] dissolves before its half-launched."

One-Term Lawmaker

After graduating from the Citadel in three years, Moukawsher received a law degree from UConn. He briefly took a staff job in the administration of Gov. William A. O'Neill, and then worked as a commercial banking lobbyist.

Moukawsher served one term in the state House of Representatives from 1991 to 1993, before opting not to run for re-election so he could pursue an open state Senate seat.

"I think he was surprised he lost," said Cook, the Republican school board member from Groton who defeated him. "It was not close."

The state income tax had just been implemented and voters were in an angry, anti-incumbent mood, Cook recalled. "He was a well-known face in the community," she said. "Tom thought he was going to get it because he was a state rep and it was an open seat. We both worked hard and I won."

After his loss, Moukawsher stayed on at the state Capitol, working as a staffer for the Senate Democratic Caucus, which was led by John Larson at the time. Moukawsher has remained close to Larson, who is now a congressman, and has worked as his legal counsel.

Moukawsher's connection to the Democratic Party runs deep: He served on the state central committee for two decades and was counsel to the party under Jepsen, who was the state chairman before he was elected attorney general.

Moukawsher isn't the only politician in his family: His brother, Edward E. "Ted" Moukawsher, was elected to the seat he once held in the House of Representatives. And Thomas Moukawsher's wife, Betsy, is Groton's town clerk; she swore him in as a judge. (The couple has two sons and Betsy has two daughters from an earlier marriage.)

In the mid-1990s, Moukawsher left politics to enter private practice. While he handled everything from a dog bite case to minor criminal matters, his main area of expertise was representing plaintiffs in complex employee benefits cases. He became an expert on pensions and employment law, trying cases on behalf of aggrieved workers and traveling the country to lecture on the topic.

Gov. Dannel P. Malloy nominated Moukawsher to the bench in 2013. His confirmation hearing was brief, with lawmakers lauding him for his "commitment to fairness" and "reputation for integrity."

Moukawsher told lawmakers at his confirmation hearing that he looks "forward to taking that public spirited side of my practice and making it the vocation for the rest of my life."

In Connecticut, a Wealth Gap Divides Neighboring Schools

The New York Times, By ELIZABETH A. HARRIS and KRISTIN HUSSEYSEPT. 11, 2016

The two Connecticut school districts sit side by side along Long Island Sound. Both spend more than the national average on their students. They prepare their pupils for the same statewide tests. Their teachers, like virtually all the

teachers in the state, earn the same high marks on evaluations.

That is where the similarities end: In Fairfield, a mostly white suburb where the median income is \$120,000, 94 percent of students graduate from high school on time. In Bridgeport, the state's most populous and one of its poorest cities, the graduation rate is 63 percent. Fifth graders in Bridgeport, where most people are black or Hispanic, often read at kindergarten level, one of their teachers recently testified during a trial over school funding inequities.

Seemingly intractable contrasts like those last week led Judge Thomas G. Moukawsher to tell the state that it had 180 days in which to rethink almost its entire system of education. Ruling in a case known as Connecticut Coalition for Justice in Education Funding v. Rell, Judge Moukawsher of State Superior Court in Hartford said the state was allowing children in poor districts to languish, while their wealthier neighbors soared.

Across the country, school funding cases have often resulted in more money being funneled into poorer districts to help offset the effects of poverty on their students. That may well be the end result in Connecticut.

But more than anything, Judge Moukawsher seemed offended by the irrationality of the state's education system: He said its funding of new school buildings was driven not by need, but rather by how much clout individual legislators might have; he criticized the teacher evaluation system and said the high school graduation standards were all but meaningless. He told the General Assembly it first had to determine how much money schools actually need to educate children and then must allocate the funds in a way that met that goal.

Philip Dwyer, the chairman of Fairfield's Board of Education, said on Friday he felt the judge's view of Connecticut's system lacked nuance.

"The problem I have is his writing almost encourages the legislature to boil this down to an urban versus suburban question," Mr. Dwyer said. "That would avoid the fundamental question of what is a more creative way to fund our constitutional obligation that every child deserves a free and appropriate education. This 'we' versus 'they' approach his decision sets us on is a path I think is a mistake."

