

Docket No. X07-HHD-CV05-4050526-S

CONNECTICUT COALITION FOR	:	SUPERIOR COURT
JUSTICE IN EDUCATION	:	
FUNDING, INC.;	:	COMPLEX LITIGATION DOCKET
NEKITA CARROLL-HALL individually	:	AT HARTFORD
and on behalf of her daughter	:	
ANA-SIMONE HALL and her son	:	
JACOB HALL, public school students in	:	
Bridgeport School District; RICHARD	:	
MOLINARO individually and on behalf of	:	
his next friend JADA MOURNING, public	:	
school student in Danbury School District;	:	
SHERRY MAJOR individually and on	:	
behalf of her daughter NICHOLE MAJOR,	:	
public school student in Windham	:	
School District; NANCY DIAZ,	:	
individually and on behalf of her son	:	
JOSHUA DIAZ, public school student in	:	
East Granby School District; DONNA	:	
JOHNSTON individually and on behalf of	:	
her son BRIAN WISNIEWSKI, public	:	
school student in Plainfield School District;	:	
HERNAN ILLINGWORTH, individually	:	
and on behalf of his daughter STEPHANIE	:	
ILLINGWORTH, public school student in	:	
Bridgeport School District; BRENDA	:	
MILLER-BLACK, individually and on	:	
behalf of her minor children EMILY	:	
BLACK, DAVID BLACK, ALISON	:	
BLACK, and CAROLYN BLACK, public	:	
school students in Norwich School District;	:	
WALTER and JANET RIVERA,	:	
individually and on behalf of their	:	
daughter MELODY RIVERA, public school	:	
student in New Britain School District;	:	
JENNIFER LEMUS, individually and on	:	
behalf of her son RICARDO FIGUEROA,	:	
public school student in New London	:	
School District; LISETTE VELASQUEZ,	:	
individually and on behalf of her minor	:	
children DHARAN VELASQUEZ,	:	
ASHARIEL VELASQUEZ, and	:	
LYONECE VELASQUEZ, public school	:	
students in New Britain School District;	:	
VANESSA JENKINS, individually and on	:	

behalf of her daughter OLIVIA JENKINS, :  
 public school student in the East Hartford :  
 School District; HECTOR TIRADO, :  
 individually and on behalf of his :  
 step-children ALANIS FLORES and :  
 YASIEL FLORES, public school students :  
 in the New Britain School District; :  
 MERRILL GAY, individually and on behalf :  
 of his son GREGORY GAY, public school :  
 student in the New Britain School District; :  
 MARY GALLUCCI, individually and on :  
 behalf of her sons PASCAL :  
 PHILLIPS-GALLUCCI and :  
 ELLIS PHILLIPS-GALLUCCI, public :  
 school students in the Windham School :  
 District; ZERNITRA WOLFE, individually :  
 and on behalf of her son BRANDON :  
 WOLFE, public school student in the :  
 Stamford School District; ANDREW :  
 SKLOVER, individually and on behalf of :  
 his daughters RYAN SKLOVER and :  
 MARLEY SKLOVER, public school :  
 students in the Stamford School District; :  
 and STEPHANYE CLARKE, individually :  
 and on behalf of her daughter, RA'ANAA :  
 CLARKE, public school student in the :  
 New London School District, :  
 Plaintiffs, :

v. :

M. JODI RELLE, in her official capacity as :  
 Governor of the State of Connecticut; :  
 ALLAN B. TAYLOR, BEVERLY :  
 BOBROSKE, ALICE L. CAROLAN, :  
 DONALD COOLICAN, LYNNE S. :  
 FARRELL, JANET M. FINNERAN, :  
 THERESA HOPKINS-STATEN, :  
 PATRICIA B. LUKE, and TIMOTHY J. :  
 MCDONALD, in their official capacities :  
 as Members of the State Board of :  
 Education; MARK K. McQUILLAN, :  
 in his official capacity as Commissioner of :  
 Education of the State of Connecticut; :  
 DENISE L. NAPPIER, in her official :  
 capacity as Treasurer of the State of :

Connecticut; and NANCY S. WYMAN, :  
in her official capacity as Comptroller of the :  
State of Connecticut,

Defendants, :

JANUARY 7, 2013

**PLAINTIFFS' CORRECTED THIRD AMENDED COMPLAINT**

1. The plaintiffs bring this action on behalf of themselves and their minor children in order to enforce the Constitution of the State of Connecticut ("State Constitution"). The State Constitution guarantees that every child, regardless of the child's town of residence, has the right to receive a suitable and substantially equal educational opportunity.

2. A suitable education provides more than mere minimal skills. Education is a principal instrument in awakening children, in preparing them for later professional training, and in helping them to adjust normally to their environment. Connecticut's educational system must prepare children who will, as adults, function as responsible citizens, compete in obtaining productive employment, and advance through higher education.

3. The State has admitted that Connecticut has an educational underclass.

4. The creation of this educational underclass is the result of the State's maintenance of an unconstitutional educational system. The level of resources provided by the State's education funding scheme is arbitrary and not related to the actual costs of providing a suitable education. By failing to maintain an educational system that provides children with suitable and substantially equal educational opportunities, the State is violating plaintiffs' constitutional rights.

## **First Count**

### **I. PARTIES**

#### **A. The Plaintiffs**

5. The plaintiff, Nekita Carroll-Hall, a resident of Bridgeport, brings this action on her own behalf and on behalf of her minor children, Ana-Simone Hall and Jacob Hall.

6. The plaintiff, Ana-Simone Hall, resides with her family at 1620 Laurel Avenue, Bridgeport, CT 06604. Ana-Simone is a biracial (African-American and Caucasian) fifteen-year-old student with special needs attending Bassick High School in the Bridgeport School District. All students attending school in Bridgeport School District receive free lunch. In the 2010-11 school year, nearly eighteen percent of the students at Bassick were enrolled in bilingual education and English as a Second Language Services. Nearly fifteen percent of the students received special education services. Nearly ninety-six percent of the children were classified as minority. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

7. The plaintiff, Jacob Hall, resides with his family at 1620 Laurel Avenue, Bridgeport, CT 06604. Jacob is a biracial (African-American and Caucasian) twelve-year-old student attending John Winthrop School in the Bridgeport School District. All students attending school in Bridgeport School District receive free lunch. In the 2010-11 school year, nearly six percent of the students at Winthrop School were enrolled in bilingual education and English as a Second Language Services. Nearly eight percent of the students received special education services. About seventy-four percent of the

children were classified as minority. In the 2009-10 school year, twelve percent of the students were identified as Gifted and/or Talented.

