

DOCKET NO.: (X07) HHD-CV14-5037565	:	SUPERIOR COURT
	:	
CONNECTICUT COALITION FOR JUSTICE	:	JUDICIAL DISTRICT OF
IN EDUCATION FUNDING, INC. ET AL	:	HARTFORD AT HARTFORD
<i>Plaintiffs</i>	:	
	:	
v.	:	
	:	
M. JODI RELL, ET AL.	:	FEBRUARY 18, 2014
<i>Defendants</i>	:	

DEFENDANTS' ANSWER TO PLAINTIFFS'
CORRECTED THIRD AMENDED COMPLAINT

1. The defendants lack sufficient knowledge or information to either admit or deny the allegations of the first sentence of this paragraph, and therefore leave the plaintiffs to their proof as to that sentence. It is denied that the state constitution guarantees the right to suitable education, and the balance of the paragraph is admitted.
2. It is denied that the state constitution requires a suitable education, and as to the balance of the paragraph defendants lack sufficient knowledge or information and therefore leave the plaintiffs to their proof.
3. Denied.
4. Denied.
5. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
6. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
7. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

8. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
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17. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
18. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
19. The defendants lack sufficient knowledge or information to either admit or deny the

allegations of this paragraph and therefore leave the plaintiffs to their proof.

20. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

21. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

22. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

23. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

24. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

25. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

26. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

27. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

28. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

29. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

30. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

31. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
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42. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
43. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
44. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
45. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
46. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
47. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof. It is denied that the state constitution requires a suitable education.
48. Admitted.
49. Admitted.
50. Admitted.
51. Admitted.
52. Admitted.
53. Admitted.
54. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.
55. This paragraph is denied insofar as the Connecticut Supreme Court's newly promulgated standard establishes that the pertinent constitutional duty is to ensure

minimally adequate educational opportunity.

56. It is denied that the state constitution requires suitable educational opportunity, and thus the balance of the paragraph is denied.
57. It is admitted only that the state has the constitutional responsibility to ensure substantially equal educational opportunity as to date articulated by the Connecticut Supreme Court.
58. Admitted only that the constitutional provision requires the General Assembly to implement the provision by appropriate legislation.
59. Admitted.
60. It is denied that the state constitution requires suitable educational opportunity, and the balance of the paragraph is admitted.
61. It is admitted only that the State Board of Education's Statement of Core Belief reads in part as alleged. It is denied that State Board aspirational statements or policies have the force of law.
62. Defendants deny the validity of plaintiffs' identification of certain circumstances, items or factors as educational "inputs" or "outputs." Defendants admit only that some such circumstances, items or factors may or may not impact educational attainment.
63. It is denied that the state constitution requires suitable educational opportunity and that the state constitution requires the provision of preschool services, and the balance of the paragraph is denied in accordance with defendants' response to paragraph 62 above.
64. It is denied that the state constitution requires suitable educational opportunity and that the state constitution requires the provision of preschool services, and the balance of the paragraph is denied in accordance with defendants' response to paragraph 62 above.

65. The paragraph is denied in accordance with defendants' response to paragraph 62 above. It is further denied that the state constitution requires the provision of preschool services.

66. Defendants deny the validity of plaintiffs' characterization of educational "inputs" or "outputs," in accordance with their response to 62 above.

a. The first sentence of this subparagraph is admitted. The second sentence is admitted in that 76.4% was the state average that year. It is denied that the state constitution requires the provision of preschool services.

b. Defendants lack sufficient knowledge to either admit or deny the allegations of this subparagraph and therefore leave the plaintiffs to their proof, particularly in light of the lack of definition of the phrase "high- or moderate-powered." The second sentence is admitted in that 63.4% was the state average that year.

c. The first sentence of this subparagraph is admitted. The second sentence is admitted in that 395.2 was the state average that year.

d. The first sentence of this subparagraph is admitted in that 67.5% was the figure for that year. The second sentence is admitted for that year.

e. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this subparagraph and therefore leave the plaintiffs to their proof, particularly in light of the lack of definition for the phrase "perform poorly."

