

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

February 24, 2012

Senator Bye, Representative Walker, Education Subcommittee Chairs Senator Maynard and Representative Fleischmann, and esteemed members of the Appropriation Committee: The Connecticut Coalition for Justice in Education Funding appreciates this opportunity to submit comments pertinent to **Governor's Bill No. 5030 — An Act Making Adjustments to State Expenditures for the Fiscal Year Ending June 30, 2015.**

Governor Malloy's continuing focus on education and his understanding of its vital role in fueling our economy and improving our social fabric are greatly appreciated, even though the manner in which he expresses his commitment to improving our schools and providing them with adequate funding leaves much to be desired.

Best intentions aside, again this year the Governor has forwarded to the legislature proposed budget adjustments that are inappropriately meager for sustaining — let alone improving — education within the state's traditional K-12 school districts that serve more than 90 percent of all public school students in Connecticut.

Today's comments will briefly focus on bringing to your attention two important matters: (1) the most egregiously underfunded education budget items are well known to all of you, i.e., the Education Cost Sharing formula, special education, and pupil transportation; and (2) the impending trial of the **CCJEF v. Rell** school finance case, the elephant in the room that even at this 11th hour the Administration has opted to ignore in correcting its K-12 budget priorities.

Underfunding of the ECS, SPED, and Transportation Grants

PA 13-247 provided for a \$40 million increase in the ECS for 2014-15, and the Governor is recommending no upward adjustment to that figure. That \$40 million, just like last year's \$51 million, amounts to a nearly trivial sum once it is distributed across the municipalities responsible for serving nearly 530,000 students in the traditional and regional public schools that are fiscally dependent on municipalities.

Based on OPM's calculations, here are the FY15 per pupil increases for the 17 lowest-wealth-decile towns:

ANSONIA	135	MERIDEN	228	PUTNAM	113
BRIDGEPORT	250	NAUGATUCK	65	TORRINGTON	14
DERBY	227	NEW BRITAIN	362	WATERBURY	403
EAST HARTFORD	337	NEW HAVEN	220	WEST HAVEN	179
HARTFORD	179	NEW LONDON	192	WINDHAM	263
KILLINGLY	37	NORWICH	279		

Except for Torrington, all the above are either Alliance or Reform Districts, which means that the increases cannot go toward regular ongoing operations (current services), such as sustaining intervention programs, maintaining staffing ratios, or keeping the electricity on. It is not even clear whether the Commissioner will allow next year's ECS increase to be applied toward the improvement projects that were initiated last year as a condition of receiving their FY14 ECS increase — ambitious undertakings that generally cost far more than the ECS dollars received and often require multiple years of effort.

Many small towns in the 9th lowest-wealth decile that are not Alliance Districts will barely realize any per pupil increase:

BROOKLYN	11	STAFFORD	1	THOMASTON	8
PLAINFIELD	9	STERLING	8	THOMPSON	0

The below three higher-wealth cities whose schools serve significant proportions of disadvantaged students are clear outliers when it comes to the ability of the ECS to fairly fund them, and FY15 offers their students little relief:

NORWALK	25	STAMFORD	47	WEST HARTFORD	21
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The conditional funding of Alliance Districts atop meager ECS increases seems particularly unfair for Stamford and Norwalk, where local property taxes cover the lion's share of school funding (the state contributes 9 and 11 percent, respectively). Both districts have poverty rates approaching 50 percent and non-English speaking students comprising about 40 percent of all students and representing 60-some different home languages. Nevertheless, the ECS increases for these districts must go to special Commissioner-approved "reform" initiatives rather than support continuous improvement processes. West Hartford is not an Alliance District, but it faces similar, albeit less extreme, student demographic challenges and a heavy property tax burden that provides more than 80 percent of its own school funding.

Compare the above ECS per pupil increases with the \$500 per pupil increase for charter schools that is buried within the FY15 budget's ECS line item. This increase brings to \$11,000 the per pupil grant for state authorized charter schools.

