

TESTIMONY OF THE
CONNECTICUT COALITION
FOR **JUSTICE**
IN EDUCATION FUNDING
TO THE
APPROPRIATIONS COMMITTEE

February 11, 2009

The Connecticut Coalition for Justice in Education Funding appreciates this opportunity to submit comments pertinent to the spending priorities of the 2009 General Assembly's Appropriations Committee and all spending bills pertaining to education.

Let us put it bluntly: Connecticut's education system is in trouble. Schools across our state lack the resources to provide all our children with an adequate education, and it shows. We have the greatest achievement gap between rich and poor students in the country, and the performance of our poor students ranks 49th among states. We can and must do better.

A root cause of our problem lies in a school funding infrastructure that provides too little state aid to cities and towns and relies far too heavily on regressive local property taxes. Annually, the flawed system pits parents and the schools against other important local services and the need to hold the line on mill rates. Overburdened cities and towns are expected to bear the lion's share of education costs.

This education funding system is not only inadequate and inequitable, but also unconstitutional. As you know, our state constitution guarantees children a fundamental right to education, a principle reaffirmed in the 1977 Connecticut Supreme Court decision in *Horton v. Meskill* and many times since. In *Horton*, the Court found that the state's heavy reliance on local property taxes to fund the schools, without regard to wealth disparities across municipalities, resulted in inequities of educational opportunity and was therefore unconstitutional.

Recognizing the problems facing our public schools, a group of parents, educators, advocacy organizations, municipalities, and school districts formed the Connecticut Coalition for Justice in Education Funding (CCJEF). In November 2005, CCJEF brought legal action on behalf of schoolchildren and their parents.

That suit is now before the Connecticut Supreme Court, which granted a rare expedited appeal of an adverse pre-trial ruling that schoolchildren have no right to a "suitable" education under the Connecticut constitution. That trial court ruling flies in the face of legal precedent and significantly narrows the constitution's education clause — which we argue guarantees to all children the right to a substantive, quality education that prepares them for meaningful

employment, the academic rigors of higher education, and responsible and active participation in our democratic institutions.

The Supreme Court is expected to hand down its decision soon, and preparations for trial will then proceed. The significance of the Supreme Court's decision and the trial that will follow cannot be overstated. Atty. Wesley Horton ("Bracing for a School Finance Bombshell," *Connecticut Law Tribune*, December 29, 2008) has said that it will "undoubtedly [be] the most important decision the court will hand down in 2009." The Court's decision and the results of the subsequent trial will impact every schoolchild, school district, and municipality in Connecticut and will portend the kind of society, workforce, and economy this state must be willing to nurture.

Equally significant may be the role that the 2009 General Assembly plays in signaling to CCJEF and the Court that prolonged judicial involvement may not be necessary to vindicate the rights of our children.

CCJEF recognizes that the Appropriations Committee and General Assembly are now faced with exceedingly difficult choices in devising a suitable biennium budget. Accordingly, we respectfully suggest that particular consideration be given the following principles as the Committee reviews all bills connected with education funding:

- Equal and meaningful educational opportunity in a state with the nation's worst achievement gap will not come without substantially greater investment. The Governor's "level funding" of the ECS masks the reality: For most school districts, this means a 4 to 6 percent budget cut, due to rising wages tied to contractual obligations and a need to offer competitive salaries, ever-escalating health care premiums, soaring special education costs, and other fixed expenditures essential to school operations. Moreover, many other important education grants were cut that will further impact classroom practices, school districts' capacity for improvement, and other vital educational services for school-aged children and youth.
- Municipalities cannot, nor should they be expected to, continue to carry such a high share of the financial burden for the funding of their local schools. Failure of the state to adequately fund the schools and to carry at least half of the burden of education spending merely transfers the fiscal crisis to already over-burdened cities and towns. Yet property tax rates are already maxed out in communities of every wealth level.
- Devising an effective school finance system that equitably distributes adequate funding for all schoolchildren will require reforming the state's revenue structures — including placing a greater reliance on progressive tax measures and less reliance on property taxes, while creating mechanisms that ensure stable and adequate funding of schools. This is particularly important during periods of economic downturn such as these and as education costs continue to rise due to market forces, health care and out-of-control inflationary costs, enrollment change, etc. The recent proposal by Better Choices for Connecticut, for example, points in the right direction for revenue reform.

Specifically, we urge the following measures:

1. Make every effort to at least increase the FY10 and FY11 ECS allocations by 4.4% each year, over and above the currently funded FY09 level, and remain committed to the promised 5-year phase-in of the \$1.1 billion in annual ECS funding that was set in place by 2007 legislative action. This level of ECS increase over the biennium should help districts combat what otherwise will be severely damaging cuts in services.
2. Restore Priority District funding to at least its 2007-08 level (\$127 million versus the Governor's proposed \$116.7 million). These dollars are vital in helping the state's most distressed districts "tread water" as they struggle to improve practices and serve their highly disadvantaged populations. Also, restore the \$20 million Early Reading Success grant that targets Priority Districts' most at-risk young students.
3. Lower the Special Education Excess Cost reimbursement threshold from 4.5 to 2.5 times a district's regular program per pupil expenditure, and make certain that grant is fully funded. At present, the state contributes just 8.7 percent of special education costs (excluding any portion of ECS funding that might arguably be attributed to special education); local property taxes must cover 83.6 percent of those costs! Lowering the Excess Cost reimbursement threshold will help every school district and would be a first significant step toward either adding a special education weight to the ECS formula or the state fully funding all special education once the economy has recovered.
4. Fully fund the pupil transportation, adult education, and health services grants. The importance of removing the long-standing caps on these grants should be crystal clear. These caps annually amount to millions of dollars of essential educational services that local school boards and their municipalities are expected to provide.
5. With reference to interdistrict magnet schools:
 - a. Maintain funding level increases for FY10 (\$ 7,440) and FY11 (\$8,158) as established by Public Act 07-3. These increases are needed to maintain current services and to protect the state's efforts to provide students with high-quality diverse learning environments throughout Connecticut.
 - b. Eliminate the 25 percent ECS reduction in need student counts for local school districts that have students attending interdistrict magnet schools. Their students' participation in interdistrict magnets seldom decreases sending districts' fixed costs. This ECS reduction, if implemented, would effectively increase the magnet tuition burden to local school districts by some \$50 million in the 2009-10 school year. It would also fiscally decimate the "host model" magnet schools that have successfully operated across the state for 15 years without supplemental funding by the legislature.
 - c. Maintain the state's 95 percent reimbursement level for interdistrict magnet school construction projects across the state. This incentive is critical to support the continued growth of Connecticut's most successful program in response to the Supreme Court's *Sheff v. O'Neill* decision. Reducing the reimbursement rate

jeopardizes the future expansion of interdistrict magnet schools statewide, inasmuch as local taxpayers are otherwise reluctant to construct new schools designed to accommodate significant numbers of out-of district students.

6. Given the current heavy financial burdens already being placed on cities and towns, require that implementation of any new education mandates be contingent upon full funding by the state — including, for example, any new provisions related to high school reform, student assessment, teacher or paraprofessional certification, or professional development.

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The Connecticut Coalition for Justice in Education Funding (CCJEF) is a broad-based coalition of municipalities, local boards of education, statewide professional education associations, unions, and other pro-education advocacy organizations, parents and Connecticut schoolchildren aged 18 or older, and other taxpayers. Member school communities serve more than 250,000 students, including approximately three-fourths of Connecticut's minority students, those from low-income homes, and students from homes where English is not the primary language.