8. The plaintiff, Richard Molinaro, a resident of Danbury, brings this action on his own behalf and as next friend of his minor granddaughter, Jada Mourning.

9. The plaintiff, Jada Mourning resides with her mother at 14 Hoyt Street, Danbury, CT 06810. Jada is a biracial (African-American and Caucasian) fourteen-year-old attending Danbury High School in the Danbury School District. Jada is eligible for free lunch. In the 2010-11 school year, more than thirty-eight percent of children who attended Danbury High School were eligible to receive free or reduced price lunch. Nearly fourteen percent of the students were enrolled in bilingual education and English as a Second Language Services. More than nine percent of the students received special education services. More than fifty-one percent of the children were classified as minority. In the 2009-10 school year, nearly seven percent of the students were identified as Gifted and/or Talented.

10. The plaintiff, Sherry Major, a resident of Willimantic, brings this action on her own behalf and on behalf of her minor child Nichole Major.

11. The plaintiff, Nichole Major, resides with her family at 140 Card Street, Willimantic, CT 06226. Nichole is a Caucasian, eleven-year-old student attending Windham Middle School in the Windham School District. All students attending school in Windham School District receive free lunch. In the 2010-11 school year, nearly twenty-three percent of the students were enrolled in bilingual education and English as a Second Language services. About seventeen percent of the students received special education services. Nearly seventy-three percent of the children were classified as

minority. In the 2009-10 school year, no children were identified as Gifted and/or Talented.

12. The plaintiff, Nancy Diaz, a resident of Hartford, brings this action on her own behalf and on behalf of her minor child, Joshua Diaz.

13. The plaintiff, Joshua Diaz, resides with his family at 206 Oxford Street, Hartford, CT 06105. Joshua is a fourteen-year-old Latino student with special needs attending East Granby High School in the East Granby School District. In the 2010-11 school year, nearly two percent of children who attended East Granby High School were eligible to receive free or reduced price lunch. Nearly one percent of the students were enrolled in bilingual education and English as a Second Language services. About nine percent of the students at East Granby Middle School received special education services. Nearly fourteen percent of the students were classified as minority. In the 2009-10 school year, nearly four percent of the students were identified as Gifted and/or Talented.

14. The plaintiff, Donna Johnston, a resident of Plainfield, CT, brings this action on her own behalf and on behalf of her minor child, Brian Wisniewski. The plaintiff, Brian Wisniewski, resides with his family at 75 Adams Drive, Plainfield, CT 06354. Brian is a Caucasian fifteen-year-old attending Plainfield High School in the Plainfield School District. In the 2010-11 school year, more than twenty-eight percent of children who attended Plainfield High School were eligible to receive free or reduced price lunch. More than one percent of students were enrolled in bilingual education and English as a Second Language Services. About sixteen percent of the students received special education services. About eight percent of the students were classified as

minority. In the 2009-10 school year, nearly five percent of the students were identified as Gifted and/or Talented.

15. The plaintiff, Hernan Illingworth, a resident of Bridgeport, CT, brings this action on his own behalf and on behalf of his minor child, Stephanie Illingworth.

16. The plaintiff, Stephanie Illingworth, resides with her family at 133 Bronx Ave., Bridgeport, CT 06606. She is a Latina fifteen-year-old who attends Central High School in the Bridgeport School District. All students attending school in the Bridgeport School District receive free lunch. In the 2010-11 school year, more than eight percent of students at Central High School were enrolled in bilingual education and English as a Second Language services. Nearly ten percent of the students received special education services. More than ninety-one percent of the students were classified as minority. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

17. The plaintiff, Brenda Miller-Black, a resident of Norwich, CT, brings this action on her own behalf and on behalf of her minor children, Emily, David, Alison, and Carolyn Black.

18. The plaintiff, Emily Black, resides with her family at 52 Otis St., Norwich, CT 06360. Emily is a Caucasian sixteen-year-old with special needs attending Norwich Free Academy through the Norwich School District. Emily is eligible for free lunch. In the 2010-11 school year, more than twenty percent of children who attended Norwich Free Academy received free or reduced price lunch. More than four percent of the students were enrolled in bilingual education and English as a Second Language services. About fourteen percent of the students received special education services. About thirty-

six percent of the children were classified as minority. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

19. The plaintiff, David Black, resides with his family at 52 Otis St., Norwich, CT 06360. David is a Caucasian fourteen-year-old with a 504 plan attending Norwich Free Academy through the Norwich School District. David is eligible for free lunch.

20. The plaintiff, Alison Black, resides with her family at 52 Otis St., Norwich, CT 06360. Alison is a Caucasian twelve-year-old with special needs who attends Norwich Free Academy through the Norwich School District. Alison is eligible for free lunch.

21. The plaintiff, Carolyn Black, resides with her family at 52 Otis St., Norwich, CT 06360. Carolyn is a Caucasian ten-year-old with special needs who attends Samuel Huntington School in the Norwich School District. Carolyn is eligible for free lunch. In the 2010-11 school year, nearly fifty-three percent of children who attended Samuel Huntington School received free or reduced price lunch. Nearly seven percent of the students were enrolled in bilingual education and English as a Second Language services. More than twelve percent of the students received special education services. Nearly forty-two percent of the children were classified as minority. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

22. The plaintiffs, Walter and Janet Rivera, residents of New Britain, CT, bring this action on their own behalf and on behalf of their minor child, Melody Rivera.

23. The plaintiff, Melody Rivera, resides with her family at 82 Lorraine Street, New Britain, CT 06051. She is a Latina eleven-year-old with a 504 plan who attends the House of Arts, Letters, and Sciences (HALS) Academy in the New Britain School



District. In the 2010-11 school year, more than fifty-one percent of the students who attended HALS Academy were eligible to receive free or reduced price lunch. Nearly one percent of students were enrolled in bilingual education and English as a Second Language services. No students received special education services. Nearly sixty-one percent of the students were classified as minority. In the 2009-10 school year, all students were identified as Gifted and/or Talented.

24. The plaintiff, Jennifer Lemus, a resident of New London, CT, brings this action on her own behalf and on behalf of her minor child, Ricardo Figueroa.