Without rehashing all that's wrong with the ECS, let us summarize the key inadequacies of the proposed FY15 budget adjustments:

1. The ECS formula is fundamentally broken (but still fixable in its foundation formula design), and it bears little relation to the actual cost of educating Connecticut's children.
2. Adjusted for inflation, the ECS has remained nearly flat across the 25 years it has served as the state's primary mechanism for education equalization. In real terms, it has grown by only \$62 million in all those years — from \$1.014 billion in 1989-90 (that's \$1.928 billion in today's dollars) to \$1.990 in 2013-14. Notwithstanding the notable changes that have occurred in teaching and learning over those years and stark increases in the cost of books, technology, energy, health care, and the like, the ECS has been allowed to languish. For 25 years the bar for curriculum and performance standards, accountability, and student outcomes has risen, while schoolchildren, teachers, and their schools have been given far too little support to drive or sustain achievement.
3. After allocating the FY15 sums to towns, state underfunding of the ECS formula in its present form would amount to some \$646.8 million. Yet in terms of meeting the constitutional requirement for the state to provide adequate and equitable educational opportunity for all public schoolchildren, the shortfall is quite possibly five or six times greater.
4. Per pupil increases in the FY15 budget are much too small. At this pace, how many years will it take to "fully fund" the ECS, even in its current inadequate rendition? Given the few years a child spends in school and the rapidly changing social and economic circumstances that are finally propelling this Land of Steady Habits forward, the investment pace needs to accelerate dramatically as the state's economy continues to rebound.

Ironically, today's "fully funded" ECS formula amounts to \$2.684 billion, roughly equivalent to the \$2.7 billion fully funded ECS that the 2008 legislature enacted. Had it not been for the screeching halt brought by the Great Recession, those \$2.7 billion should already have been in our schools, assuming the state's commitment was kept. So here we are, back to the future!

5. Like this year, in FY15 no ECS increase will be due 47 communities whose school districts are among those that in today's dollars now receive less per pupil than they did under the pre-*Horton* \$250 flat grant. Whether the formula can or should be allowed to work in such a manner over the coming years is ripe for serious discussion. At least in social justice terms, the principal is that a child is a child, whether she lives in Windham or in New Canaan. Surely the state's moral and legal duty is to both.
6. The continuing absence of a student need weight for English-language-learners must not go unnoticed. The learning needs of these students are vastly different and typically far more costly than interventions or specialized programming for impoverished children. As of 2011-12, CSDE reports that there were 30,142 children, or 5.4 percent of all Connecticut public school children, in the ELL category, and some 72,977 students were from non-English speaking homes.

The collapse of the need weights for these two separate populations, ELL and poverty, into one free/reduced price meals weight for poverty (that was then lowered!) is educationally indefensible and fiscally punitive to the 18 or so communities in which most of these costly-to-serve students are concentrated. Separate weights should have been maintained and duplicative counts should have been the procedure where ELL children are also eligible for the meals subsidy.

7. Once again no provision in the formula has been made for the funding of special education — nor has additional funding been recommended for the categorical SPED Excess Cost grant and the cap lifted. In 2010-11 (latest year for which data are publicly available), the grant was capped by 22.2 percent, resulting in a \$34.3 million decrease in reimbursements due towns.

Despite ever-increasing numbers of students needing specialized learning assistance, skyrocketing costs for those services, mounting pressure for these students to meet ever-higher standards, and untold numbers of unfunded state and federal IDEA-related mandates, the state continues to ignore the gravity of the SPED funding situation and instead punts these very significant costs to municipalities and their property taxpayers. In FY13 school districts spent some \$1.8 billion on SPED, or 22 percent of their total current expenditures. Two districts (Ledyard and New Britain) spent over 30 percent of their budgets on SPED; 21 districts spent more than one-quarter.

8. Pupil transportation, like the SPED Excess Cost grant, has long been capped and underfunded, so that reimbursements never approximate actual costs incurred by school districts. In FY13 school districts spent some \$300 million on transportation, or 3.7 percent of total current expenditures. For FY12, the spending range was 2.4 to 16.6 percent, with 8 districts spending more than 10 percent on transportation. Norwich and Union spent the most, at 12.5 and 16.6 percent, respectively.
9. All boats must rise before we're out of the water. The entire array of schools that now compete with traditional town-based public schools for students and state funding (magnet, charter, regional voc-ag, and technical high schools) must have their costs of doing business carefully examined, their formulae aligned accordingly, and their resource needs met, just like the state must do for traditional public schools where the vast majority of students are enrolled. Certainly an expected outcome of the CCJEF school finance lawsuit is to do just that — along with revamping how education funds are raised so as to shift to the state the primary burden of school funding, consistent with its constitutional obligation. Only by means of this kind of tax/revenue restructuring can meaningful property tax relief occur and the state hope to restore its national dominance in education.
10. Importantly, the state budget should be a reflection of our values, as Comptroller Kevin Lembo recently pointed out earlier this weekend (AFT Connecticut 2014 Legislative Issues Conference, February 23, 2014). "If it's not in the budget, we're not committed to it." As detailed above, there are numerous important values not well reflected in the FY15 budget.