67. It is denied that the state constitution requires suitable educational opportunity and that the state constitution requires the provision of preschool services, and the balance of the paragraph is denied.
68. Defendants deny the validity of plaintiffs' characterization of educational "inputs" or "outputs," in accordance with their response to 62 above.
- a. The first sentence of this subparagraph is admitted in that the figure was 60.4%. The second sentence is admitted in that the figure was 76.4%.
 - b. Without a definition of "perform poorly" defendants cannot admit or deny the first clause of this subparagraph. The defendants admit the balance of the subparagraph as to that year.
 - c. The first sentence of this subparagraph is admitted in that the figure was 16.9 for that year. The second sentence is admitted in that the figure for that year was 24.8.
 - d. Admitted for that year.
69. It is denied that the state constitution requires suitable educational opportunity, and the balance of the paragraph is denied.
70. Defendants deny the validity of plaintiff's characterization of educational "inputs" or "outputs," in accordance with their response to 62 above.
- a. The first sentence of this subparagraph is admitted in that the figure is 60.9% for that year. The second sentence is admitted in that the figure for that year was 76.4%.
 - b. The first sentence of this subparagraph is admitted in that the figure was 26.3 for that year. The second sentence is admitted in that the figure

was 18.7.

c. The first sentence of this subparagraph is admitted. The second sentence is admitted in that the figure was 21.6.

d. The first sentence of this subparagraph is admitted in that the figure for that year was 8.7. The second sentence is admitted in that the figure for that year was 19.7.

e. The first sentence of this subparagraph is admitted. The second sentence is admitted in that the figure was 324.2.

f. The first sentence of this subparagraph is admitted. The second sentence is admitted in that the figure was 14.6.

g. Admitted for that year.

h. Admitted for that year.

i. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this subparagraph and therefore leave the plaintiffs to their proof.

71. It is denied that the state constitution requires suitable educational opportunity, or preschool services, and the balance of the paragraph is denied.

72. Defendants deny the validity of plaintiff's characterization of educational "inputs" or "outputs," in accordance with their response to 62 above.

a. Without a definition of "perform poorly" defendants cannot admit or deny the first clause of this subparagraph. The balance of the subparagraph is admitted as to that year.

b. Without a definition of "perform poorly" defendants cannot admit or

deny the second clause of this subparagraph. The balance of the subparagraph is admitted as to that year.

c. The first sentence of this subparagraph is admitted as to that year. The second sentence is admitted in that the figure for that year was 9.7.

d. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this subparagraph and therefore leave the plaintiffs to their proof.

73. It is denied that the state constitution requires suitable educational opportunity, and the balance of the paragraph is denied.

74. Defendants deny the validity of plaintiff's characterization of educational "inputs" or "outputs," in accordance with their response to 62 above.

a. Without a clearer definition of "perform poorly" defendants lack sufficient knowledge or information to admit or deny the first clause of this subparagraph. The balance of the subparagraph is admitted as to that year.

b. Without a clearer definition of "perform poorly" defendants lack sufficient knowledge or information to admit or deny the first clause of this subparagraph. The balance of the subparagraph is admitted as to that year.

c. Admitted as to that year.

d. Admitted in that the figures were 29.4% and 76.5% respectively for that year.

75. It is denied that the state constitution requires suitable educational opportunity, and the balance of the paragraph is denied.
76. It is admitted only that the State Board of Education has identified the importance of such items. It is denied that the State Board of Education has made admissions.
77. It is admitted only that the State Board of Education has promulgated a position statement that reads in part as alleged.
78. It is admitted only that the State Board of Education has promulgated a position statement that reads in part as alleged.
79. It is admitted only that the State Board of Education has promulgated a position statement that reads in part as alleged.
80. It is admitted only that the State Board of Education has promulgated a position statement that reads in part as alleged.
81. It is admitted only that the State Board of Education has promulgated a position statement that reads in part as alleged.
82. It is admitted only that the State Board of Education has promulgated a position statement that reads in part as alleged.
83. It is admitted only that the State Board of Education has promulgated a current position statement entitled "Position Statement on Creating a Healthy Learning Environment that is Physically, Emotionally and Intellectually Safe" (February 3, 2010) in part that sets forth similar aspirations.
84. It is admitted only that the State Board of Education has promulgated a position statement that reads in part as alleged.

85. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.
86. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.
87. Denied.
88. It is denied that the state constitution requires suitable educational opportunity, and the balance of that sentence is denied. As to the balance of the paragraph, the defendants lack sufficient knowledge or information, and therefore leave the plaintiffs to their proof.
89. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.
90. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.
91. Defendants deny plaintiffs' identification of certain circumstances, items or factors as educational "inputs" or "outputs." Defendants admit only that some such circumstances, items or factors may or may not impact educational achievement. Defendants admit there are several imperfect means for seeking to ascertain educational achievement.
92. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied in accordance with defendants' response to paragraph 91.
93. It is denied that the state has failed to provide substantially equal educational opportunity and the balance of the paragraph is denied in accordance with defendants' response to paragraph 91.

94. It is admitted only that the State Board of Education has promulgated a position statement that reads in part as alleged.
95. It is admitted that the "Statement of Purpose" set forth in 20 U.S. C. § 6301 reads in part as alleged.
96. It is admitted that the No Child Left Behind Act seeks to ensure adequate yearly progress. However, Connecticut has received the ESEA waiver which eliminates this requirement.
97. It is admitted that prior to receiving the ESEA waiver the state used the CMT and CAPT as part of the determination of adequate yearly progress. The remainder is denied.
98. It is admitted that the federal statute sets such a goal. However, Connecticut has received a waiver from the adequately yearly progress requirement referenced.
99. It is denied that the state constitution requires suitable educational opportunity; it is admitted that performance on such tests is one measure of educational attainment.
100. Admitted.
101. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.
102. Denied.
103. The statistics are admitted except that the 18% figure in the final column should be 17% and the 36% in the final column should be 35%. With respect to the remainder of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
104. The statistics are admitted except that the 61% figure in the third column should be 60% and the 31% in the final column should be 32%. With respect to the remainder

- of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
105. The statistics are admitted except that the 55% figure in the third column should be 56%. With respect to the remainder of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
 106. It is admitted that the statistics alleged reflect CAPT testing from the spring 2005 administration. With respect to the remainder of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
 107. It is admitted that the statistics alleged reflect CAPT testing from the spring 2005 administration. With respect to the remainder of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
 108. It is denied that the state constitution requires suitable educational opportunity and as to the balance of the paragraph, the defendants lack sufficient knowledge or information, and therefore leave the plaintiffs to their proof.
 109. It is denied that the state constitution requires suitable educational opportunity, it is denied the state has failed any constitutional duty and as to the balance of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
 110. It is denied the state has failed any constitutional duty and as to the balance of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
 111. As to the statistics cited, defendants admit the same except the figures in the

first column should be 46% not 47% and 41% not 31%. The balance of the paragraph is denied.

112. As to the statistics cited, defendants admit the same except the figures in the first row should be 15% not 39% and 43% not 69%, and in the second row 45% should be 46%. The balance of the paragraph is denied.

113. The statistics cited are admitted. With respect to the remainder of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.

114. The statistics cited are admitted. With respect to the remainder of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.

115. The statistics cited are admitted. With respect to the remainder of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof

116. It is denied that the state constitution requires suitable educational opportunity.

117. It is denied that the state constitution requires suitable educational opportunity. It is denied the state has failed any constitutional duty and as to the balance of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.

118. It is denied the state has failed any constitutional duty and as to the balance of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.