25. The plaintiff, Ricardo Figueroa, resides with his family at 1 Marshall Place, New London, CT 06320. He is a Latino seven-year-old with special needs who attends Nathan Hale Elementary School in the New London School District. All students attending school in the New London School District receive free lunch. In the 2010-11 school year, more than ten percent of the students at Nathan Hale were enrolled in bilingual education and English as a Second Language services. More than thirteen percent of students received special education services. More than seventy-nine percent of students were classified as minorities. In the 2009-10 school year, nearly six percent of students were identified as Gifted and/or Talented.

26. The plaintiff, Lisette Velasquez, a resident of New Britain, CT, brings this action on her own behalf and on behalf of her minor children, Dharan, Ashariel, and Lyonece Velasquez.

27. The plaintiff, Dharan Velasquez, resides with his family at 124 Booth St., 3rd Floor, New Britain, CT 06053. He is a mixed-race (African-American and Latino) sixteen-year-old who attends Capital Preparatory Magnet School in the Hartford School

District. Dharan is eligible for free lunch. In the 2010-11 school year, more than fifty-four percent of the students who attended Capital Prep were eligible to receive free or reduced price lunch. Nearly four percent of the students were enrolled in bilingual education and English as a Second Language services. Nearly six percent of students received special education services. More than eighty-six percent of students were classified as minorities. In the 2009-10 school year, more than one percent of students were identified as Gifted and/or Talented.

28. The plaintiff, Ashariel Velasquez, resides with his family at 124 Booth St., 3rd Floor, New Britain, CT 06053. He is a mixed-race (African-American and Latino) twelve-year-old who attends the Greater Hartford Academy of Aerospace and Engineering operated by the Capitol Region Education Council. The Academy of Aerospace and Engineering began operating as a full-day program in Fall 2011; previously, it operated as a half-day program through the Greater Hartford Academy of Math and Science. Ashariel is eligible for free lunch. In the 2010-11 school year, more than forty-six percent of children who attended the Greater Hartford Academy of Math and Science received free or reduced price lunch. More than five percent of the students were enrolled in bilingual education and English as a Second Language services. Nearly five percent of students received special education services. More than seventy-two percent of the students were classified as minority. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

29. The plaintiff, Lyonece Velasquez, resides with her family at 124 Booth St., 3rd Floor, New Britain, CT 06053. She is a mixed race (African-American and Latino) ten-year-old who attends Diloreto Magnet School in the New Britain School

District. Lyonece is eligible for free lunch. In the 2010-11 school year, more than seventy-eight percent of students at Diloreto were eligible for free or reduced price lunch. More than forty-nine percent of the students were enrolled in bilingual education and English as a Second Language services. More than seven percent of students received special education services. In the 2009-10 school year, nearly four percent of the students were identified as Gifted and/or Talented and nearly eighty-eight percent of the students were classified as minority.

30. The plaintiff, Vanessa Jenkins, a resident of East Hartford, CT, brings this action on her own behalf and on behalf of her minor child, Olivia Jenkins.

31. The plaintiff, Olivia Jenkins, resides with her family at 26 Suffolk Drive, East Hartford, CT 06118. She is an African-American fourteen year-old who attends East Hartford High School in the East Hartford School District. In the 2010-11 school year, more than fifty-three percent of the students who attended East Hartford High School were eligible to receive free or reduced price lunch. More than six percent of the students were enrolled in bilingual education and English as a Second Language services. Nearly thirteen percent of students received special education services. More than sixty-two percent of students were classified as minorities. In the 2009-10 school year, nearly nine percent of students were identified as Gifted and/or Talented.

32. The plaintiff, Hector Tirado, a resident of New Britain, CT, brings this action on his own behalf and on behalf of his minor step-children, Alanis Flores and Yasiel Flores.

33. The plaintiff, Alanis Flores, resides with her family at 664 West Main Street, New Britain, 06053 CT. She is a Latina eleven year-old who attends the Louis P.

Slade Middle School in the New Britain School District. Alanis is eligible for free lunch. In the 2010-11 school year, more than seventy-three percent of the students who attended Slade Middle School were eligible to receive free or reduced price lunch. Eleven percent of the students were enrolled in bilingual education and English as a Second Language services. Nearly fifteen percent of students received special education services. Eighty-two percent of students were classified as minorities. In the 2009-10 school year, five percent of students were identified as Gifted and/or Talented.

34. The plaintiff, Yasiel Flores, resides with her family at 664 West Main Street, New Britain, 06053. He is a five year-old Latino who attends Lincoln School in the New Britain School District. Yasiel is eligible for free lunch. In the 2010-11 school year, more than seventy-three percent of the students who attended Lincoln were eligible to receive free or reduced price lunch. More than thirty-two percent of the students were enrolled in bilingual education and English as a Second Language services. More than eight percent of students received special education services. More than eighty percent of students were classified as minorities. In the 2009-10 school year, nearly two percent of students were identified as Gifted and/or Talented.

35. The plaintiff, Merrill Gay, a resident of New Britain, CT, brings this action on his own behalf and on behalf of his minor child, Gregory Gay.

36. The plaintiff, Gregory Gay, resides with his family at 27 Brady Ave, New Britain, CT. He is a Hispanic fifteen year-old who attends New Britain High School, in the New Britain School District. In the 2010-11 school year, nearly sixty-three percent of the students who attended New Britain High School were eligible to receive free or reduced price lunch. Nearly seventeen percent of the students were enrolled in bilingual

education and English as a Second Language services. More than thirteen percent of students received special education services. Seventy-four percent of students were classified as minorities. In the 2009-10 school year, more than eleven percent of students were identified as Gifted and/or Talented.

37. The plaintiff, Mary Gallucci, a resident of Willimantic, CT, brings this action on her own behalf and on behalf of her minor children, Pascal Phillips-Gallucci, and Ellis Phillips-Gallucci.

38. The plaintiff, Pascal Phillips-Gallucci, resides with his family at 242 North Street, Willimantic, CT 06226. He is a biracial (African-American and Caucasian) nine year-old who attends Natchaug School in the Windham School District. All students attending school in the Windham School District receive free lunch. In the 2010-11 school year, more than twenty-one percent of the students were enrolled in bilingual education and English as a Second Language services. Nearly eighteen percent of students received special education services. More than seventy-one percent of students were classified as minorities. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

39. The plaintiff, Ellis Phillips-Gallucci, resides with his family at 242 North Street, Willimantic, CT 06226. He is a biracial (African-American and Caucasian) eleven year-old who attends Windham Middle School in the Windham School District.