But Bridgeport's interim superintendent of schools, Frances Rabinowitz, said much of the ruling sounded right. Ms. Rabinowitz started in Bridgeport as a teacher, then left the city 14 years ago for positions elsewhere, including a job as an associate commissioner for education for the state. When she returned to the district in 2014, she said, it was in even worse shape than when she left.

"The stripping of resources was amazing to me," she said.

Irrational spending

Requiring at least a substantially rational plan for education is a problem in this state because many of our most important policies are so befuddled or misdirected as to be irrational. They lack real and visible links to things known to meet children's needs.

In the morning, school buses line the circular driveway of Fairfield Ludlowe High School, dispatching a stream of students into the sandy-brick building buffered by an expansive, tree-lined lawn.

At Bridgeport's Warren Harding High School, there is no line of buses. As Judge Moukawsher noted, the city cannot afford them for its high school students.

By the sixth day of his senior year at Warren Harding, Markus Simmons had his morning commute down cold: He wakes at 6 a.m. and walks to a city bus stop where he catches a ride to the Bridgeport bus terminal. There, he boards the No. 13 bus to school. The trip takes him about 40 minutes.

Mr. Simmons, 18, is in Harding's honors program and is eager to go to college, rattling off a list of schools he might apply to: Wesleyan University, the University of Connecticut, Clark Atlanta University, Sacred Heart University in Fairfield.

But three of his friends, he said, had dropped out of high school.

"They just decided they didn't want to come anymore," Mr. Simmons said. "I'm not sure why, to be honest."

Empty promises

State graduation and advancement standards are so loose that in struggling cities the neediest are leaving schools with diplomas but without the education we promise them.

While Harding's graduation rate is a dismal 54 percent, Judge Moukawsher said the number masks a worse reality of students being passed along year after year without acquiring the skills they needed, starting in elementary school.

Some students arrive at Harding High School reading at a third-grade level, said Aresta Johnson, an assistant superintendent who oversees the district's high schools. And in many cases, she said, students simply have not attended school consistently enough to learn how to read fluently.

“We face a huge issue with chronic absenteeism,” she said. Cuts to athletic programs, which are a big draw for some students, have only made the situation worse.

“And keep in mind, when our students come to high school in ninth grade we can pretty much get them in the door,” Dr. Johnson continued. “Once they turn 16, they become eligible to work full-time jobs, and sometimes serve as the sole supporter for their families.”

Passed Along

According to a 2012 study by the Annie E. Casey Foundation, more than a quarter of children illiterate at the end of third grade never even graduate from high school, and in Connecticut we know just how easy that is to do.

Bridgeport has about 147,000 residents and an unemployment rate of about 12 percent, according to the judge’s decision. At 21,000 students, its school district is roughly twice the size of Fairfield’s.

Both districts spend more on each of their pupils than the national average, which was about \$10,800 per student, according to the most recent federal statistics.

In the 2014-15 school year, Bridgeport spent about \$14,000 per student while Fairfield spent nearly \$16,000. The difference between those numbers is not enough to explain the yawning disparities in results.

Egregious Gaps

Michael Podgursky, an economics professor at the University of Missouri, testified convincingly that there is no direct correlation between merely adding more money to failing districts and getting better results. This is hard to argue with, and the plaintiffs concede that only well-spent extra money could help. But if the egregious gaps between rich and poor school districts in this state don’t require more overall state spending, they at least cry out for coherently calibrated state spending.

Because schools are heavily supported by local property taxes, as the judge pointed out, a property-poor town like Bridgeport has less money for its schools, even while taxing its residents at higher rates. And when funds fall short — for things as basic as paper, as they sometimes do — there is no way to make it up.

That is not true in Fairfield, Mr. Dwyer, the chairman of the board of education, said. While his is not the highest-spending district in the state — several districts spend more than \$25,000 per student — Fairfield parent associations raise money for field trips, white boards or boxes of school supplies.

And then there is what residents spend out of school. “A suburban family can get their kids to museums, they can travel, can get special tutors, they can get enrichment classes,” Mr. Dwyer said. “Poverty is a word, but what really separates the two districts is suburban children have more enrichment activities before they even start public school than the typical urban child, and that makes a difference.”