CCJEF v. Rell

In March 2010, on plaintiffs' appeal of an unfavorable pretrial ruling regarding adequacy claims, the Connecticut Supreme Court ruled in *CCJEF v. Rell* that the state constitution ensures the right of every Connecticut public school student to a quality (adequate) education, and the state must pay for it.

The 2010 *CCJEF* decision added substance to the rulings in *Horton v. Meskill* (1977, 1982, and 1985), in which the Connecticut Supreme Court affirmed that the state constitution provides a fundamental right to "substantially equal educational opportunity" for all schoolchildren and that the reliance on local property taxes to fund education, without regard to wealth disparities, was in violation of the constitution. The *Sheff v. O'Neill* (1989) decision held that the existence of "extreme racial and ethnic isolation in the public school system deprives schoolchildren of a substantially equal educational opportunity." Thus the concept of education adequacy (*CCJEF*) joins the long-established precept of equity (*Horton, Sheff*).

So that this Committee's members might gain a more grounded understanding of what is meant by an adequate education, attached is a 2-page description that provides concrete examples of the kinds of schooling resources and conditions that are essential for adequacy and equity. (The 2012 publication will soon be updated to reflect recent research findings.)

Trial will commence at Hartford Superior Court on September 9, 2014, nine years after the case was initially filed. The case has been fought ardently by two successive Attorneys General and Governors whose Administrations they were sworn to represent on behalf of the State.

But let us be clear: The 2012 and 2013 education reforms that were enacted with great controversy and fanfare, plus any additional 2014 reforms that may yet be passed this session, are not dispositive of the *CCJEF v. Rell* education funding lawsuit. The reforms — even if they had been fully funded and implemented as described in statute, which isn't the case on either count — do not come anywhere near meeting the Connecticut Supreme Court guarantee of education adequacy and equity. They will do little or nothing to close the achievement gap, little or nothing to get urgently needed resources into our classrooms, little or nothing to fund our children's futures or to ensure a competitive workforce that can help fuel the state's economy.

As we have offered in the past, CCJEF and its fiscal experts are willing to assist the state in designing and phasing in an effective, forward-looking, fiscally responsible 21st state school finance system. The continued reticence of this Administration to pursue a collaborative problem-solving approach to CCJEF's constitutional challenge of the school finance system is puzzling. Such recalcitrance seems neither strategically advantageous politically nor likely to save the State of Connecticut any dollars in the long run.

We call upon you legislators to ensure that the FY15 budget adjustments and whatever new policies are passed in this magnificent seat of government over the coming few months will place the highest value on the long-term best interests of our schoolchildren, interests that we believe to be synonymous with the long-term best interests of the state.

Respectfully submitted,

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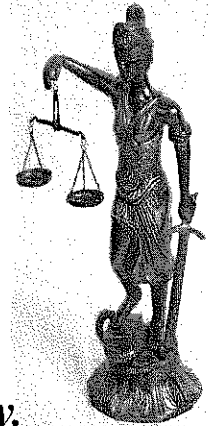
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The Connecticut Coalition for Justice in Education Funding (CCJEF) is a broad-based coalition of municipalities, local boards of education, statewide professional education associations, unions, and other pro-education advocacy organizations, parents and schoolchildren aged 18 or older, and other concerned Connecticut taxpayers. Member communities are home to nearly half the state's public school students, including some three-fourths of all minority students, those from low-income families, and students from homes where English is not the primary language.