40. The plaintiff, Zernitra Wolfe, a resident of Stamford, CT, brings this action on her own behalf and on behalf of her minor child, Brandon Wolfe.

41. The plaintiff, Brandon Wolfe, resides with his family at 13 Rachelle Ave, Stamford, CT. He is an African-American fifteen year-old who attends Westhill High

School in the Stamford School District. Brandon is eligible for free lunch. In the 2010-11 school year, more than forty-seven percent of the students who attended Westhill High School were eligible to receive free or reduced price lunch. Eleven percent of the students were enrolled in bilingual education and English as a Second Language services. About ten percent of students received special education services. Nearly sixty-three percent of students were classified as minorities. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

42. The plaintiff, Andrew Sklover, a resident of Stamford, CT, brings this action on his own behalf and on behalf of his minor children, Ryan Sklover and Marley Sklover.

43. The plaintiff, Ryan Sklover, resides with her family at 69 Mather Road, Stamford, CT. She is a Caucasian ten-year-old who attends Northeast School in the Stamford School District. In the 2010-11 school year, nearly forty-three percent of the students who attended Northeast were eligible to receive free or reduced price lunch. More than twenty-five percent of the students were enrolled in bilingual education and English as a Second Language services. More than four percent of students received special education services. More than fifty-three percent of students were classified as minorities. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

44. The plaintiff, Marley Sklover, resides with her family at 69 Mather Road, Stamford, CT. She is a Caucasian thirteen-year-old who attends Turn of River Middle School in the Stamford School District. In the 2010-11 school year, nearly fifty-one percent of the students who attended Turn of River School were eligible to receive free or

reduced price lunch. Nearly seventeen percent of the students were enrolled in bilingual education and English as a Second Language services. About ten percent of students received special education services. More than sixty-one percent of students were classified as minorities. In the 2009-10 school year, no students were identified as Gifted and/or Talented.

45. The plaintiff, Stephanye Clarke, a resident of New London, CT, brings this action on her own behalf and on behalf of her minor child, Ra'anaa Clarke.

46. The plaintiff, Ra'anaa Clarke, resides with her family at 11 Lodus Court, New London, CT 06320. She is a biracial (African-American and Latino) ten-year-old who attends Jennings Elementary School in the New London School District. All students attending school in the New London School District receive free lunch. In the 2010-11 school year, nearly forty-nine percent of the students were enrolled in bilingual education and English as a Second Language Services. Nine percent of the students received special education services. Ninety-six percent of the children were classified as minority. In the 2009-10 school year, more than three percent of the students were identified as Gifted and/or Talented.

47. The plaintiff, Connecticut Coalition for Justice in Education Funding, Inc. (CCJEF) is a Connecticut not-for-profit corporation, which is committed to ensuring that public school children in Connecticut receive suitable and substantially equal educational opportunities. CCJEF's membership includes adult Connecticut resident parents of students in the public schools of Connecticut, Connecticut public school students ages eighteen (18) years or older, education advocacy organizations, community groups, teachers' unions, municipalities and boards of education. CCJEF draws its members

from throughout Connecticut, including, but not limited to, Bloomfield, Bridgeport, Danbury, East Hartford, Hamden, Hartford, Killingly, Manchester, Middletown, New Britain, New Haven, New London, Norwalk, Norwich, Plainfield, Putnam, Stamford, Stratford, Torrington, Winchester and Windham.

**B. The Defendants**

48. The defendant, M. Jodi Rell, or her successor, is the Governor of the State of Connecticut. Pursuant to Article Fourth, § 12, of the State Constitution, she must ensure that the laws are faithfully executed. Pursuant to Conn. Gen. Stats. § 3-1, she is authorized to investigate and take proper action concerning any matter involving the enforcement of the laws of the State and the protection of its citizens. Under Conn. Gen. Stats. §§ 10-1 and 10-2 she is responsible for appointing the members of the State Board of Education. She is further responsible for receiving a detailed statement of the activities of the board and an account of the condition of the public schools and such other information as will assess the true condition, progress and needs of public education. Conn. Gen. Stats. § 10-4.

49. The defendant Mark K. McQuillan, or his successor, is the Commissioner of Education of the State of Connecticut, a member of the State Board of Education, and the director of the Department of Education. Pursuant to Conn. Gen. Stats. §§ 10-2 and 10-3a, he is responsible for carrying out the mandates of the Board of Education.

50. The defendants, Allan B. Taylor; Beverly Bobroske; Alice L. Carolan; Donald J. Coolican; Lynne S. Farrell; Janet M. Finneran; Theresa Hopkins-Staten; Patricia B. Luke; Timothy J. McDonald; or their successors; are members of the State



Board of Education. Pursuant to Conn. Gen. Stats. § 10-4a, they have general supervision and control of the educational interests of the State. Pursuant to Conn. Gen. Stats. § 10-4(c), they are responsible for preparing a comprehensive plan for the State's public schools.

51. The defendant Denise L. Nappier, or her successor, is Treasurer of the State of Connecticut. Pursuant to Article Fourth, § 22 of the State Constitution, she is responsible for the disbursement of all monies by the State. She is also the custodian of certain educational funds of the Connecticut State Board of Education. Conn. Gen. Stats. § 10-11.

52. The defendant Nancy S. Wyman, or her successor, is the Comptroller of the State of Connecticut. Pursuant to Article Fourth, § 24 of the State Constitution and Conn. Gen. Stats. § 3-112, she is responsible for adjusting and settling all public accounts and demands.

53. All the defendants are being sued in their official capacities.

54. In this complaint, "the defendants" and "the State" shall be used interchangeably.

## **II. THE RIGHT TO RECEIVE SUITABLE AND SUBSTANTIALLY EQUAL EDUCATIONAL OPPORTUNITIES**

55. The State has an affirmative duty to provide suitable educational opportunities pursuant to Article Eighth, § 1 of the Connecticut Constitution.

56. A suitable educational opportunity consists of the following components:

- a. All students must receive an educational experience that prepares them to function as responsible citizens and enables them to fully participate in democratic institutions;
- b. All students must receive an opportunity to complete a meaningful high school education that enables them to advance through institutions of higher learning, or that enables them to compete on equal footing to find productive employment and contribute to the state's economy;
- c. All students must receive a suitable opportunity to meet standards which the state has set based on its estimation of what students must learn in order to achieve the goals of paragraphs 56a-56b.