Teacher shortages

Shortage problems with only minimal shortage solutions hold true in many districts for math teachers, bilingual instructors, special education teachers, and, in general in poor districts where the working conditions make the jobs less attractive. The state sees itself as powerless here. It set up a system of local control in which school districts must agree on these things with teachers. But if the system was set up by the state then the state is responsible for the system. Any obstacle to a rational system the state has set up, the state can take down. The state is not powerless.

Harding High School, a once-grand red brick building now long past its heyday, sits on Central Avenue in Bridgeport. Ground has been broken on a new \$106 million school nearby, on a site of a former General Electric plant.

But for now, the school’s 1,100 students make do with crumbling walls, peeling paint and classrooms that on Friday were sweltering. By late morning, teachers and students mopped sweat from their faces as they marched through the building.

Finding and keeping qualified teachers, especially those certified to teach math and science, is a

Presented with the challenges of Bridgeport, many teachers look for jobs in neighboring Fairfield, Greenwich or Stratford, Dr. Johnson, the assistant superintendent, said. That creates a competitive disadvantage that is nearly impossible to overcome.

“They can go 10 minutes away,” she said, “and make \$25,000 to \$30,000 more.”

Indeed, the districts’ proximity not only magnifies their differences, it makes matters worse, education experts say.

Erica Frankenberg, an education professor at Penn State who studies school segregation, said: “Over time, districts that are right next to each other become very much identified as on very different trajectories, and that has a range of impacts on the kinds of schooling kids get. There is an idea of what certain districts are, and they just diverge.”

State High Court Ruling Cites Need For Quantifying Education Quality

The Hartford Courant, March 23, 2010|By ARIELLE LEVIN BECKER|

A divided state Supreme Court on Monday opened the door to significant changes in the way the state funds public education, ruling that the Connecticut Constitution guarantees students not just a public education, but one that can prepare them for employment, higher education and civic responsibilities like voting and jury duty.

The 4-3 ruling did not prescribe changes or even say changes were necessary. In siding with the plaintiffs in an education funding lawsuit, the justices sent the case back to Superior Court for trial. Any changes it could bring are likely years away.

But the ruling established a significant new framework, for the first time explicitly declaring that students have the right to a certain level of education, and defining what it is.

...

The lawsuit, filed in 2005, argued that the state fails to maintain a suitable and substantially equal education system. Instead, in many school districts, the state provides inadequate resources and conditions that set students up for failure, the lawsuit said. It cited a range of statistics — including gaps in test scores, graduation rates, teachers with advanced degrees, the number of books in school libraries — and argued that the way the state funds education fosters educational inequality and inadequacy.

The right to an equal education was established in the 1977 case of *Horton v. Meskill*. In this case, the plaintiffs claimed another right, to an "adequate" education.

A Superior Court judge struck down most of the plaintiffs' claims in 2007, saying that the state constitution does not require a certain standard of quality for public education and that the court could not address it.

Monday's ruling reversed that ruling.

"We conclude that [the state constitution] entitles Connecticut public school students to an education suitable to give them the opportunity to be responsible citizens able to participate fully in democratic institutions, such as jury service and voting," Justice Flemming L. Norcott wrote in an opinion joined by two other justices. A fourth justice sided with the plaintiffs in a separate opinion.

"A constitutionally adequate education also will leave Connecticut's students prepared to progress to institutions of higher education, or to attain productive employment and otherwise contribute to the state's economy," Norcott wrote.

In a dissenting opinion, Justice Peter T. Zarella called the ruling a "clear violation of the separation of powers" and warned that it would move control of education matters from boards of education to the courts.

"Moreover, it will require the legislature to appropriate at least \$2 billion per year in additional funding to ensure that Connecticut schoolchildren will be provided with the resources allegedly required for an adequate education," Zarella wrote.

Lindsey Luebchow, a Yale law student who co-directs the legal advocacy clinic that is handling the case for the plaintiffs without charge, said that the ruling puts Connecticut in the center of a national effort to use state constitutions to close the achievement gap.

The plaintiffs hope to work with the state to make changes, Luebchow said. If not, they will be prepared to take the case to trial and show that Connecticut does not meet the adequacy requirement, she said.