119. The paragraph is admitted to the extent the statistics are (from left to right), 56.1%, 42.1%, 56.7%, 89.7%, 68.8% and 84.9%.
120. The paragraph is admitted to the extent the statistics are (read from left to right), 75.9%, 42.6%, 73.8%, 89.7%, 68.8% and 84.9%.
121. It is denied that the state constitution requires suitable educational opportunity.
122. It is denied that the state constitution requires suitable educational opportunity. It is denied the state has failed any constitutional duty, and as to the balance of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
123. It is denied the state has failed any constitutional duty, and as to the balance of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
124. The paragraph is admitted to the extent the statistics are (read from top to bottom) 11.9%, 19.6%, 44.8% and 9.5%.
125. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.
126. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.
127. Denied.
128. It is admitted only that local public schools in Connecticut are instrumentalities of the state only when carrying out the educational interests of the state. See Conn. Gen. Stat. §§ 10-4 et seq. and 10-240 et seq.

129. Admitted in part, subject to certain state oversight.
130. Admitted.
131. It is admitted only that mechanisms for funding public schools in Connecticut include ECS grants, categorical grants and local revenues generated through municipal property taxes. As to the balance of the paragraph the defendants lack sufficient knowledge of information and therefore leave the plaintiffs to their proof.
132. It is admitted only that the State Board of Education has promulgated a position statement that in part has language with such import.
133. With respect to 2003, the defendants admit only to the extent that state aid amounted to 39.5% of all public school funding in Connecticut. The defendants deny the 2010 figure and leave the plaintiffs to their proof with regard to the remainder.
134. It is denied that the current system for funding public education is arbitrary or inadequate, or results in "shortfalls," and the balance of the paragraph is denied.
135. It is admitted only that the "ECS formula" was adopted in 1988. It is denied that the state constitution requires suitable educational opportunity. As to the balance of the paragraph, defendants lack sufficient knowledge or information to either admit or deny the allegations and therefore leave the plaintiffs to their proof.
136. Admitted to the extent it includes amendments.
137. Defendants admit only that Conn. Gen. Stat. 10-262f(33), as amended, defines "fully funded grant" to mean the sum of (A) the product of a town's base aid ratio, the foundation level and the town's total need students for the fiscal year prior to the year in which the grant is to be paid, and (B) the town's regional bonus; and leaves the plaintiff to their proof with regard to the remainder.

138. It is denied that the cap is arbitrary, and further denied that the cap prevents municipalities of funding they are “entitled to.” The defendants leave plaintiffs to their proof with regard to the remainder.
139. It is denied that the state constitution requires suitable educational opportunity, and that the foundation amount is arbitrary. The defendants leave plaintiffs to their proof with regard to the remainder.
140. Admitted in part, denied in part. Originally, for fiscal years 1989-90 through 1992-93 the foundation amount was set by statute. Thereafter the foundation amount was to be determined as alleged. However, later legislation postponed and then removed that provision.
141. Admitted in part, denied in part. The foundation amount was frozen at \$4,800 for fiscal years 1992-93 through 1994-95. In 1995-96 the foundation level was increased to include special education and was raised again in 1998-99, 1999-00 and 2007-08.
142. Admitted, effective fiscal year 1995-96.
143. Defendants admit only that “foundation” is defined by P.A. 13-247 sec. 152(9) and deny the remainder.
144. Denied. Given other statutory changes to the formula, including its treatment of special education students, such speculation cannot be empirically supported.
145. It is denied that the state constitution requires suitable education opportunity and the balance of the paragraph is denied.
146. Denied.
147. Defendants admit only that “total need students” is defined by P.A. 13-247 Sec 152(25) and deny the remainder.