57. The State has a responsibility to provide substantially equal educational opportunities pursuant to Article Eighth, § 1 and Article First, §§ 1 and 20 of the Connecticut Constitution.

58. The State must fulfill its constitutional duty through appropriate legislation pursuant to Article Eighth, § 1 of the Connecticut Constitution.

59. Conn. Gen. Stats. § 10-4a states that the educational interests of the State include providing each child with the “equal opportunity to receive a suitable program of educational experiences.”

60. Under the Connecticut Constitution, the right to receive suitable and substantially equal educational opportunities is a fundamental right.

61. The State Board of Education has affirmed the fundamental nature of the right to education. In its “Statement of Core Beliefs,” the State Board writes that “[e]very Connecticut public school student has a fundamental right to an equal

educational opportunity as defined by free public education and a suitable program of educational experiences.”

**III. THE STATE’S FAILURE TO PROVIDE SUITABLE AND SUBSTANTIALLY EQUAL EDUCATIONAL OPPORTUNITIES AS CAUSED BY INADEQUATE AND UNEQUAL EDUCATION INPUTS**

62. Education inputs are the resources and conditions, such as staff, programs, and environment, that constitute an educational system.

63. The following educational inputs are essential, non-exhaustive, components of a suitable educational opportunity:

- a. high quality preschool;
- b. appropriate class size;
- c. programs and services for at-risk students;
- d. highly qualified administrators;
- e. highly qualified teachers;
- f. modern and adequate libraries;
- g. modern technology and appropriate instruction;
- h. adequate number of hours of instruction;
- i. rigorous curriculum with wide breadth of courses;
- j. modern and appropriate textbooks;
- k. school environment that is healthy, safe, well-maintained, and conducive to learning;
- l. adequate special needs services as set forth in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

- m. appropriate career and academic counseling;
- n. adequate array of and suitably run extracurricular activities.

64. The State is failing to provide suitable educational opportunities in that the educational inputs listed in paragraph 63 have not been made available to all students or are not of adequate quality.

65. The State is failing to provide substantially equal educational opportunities in that the availability and quality of the inputs listed in paragraph 63 vary significantly across schools throughout the state.

66. For example, below are input statistics from school year 2003-2004 for Lincoln Elementary School, which is located in the New Britain School District:

- a. Only 50% of kindergarten students at Lincoln have attended preschool, nursery school, or Head Start. The state average is 76%.
- b. None of the computers at Lincoln are high- or moderate-powered. The state average for K-6 school is 63%.
- c. The library at Lincoln has ninety non-print materials. The state average for K-6 schools is 395.
- d. 68% of teachers at Lincoln have a master's degree. The state average is 80%.
- e. Despite the fact that numerous students at Lincoln perform poorly in math, Lincoln offers no pull-out remedial instruction or in-class tutorials in mathematics.

67. These statistics, in part, demonstrate how the State is failing to provide students at Lincoln Elementary School with suitable and substantially equal educational opportunities. By not attending high quality preschool, many students lack key

educational skills before they enter the school. Once in the school, the poor technological resources, the lack of quality teaching, and the lack of remedial instruction all increase the chance that these students will become part of the educational underclass.

68. Below are input statistics for school year 2003-2004 for South Street Elementary School, which is located in the Danbury School District:

- a. Only 60% of students attending South Street have attended preschool, nursery school, or Head Start. The state average is 76%.
- b. Despite having numerous students who perform poorly in mathematics, South Street does not offer pull-out remedial instruction, in-class tutorial, or after-school programming for mathematics.
- c. The South Street library has seventeen print volumes per student. The state average for K-6 schools is twenty-five volumes per student.
- d. In 2003, South Street provided 966 hours of instruction per year to its students. The state average for K-6 schools is 985 hours.

69. These statistics, in part, demonstrate how the State is failing to provide students at South Street Elementary School with suitable and substantially equal educational opportunities. By not attending high quality preschool, many students lack key educational skills before they enter the school. Once in the school, the lack of remedial programs, the inadequate library resources, and the low number of hours of instruction all increase the chance that these students will become part of the educational underclass.

70. Below are input statistics from school year 2003-2004 for Roosevelt School, a K-8 school, which is located in the Bridgeport School District:

- a. Only 61% of kindergarten students attending Roosevelt School have attended preschool, nursery school, or Head Start. The state average is 76%.
- b. The average class size for kindergarten classrooms in Roosevelt School is twenty-six students. The state average is nineteen students.
- c. The average class size for seventh grade classrooms in Roosevelt School is thirty students. The state average is twenty-two students.
- d. The library has nine print volumes per student. The state average for K-8 schools is twenty volumes per student.
- e. The library has thirty-seven non-print materials. The state average for K-8 schools is 324.
- f. The library has no periodical subscriptions. The state average for K-8 schools is fifteen subscriptions.
- g. Roosevelt School offers zero hours of computer education instruction. The state average for K-8 schools is eighteen hours per year.
- h. Roosevelt School does not offer world language instruction. 66% of K-8 schools across the state offer world language instruction.
- i. In 2002-2003, Roosevelt School had 438 students per counselor. The state average for K-8 schools was 265 students per counselor.

71. These statistics, in part, demonstrate how the State is failing to provide students at Roosevelt School with suitable and substantially equal educational opportunities. By not attending high quality preschool, many students lack key educational skills before they enter the school. Once in the school, the large class sizes,

inadequate curriculum, inadequate library resources, and lack of counseling all increase the chance that these students will become part of the educational underclass.

72. Below are input statistics from school year 2003-2004 for Plainfield High School, which is located in the Plainfield School District:

- a. Despite the fact that numerous students at Plainfield High School perform poorly in mathematics, the school offers no pull-out remedial instruction, in-class tutorials, after school programs, or summer school in mathematics.
- b. Despite the fact that numerous students at Plainfield High School perform poorly in language arts, the school offers no pull-out remedial instruction, in-class tutorials, after school programs, or summer school in language arts.
- c. Students at Plainfield High School were tested in only five Advanced Placement courses. The state average for high schools is nearly ten such courses.
- d. In 2003, Plainfield High School reported poor conditions in several dedicated specialty areas: the all-purpose room, the cafeteria, the outdoor athletic facilities, education technology, and office/administrative space. Finally, the school reported poor internal communications systems, technology infrastructure, and plumbing/lavatory systems.