Changing the education funding system, which relies on local property taxes to supplement state funding, will take "an awful lot of political courage," said state Sen. Thomas P. Gaffey, a Meriden Democrat who is co-chairman of the education committee.

Gaffey said the income tax would be a fairer funding method than relying on property taxes. But he said that changing the system would require wide-ranging changes involving economic development, housing policy and reconsidering the merits of having more than 160 "fiefdoms" throughout the state.

What Is Guaranteed?

A key question in the case centered on what is meant by the Connecticut Constitution's guarantee to "free public elementary and secondary schools."

The plaintiffs argued that the wording implied a right to an adequate education. What would be the purpose of a right to education, a representative for the plaintiffs argued before the Supreme Court in 2008, if it did not provide students with the opportunity for employment or higher education?

"However you define it, the fundamental right to education has to have content," argued David Noah, then a Yale law student, one of more than a dozen handling the case under the supervision of Professor Robert Solomon.

The states that spend the most (and the least) on education

The Washington Post, By Emma Brown June 2, 2015

U.S. states' education spending averaged \$10,700 per pupil in 2013, according to the U.S. Census Bureau, but that average masked a wide variation, ranging from \$6,555 per pupil in Utah to \$19,818 in New York.

There's an even larger range separating the lowest- and highest-spending of the nation's largest 100 school districts: At the low end is Jordan, Utah, at \$5,708 per student; at the high end is Boston, Mass., at \$20,502.

Part of the variation is due to the huge differences in costs of living nationwide, which influence everything from teacher salaries to the cost of building and maintaining school facilities. Part is also due to economic realities — many states' education spending remains lower than it was before the recession.

And part of the variation is due to political decisions to invest more or less in schools, or to do more or less to equalize education spending across low- and high-income areas.

Top spenders (per student)	Bottom Spenders (per student)
1. New York (\$19,818 per student)	1. Utah (\$6,555)
2. Alaska (\$18,175)	2. Idaho (\$6,791)
3. District of Columbia (\$17,953)	3. Arizona (\$7,208)
4. New Jersey (\$17,572)	4. Oklahoma (\$7,672)
5. Connecticut (\$16,631)	5. Mississippi (\$8,130)

Connecticut Revenue Sources and Per Pupil Spending, 2014-15

(For selected towns, ranked highest to lowest by per pupil spending)

Connecticut State Department of Education 2014-15 School District Expenditures by Revenue Source

Funding Sources and per Pupil Spending (Excluding Land, Buildings, Capital and Debt Service)						
Rank	District Name	State Revenues %	Local Revenues %	Federal Revenues %	Tuition/Other Revenues %	Per Pupil Spending
1	CORNWALL	1.9	95.1	2.8	0.2	\$30,364
2	DISTRICT NO. 12	2.8	94.4	1.9	1.0	\$28,271
3	SHARON	2.1	95.8	2.0	0.1	\$27,751
4	DISTRICT NO. 1	16.5	80.6	2.0	0.9	\$26,836
5	CANAAN	7.1	90.9	1.9	0.1	\$25,857
21	HARTFORD	68.6	21.9	6.3	3.1	\$19,362
50	NEW HAVEN	61.1	24.5	12.8	1.6	\$17,194
80	CLINTON	21.9	75.9	2.1	0.0	\$15,947
81	NEW HARTFORD	21.5	76.8	1.6	0.1	\$15,940
82	FAIRFIELD	4.7	93.7	1.5	0.2	\$15,920
83	MADISON	5.0	93.0	1.5	0.6	\$15,917
84	LISBON	41.7	55.1	2.7	0.6	\$15,902
101	NEW LONDON	59.0	30.3	6.8	3.9	\$15,298
139	BRIDGEPORT	69.8	20.6	7.9	1.7	\$13,923
161	DANBURY	25.9	69.7	3.3	1.0	\$12,728
162	MARLBOROUGH	23.9	73.5	2.5	0.1	\$12,725
163	STERLING	45.3	51.3	2.8	0.5	\$12,632
164	ELLINGTON	29.9	68.2	1.6	0.3	\$12,619
165	WOODSTOCK	32.9	63.7	2.8	0.6	\$12,444

(there are 166 school districts in the State, with no data available for one district)