ADEQUACY & EQUITY DEFINED

February 2012

*An “adequate and equitable” education ...
is the effective provision of curriculum and instruction,
pupil support services, related programs and materials,
and a learning environment that is reasonably sufficient
for ensuring equal educational opportunity for all children
at a level consistent with state and national standards and
which successfully prepares PK-12 students for advanced
training and study, work, and citizenship in the 21st century.*



Adequacy

- ◆ Education adequacy means that all PK-12 public school children receive a quality education, and that every child graduates high school prepared for gainful employment or military service, postsecondary education or advanced training, responsible citizenship, and full participation in our democratic institutions.
- ◆ An adequate education affords all school children a reasonable and meaningful opportunity to meet Connecticut's learning standards.
- ◆ Adequate funding means that there are sufficient resources for providing every student with ample opportunity to succeed in meeting the state's quality education standards.

Connecticut Supreme Court:

*The
adequacy
standard is
dynamic,
dependent on
“demands of
an evolving
world.”*

*CCJEF v. RELL (2010)
PLURALITY OPINION*

Equity

- ◆ Equitable opportunities to learn means that students in every community are afforded approximately the same quality of education regardless of wealth, language, race, disabilities, or other happenstances of birth or geography.
- ◆ Equitable funding means that every school and district receives a fair share of available resources to support the unique learning needs of the students it serves.
- ◆ Equitable funding also means that the burden placed by the state on communities to support their local schools must result in **fair and reasonable education tax rates.**

CONNECTICUT COALITION FOR *JUSTICE* IN EDUCATION FUNDING

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Adequacy & Equity Principles

Schools must be resourced commensurate with the learning needs of all students they serve — and state education aid must have a direct, rational relationship to the actual cost of providing those resources consistent with municipal ability to pay.

Resources Essential for Adequacy & Equity

- ◆ **Competent, qualified professionals in every classroom and in every school and district leadership role**, as well as librarians, technology specialists, nurses, counselors, and social workers — all supported with sustained high-quality professional development and an effective performance evaluation system
- ◆ **Standards-based state-of-the-art curriculum** that's comprehensive, rigorous, and aligned with assessments
- ◆ Curricular offerings that include **world languages, visual and performing arts, gifted and talented and STEM programs**, and vocational training
- ◆ **Alternative learning programs** for middle and high school students, including online courses, work-study programs, and other dropout prevention approaches that accommodate students' unique learning styles
- ◆ **Appropriate class sizes**, typically 15-18 students in PK-3 classrooms and no more than 22-25 in higher grades, with extra assistance/support in classrooms that serve especially challenged learners
- ◆ **Textbooks, materials, supplies, library holdings, computers, and other classroom and instructional management technologies** that are ample, up-to-date, and well-maintained
- ◆ **Universal preschool** in high-needs districts, with full-day/year-round availability and quality consistent with that of the state's School Readiness Program — together with **all-day kindergarten** statewide
- ◆ **An array of extracurricular offerings**, including team sports, art/music/drama/dance programs, and special-interest clubs to help motivate students to stay in school, develop talents, and build social skills
- ◆ **Programs targeted to at-risk students** for purposes of accelerated remediation, enrichment, motivation, and social interaction, as well as **intensive services for English-language acquisition and quality programming for all special education students**, with effective management of inclusion practices
- ◆ **Wraparound services** for children and families in high-needs districts (including health and dental care, mental health services and counseling, dispute resolution, and other social services)
- ◆ **Longer school day or extended-day offerings** to afford more time for learning, enrichment, and safe, productive use of students' after-school hours — plus a **longer school year or summer programs** to afford more time for learning, foster credit recovery or acceleration, and reduce summer learning loss
- ◆ **Safe, well-maintained, energy-efficient school facilities** that meet 21st-century schooling needs
- ◆ **Appropriate pupil transportation services** that meet late-bus and interdistrict magnet enrollment needs



All the above examples impact student learning — and they all cost money. These examples of resources essential to adequacy and equity reflect “best practices” across the nation and are consistent with the aims of Governor Malloy's proposed education reform agenda. Yet few Connecticut communities are able to afford these resources — despite students' constitutional right to a quality education!

How do we know whether adequacy and equity goals are being met? Primarily by analyzing a wide variety of student outcome measures (more than just test scores) and that of subgroup populations (disaggregations by race, gender, wealth, ELL, SPED) to ascertain whether all are meeting state learning standards. An adequacy cost study, conducted periodically, also helps monitor the adequacy of a state's school funding system and estimates the real cost of resourcing each district to achieve adequacy and equity.

State funding should be sufficient so that no municipality falls short and is unable to provide the necessary learning resources for its students. Adequate and equitable state funding is essential for closing the achievement gap and securing Connecticut's future.