73. These statistics, in part, demonstrate how the State is failing to provide students at Plainfield High School with suitable and substantially equal educational opportunities. The absence of supplemental instructional services to students lacking basic skills in mathematics and language arts, the dearth of Advanced Placement courses

offered, and the poor building maintenance all increase the chance that these students will become part of the educational underclass.

74. Below are input statistics from school year 2003-2004 for East Hartford High School, which is located in the East Hartford School District:

- a. Despite having numerous students who perform poorly in mathematics, East Hartford High School does not provide pull-out remedial instruction or in-class tutorial instruction for mathematics.
- b. Despite having numerous students who perform poorly in language arts, East Hartford High School does not provide pull-out remedial instruction or in-class tutorial instruction in language arts.
- c. East Hartford High School has 6.9 students per academic computer. The state average for high schools is 3.3.
- d. 29% of East Hartford High School's computers are moderate- or high-powered. The State average for high schools is 77%.

75. These statistics, in part, demonstrate how the State is failing to provide students at East Hartford High School with suitable educational opportunities. The lack of remedial programs and the low quality of computer technology all increase the chance that these students will become part of the educational underclass.

76. The State Board of Education has admitted that many of the components enumerated in paragraph 63 are necessary components of a suitable educational opportunity.



77. The State Board of Education, in its “Position Statement on Preschool Programs and Services,” affirms that “[t]he Board believes that a high-quality preschool is essential to children’s future success both in school and as adults.”

78. The State Board of Education, in its “Position Statement on Student Support Services,” affirms that the “Connecticut public education system has a duty to provide a continuum of developmental, preventative, remedial, and support services that enhance opportunities for all students to achieve academic success and personal well being.”

79. The State Board of Education, in its “Statement of Core Beliefs,” maintains that “all students [should be] taught by highly competent teachers . . . .”

80. The State Board of Education, in its “Position Statement on Education Technology and Information Literacy,” affirms that “every student must develop strong technological skills and continually use them in order to function adequately in our 21st century world.”

81. The State Board of Education, in its “Position Statement on Time in Relation to Student Achievement,” affirms that “time is one of the basic resources available to school districts to increase student achievement.”

82. The State Board of Education, in its “Strategic Priorities for 2001-2005,” affirms that the State must provide a “rigorous curriculum in core areas of study, including language arts, science, mathematics, social studies, the arts, world language, health, physical education, and technology,” and that “[s]tudents must be challenged to take more higher-level mathematics and science courses, advanced placement (AP) courses, more art and music courses, and two or more years of world language.”

83. The State Board of Education, in its “Position Statement on Creating a Healthy School Environment,” affirms that “[e]ach school must ensure that the physical environment is healthy, safe, and conducive to learning.”

84. The State Board of Education, in its “Position Statement on the Education of Students with Disabilities,” affirms that all students are “influenced by cultural, linguistic, intellectual, psychological, medical, social and economic factors. These factors create a need for a varied educational environment that provides for, and accommodates, each child’s strengths and areas of needed improvement.”

85. Additionally, attending a school with a high concentration of poorly performing students negatively affects the suitability of a student’s educational opportunity.

86. The State’s failure to provide suitable educational opportunities is evidenced by the fact that many plaintiffs attend schools that do not have the resources necessary to educate their high concentrations of poorly performing students.

87. The State’s failure to provide substantially equal educational opportunities is evidenced by the fact that, when compared to non-plaintiff students, a disparate number of plaintiff students attend schools that do not have the resources necessary to educate their high concentrations of poorly performing students.

88. Attending a school with a high concentration of at-risk students who are not receiving suitable resources negatively affects a student’s educational opportunity. An at-risk student is a student who, because of wide range of financial, familial, and social circumstances, is at a greater risk of failing or experiencing other unwanted outcomes unless intervention occurs.

89. The State's failure to provide the resources necessary to intervene effectively on behalf of at-risk students and to provide them with suitable educational opportunities ultimately deprives all students in those schools of suitable educational opportunities.

90. The State's failure to provide substantially equal educational opportunities is evidenced by the fact that, when compared to non-plaintiff students, a disparate number of plaintiff students attend schools that are not receiving the resources necessary to suitably educate their high concentrations of at-risk students.

**IV. THE STATE'S FAILURE TO PROVIDE SUITABLE AND SUBSTANTIALLY EQUAL EDUCATIONAL OPPORTUNITIES AS EVIDENCED BY EDUCATION OUTPUTS**

91. Education outputs are the results and outcomes by which student performance can be measured.

92. The State's failure to provide suitable educational opportunities is in part evidenced by the low levels of many education outputs.

93. The State's failure to provide substantially equal educational opportunities is in part evidenced by the disparity in levels of education outputs across schools.

94. The State Board of Education, in its "Position Statement on Equal Educational Opportunity," states that "[e]vidence of equal educational opportunity is the participation and achievement of each student in challenging educational programs, regardless of factors such as family income, race, gender, or town of residence" (emphasis added).

**A. No Child Left Behind**

95. The purpose of the No Child Left Behind Act is “to ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education . . . .” 20 U.S.C. § 6301.

96. Under the No Child Left Behind Act, schools must make “adequate yearly progress” on student achievement tests. 20 U.S.C. § 6311(h)(2).

97. The State uses the Connecticut Mastery Test [“CMT”] and the Connecticut Academic Performance Test [“CAPT”] to determine whether schools are making “adequate yearly progress.”

98. By the 2013-2014 school year, all students in Connecticut must meet or exceed the State achievement standards. 20 U.S.C. § 6311(b)(2)(F).

**B. Test Scores**

99. The suitability of a student’s educational opportunity can be measured in part by the student’s performance on standardized tests.

100. The CMT and the CAPT are standardized tests that measure essential reading, writing, and mathematical skills. The CMT is administered to students in grades 3 through 8. The CAPT is administered to students in grade 10. Scores on the CMT and CAPT are broken down into five levels: advanced, goal, proficient, basic, and below basic.

101. The State’s failure to provide suitable educational opportunities is evidenced by the fact that many plaintiffs score poorly on the CMT and the CAPT.

102. The State’s failure to provide substantially equal educational opportunities is evidenced by the fact that, when compared to non-plaintiff students, a disproportionate number of plaintiffs score poorly on the CMT and the CAPT.