148. Defendants admit only to the extent this allegation refers to school years commencing July 1 2007 to July 1, 2012. It is denied as to subsequent years.
149. The paragraph is denied as it relates to “Title I poverty” and it is further denied that Title I is presently used by the state as a measurement of a “need student.”
150. The paragraph is denied as it relates to “Title 1 level of poverty” and it is further denied that Title I is presently used as a measurement of a “need student.”
151. Defendants admit only to the extent this allegation refers to school years commencing July 1 2007 to July 1, 2012. It is denied as to subsequent years.
152. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.
153. Defendants deny that “total need students” as defined by P.A. 13-247 does not include special education students and lack sufficient knowledge or information to either admit or deny the remaining allegations, and therefore, leave the plaintiffs to their proof as to the remainder.
154. This paragraph is admitted to the extent it is read consistent with P.A. 13-247(2).
155. It is denied that the SGWL is a factor determining the minimum base aid ratio as of the 2013-2014 ECS grant. Defendants admit that a town’s wealth is a factor determining the minimum base aid ratio.
156. Denied.
157. Denied.
158. The first two sentences of the paragraph are admitted. The third sentence is admitted except that with the 2013-14 grant SGWL is no longer used. As to the remainder of the

paragraph the defendants lack sufficient knowledge or information to admit or deny and therefore leave the plaintiffs to their proof.

159. The first three sentences are admitted. It is denied that the state constitution requires suitable educational opportunity. Defendants leave plaintiff to their proof with regard to the remainder of this paragraph.

160. Denied.

161. It is denied that the State Board of Education can make "admissions" attributable to the state. It is admitted only that the State Board of Education has promulgated a statement that reads in part as alleged.

162. It is denied that the state constitution requires suitable educational opportunity and the balance of the paragraph is denied.

163. It is denied that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.

164. It is denied that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.

165. It is denied that the state has failed to meet its constitutional obligations, and to the extent plaintiffs may not attain the "self-realization" they allegedly aspire to, it is denied the state will bear legal responsibility for such circumstances.

166. It is denied that the state has failed to meet its constitutional obligations, and to the extent plaintiffs may not attain acceptance to particular institutions, it is denied the state will bear legal responsibility for such circumstances.

167. It is denied that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.

167. It is denied that the state constitution requires suitable educational opportunity, that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.
168. It is denied that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.
169. The defendants' responses to paragraphs 1 through 169 are hereby incorporated by reference as if fully set forth herein.
170. It is denied that the state constitution requires suitable education opportunity, that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.
171. It is denied that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.
172. The defendants' responses to paragraphs 1 through 172 are hereby incorporated by reference as if fully set forth herein.
173. It is denied that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.
174. It is denied that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied.
175. The defendants' responses to paragraphs 1 through 175 are hereby incorporated by reference as if fully set forth herein.
176. The defendants lack sufficient knowledge or information to either admit or deny the allegations of this paragraph and therefore leave the plaintiffs to their proof.

177. It is denied that the state constitution requires suitable educational opportunity, that the state has failed to meet its constitutional obligations, and the balance of the paragraph is denied. It is further denied that this court can entertain a claim pursuant to 42 U.S.C. § 1983 based on alleged violations of the state constitution.

177. It is denied that the defendants have violated any constitutional provisions, and the balance of the paragraph is denied.

178. It is denied that plaintiffs are entitled to any relief.

SPECIAL DEFENSES TO ALL COUNTS

1. The Court lacks subject matter jurisdiction, including but not necessarily limited to the following reasons: the case is not ripe, the case is moot, the plaintiffs fail to establish associational standing, and some claims are barred by sovereign immunity.
2. The plaintiffs fail to state a claim of a state constitutional deprivation.
3. The state constitution does not require the provision of preschool services.
4. The plaintiffs fail to state a claim under 42 U.S.C. § 1983 based on the state constitution and, thus, are entitled to no relief under that statute for alleged violation(s) of the state constitution or under 42 U.S.C. § 1988 for fees or costs.

DEFENDANTS,
M. JODI RELL, ET AL.

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CERTIFICATION

I hereby certify that a copy of the foregoing Answer was e-filed and e-mailed this
18th day of February, 2014 to the following counsel of record:

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