103. For example, in 2004, fourth grade students at Lincoln Elementary School, which is located in the New Britain School District, tested extremely poorly on the CMT. As a whole, fourth grade students in the New Britain School District also fared extremely poorly:

	% Scoring at “Goal” in Math	% Scoring at “Goal” in Reading	% Scoring at “Proficient” in Math	% Scoring at “Proficient” in Reading
Lincoln Elementary	15%	8%	28%	18%
District Average	24%	20%	47%	36%
State Average	57%	53%	79%	67%

104. In 2004, fourth grade students at South Street School, which is located in the Danbury School District, tested extremely poorly on the CMT. As a whole, fourth grade students in the Danbury School District also fared poorly:

	% Scoring at “Goal” in Math	% Scoring at “Goal” in Reading	% Scoring at “Proficient” in Math	% Scoring at “Proficient” in Reading
South Street	33%	20%	61%	31%
District Average	52%	38%	77%	55%
State Average	57%	53%	79%	67%

105. In 2004, fourth grade students at Roosevelt School, which is in the Bridgeport School District, tested at shockingly poor levels on the CMT. As a whole, fourth grade students in the Bridgeport School District also fared extremely poorly:

	% Scoring at “Goal” in Math	% Scoring at “Goal” in Reading	% Scoring at “Proficient” in Math	% Scoring at “Proficient” in Reading
Roosevelt School	14%	16%	31%	25%
District Average	28%	21%	55%	38%
State Average	57%	53%	79%	67%

106. In 2004, tenth grade students at Plainfield High School, which is the only high school in the Plainfield School District, tested poorly on the CAPT:

	% Scoring at "Goal" in Math	% Scoring at "Goal" in Reading	% Scoring at "Proficient" in Math	% Scoring at "Proficient" in Reading
Plainfield High School	31%	30%	76%	69%
State Average	48%	49%	76%	80%

107. In 2004-2005, tenth grade students at East Hartford High School, which is located in the East Hartford School District, tested poorly on the CAPT.

	% Scoring at "Goal" in Math	% Scoring at "Goal" in Reading	% Scoring at "Proficient" in Math	% Scoring at "Proficient" in Reading
East Hartford High School	23%	28%	58%	60%
District Average	24%	30%	57%	59%
State Average	48%	49%	76%	80%

**C. Retention Rates**

108. The suitability of a student's educational opportunity can be measured in part by whether a student is retained or advanced despite not being prepared for advancement.

109. The State’s failure to provide suitable educational opportunities is evidenced by the fact that many students are retained or are advanced despite not being prepared for advancement.

110. The State’s failure to provide substantially equal educational opportunities is evidenced by the fact that there are significant disparities between schools in the number of students that are retained or are advanced, despite not being prepared for advancement.

111. For example, at Lincoln School, which is located in the New Britain School District, students were promoted to the next grade level despite dismal performances in 2003. This also held true for students attending other schools in the district:

	% of 4 <sup>th</sup> Grade Students Scoring Below Proficiency in Math	% of 4 <sup>th</sup> Grade Students Scoring Below Proficiency in Reading	% of Elementary Students Promoted at K-6 Schools
Lincoln Elementary	47%	66%	99.8%
District Average	31%	56%	98.5%
State Average	20%	31%	97.9%

112. At South Street Elementary School, which is located in the Danbury School District, students were promoted to the next grade level despite dismal performances in 2003. This also held true for students attending other schools in the district:



	% of 4 <sup>th</sup> Grade Students Scoring Below Proficiency in Math	% of 4 <sup>th</sup> Grade Students Scoring Below Proficiency in Reading	% of Elementary Students Promoted at K-6 Schools
South Street	39%	69%	98.9%
District Average	23%	45%	99.3%
State Average	20%	31%	97.9%

113. At Roosevelt School, which is located in the Bridgeport School District, a large number of students were retained in 2003. This also held true for students attending other schools in the district:

	% of Students Retained in K-8 Schools
Roosevelt School	6.9%
District Average	3.9%
State Average	3.1%

114. At Plainfield High School, which is the only high school located in the Plainfield School District, a large number of students were retained in 2003:

	% of Students Retained in High Schools
Plainfield High School	16.7%
State Average	5.1%

115. At East Hartford High School, which is located in the East Hartford School District, a large number of students were retained in 2003:

	% of Students Retained in High Schools
East Hartford High School	16.7%
State Average	5.1%

**D. Courses Completed by Graduates**

116. The suitability of a high school educational opportunity can be measured in part by the courses completed by a graduating student.

117. The State's failure to provide suitable educational opportunities is evidenced by the fact that many students do not complete essential courses.

118. The State's failure to provide substantially equal educational opportunities is evidenced by the fact that there are significant disparities between schools in the numbers of students that do not complete essential courses.

119. For example, below are statistics detailing the courses completed by 2003 graduates of East Hartford High School, which is located in the East Hartford School District:

	% of Graduates who Completed Algebra I	% of Graduates who Completed Chemistry	% of Graduates who Completed Three or More Credits in Science
East Hartford High School	56%	42%	57%
State Average	90%	69%	85%

120. Below are statistics detailing the courses completed by 2003 graduates of Plainfield High School, which is located in the Plainfield School District:

	% of Graduates who Completed Algebra I	% of Graduates who Completed Chemistry	% of Graduates who Completed Three or More Credits in Science
Plainfield High School	76%	43%	74%
State Average	90%	69%	85%

**E. Graduation Rates**

121. The suitability of a student's educational opportunity can be measured in part by the number of students who fail to graduate from the student's high school.

122. The State's failure to provide suitable educational opportunities is evidenced by the fact that many students fail to graduate from high school.

123. The State's failure to provide substantially equal educational opportunities is evidenced by the fact that there are significant disparities between schools in the number of students that fail to graduate from high school.

124. Below are statistics detailing 2003 "cumulative dropout rates" for certain high schools. East Hartford High School is located in the East Hartford School District. Plainfield High School is located in the Plainfield School District. Bassick High School is located in the Bridgeport School District. The "cumulative drop out rate" is the percentage of students who begin high school but do not graduate:

	Cumulative Dropout Rate
East Hartford High School	12%
Plainfield High School	20%
Bassick High School	45%
State Average	10%

V. **THE STATE'S FAILURE TO CREATE AND MAINTAIN AN EDUCATIONAL FUNDING SYSTEM THAT PROVIDES SUITABLE AND SUBSTANTIALLY EQUAL EDUCATIONAL OPPORTUNITIES**

125. The unsuitability and inequality of the plaintiffs' educational opportunities, as well as the subsequent harm suffered, is caused by a flawed educational funding system.

126. The State has failed to create and maintain an educational funding system that provides and effectively manages the resources needed to ensure that students receive suitable educational opportunities.

127. The State has failed to create and maintain an educational funding system that provides and effectively manages the resources needed to ensure that students receive substantially equal educational opportunities.

128. Public schools in Connecticut are agencies of the State.

129. The State has delegated the authority to operate its public schools to local school districts.

130. The State and the municipalities share the cost of funding education.

131. The three key mechanisms of the state's system for funding the public schools in Connecticut are:

- a. the Education Cost Sharing ("ECS") grant that was designed as an equalization formula to allocate state grants to municipalities on an annual basis, but which the State has failed to fully fund;
- b. categorical grants that carry specific eligibility requirements and expenditure conditions; and
- c. local revenues generated through municipal property taxes.

132. The State Board of Education, in its “Statement of Core Beliefs,” writes that the state and municipalities must bear “an equal share of the cost of education.”

133. In 2003, the state did not bear an equal share of total educational costs. State aid accounted for only 39% of all public school funding in Connecticut. By 2010, the state’s share was just 36.8%, with estimates of 37.8% for 2011 and 41.8% for 2012.

134. The municipalities in which plaintiffs reside do not have the ability to raise the funds needed to compensate for the monetary shortfalls that result from the State’s arbitrary and inadequate funding system.

135. The ECS formula was adopted in 1988 to respond to disparities in the abilities of local school districts to provide students with suitable and substantially equal educational opportunities due to differences in student need and district wealth.

136. Conn. Gen. Stats. §§ 10-262f et seq. details the ECS grant.

137. The ECS base aid grant, which accounts for well over 50% of the total state contribution to public elementary and secondary education, is intended to be the product of the “foundation” amount, the number of “total need students,” and the “base aid ratio.” Conn. Gen. Stats. § 10-262f.

138. Conn. Gen. Stats. § 10-262h(a)(6)(Q)(ii) imposed an arbitrary cap on the amount that a municipality’s funding could increase from year to year. This cap, which was in effect in varying forms between FY1996 and FY2007, prevented municipalities with increasing student needs from receiving funds to which they would otherwise have been entitled.

**A. The Foundation Amount**

139. The “foundation” amount is an arbitrary per pupil expenditure figure unrelated to the actual cost of providing a child with a suitable and substantially equal educational opportunity.

140. Originally, the “foundation” amount was set at the regular program expenditure (“RPE”) per need student of the municipality where the 80<sup>th</sup> percentile student resided when all the municipalities were ranked by expenditure per pupil from the three years prior. In this manner, the “foundation” amount had a built-in cost adjustment factor.

141. However, in 1992, the “foundation” amount was frozen at \$4,800 and was severed from the RPE per pupil of the 80<sup>th</sup> percentile municipality.

142. In 1995, the “foundation” amount was raised to \$5,711 to adjust for the consolidation of special education funding into the ECS formula. Conn. Gen. Stats. § 10-262h(a)(7).

143. In 1999, the “foundation” amount was set at \$5,891 for the fiscal years ending June 30, 2000, to June 30, 2007. Conn. Gen. Stats. § 10-262f(9)(G). It was raised to \$9,687 for the fiscal years ending June 30, 2008, to June 30, 2012. Conn. Gen. Stats. § 10-262f(9)(H).

144. Had the original cost adjustment factor remained in effect, in October of 2003 the “foundation” amount would have been roughly \$7,900, which is \$2,009 more than the actual “foundation” amount at that time.

145. The current level of funding for special education, which is incorporated into the “foundation” amount, is also unrelated to the actual costs of providing special education students with suitable and substantially equal educational opportunities.

146. Conn. Gen. Stats. § 10-76g applies an arbitrary formula to determine state funding for special education students and provides that this formula may be disregarded if appropriations fall below the formula-derived total.

**B. Total Need Students**

147. The “total need students” figure combines the previous year’s number of “resident students” (the regular education and special education pupils enrolled at the expense of a municipality, adjusted for an extended school year and tuition-free summer school) with additional weights aimed at adjusting for poverty and limited-English proficiency.

148. Since 2007, municipalities have been granted an additional weighting in their “total need student” count for 33% of the number of students below the Title I poverty level (i.e., the poverty index under Part A of Title I of the No Child Left Behind Act). Conn. Gen. Stats. § 10-262f(25).

149. Using Title I poverty as the index of poverty in Connecticut schools is an arbitrary, inaccurate, and outdated measurement of a “need student.”

150. The 33% weight for children below the Title 1 level of poverty is an arbitrary weight and is unrelated to the actual cost of providing suitable and substantially equal educational opportunities to low-income students.



151. Since 2007, municipalities have been granted an additional weighting in their “total need student” count for 15% of their Limited English Proficiency (“LEP”) count of students not served or funded under the State’s mandatory bilingual education program. Conn. Gen. Stats. § 10-262f(25).

152. The “LEP count” weight for LEP students and the funding made available for students served under the separate bilingual grant program are arbitrary and unrelated to the actual costs of providing suitable and substantially equal educational opportunities to students from non-English speaking homes who have not yet acquired proficiency on the reading subtest of the state’s CMT or Connecticut Academic Performance Test (“CAPT”).

153. The ECS formula’s definition of “total need students,” fails to account for students who require costly extra educational services due to physical and/or mental handicapping conditions, homelessness, foster placement, and other such special learning challenges and fails to account for access to quality preschool programs. “Total need students” thus does not reflect the actual cost of providing suitable and substantially equal educational opportunities to large categories of high-needs students.

**C. The Base Aid Ratio**

154. Conn. Gen. Stats. § 10-262f(2) provides a “base aid ratio,” which is the minimum aid percentage that the state must provide and is inversely related to a town’s wealth. The purpose of this ratio is to assure that a municipality’s ability to pay is a significant factor in determining the amount of state aid that a municipality receives.

155. The minimum base aid ratio is determined by two factors: the municipality's wealth and the State Guaranteed Wealth Level ("SGWL").

156. The calculation of municipality wealth is based on an erroneous process. It does not provide an accurate assessment of a municipality's ability to raise funds to provide suitable and substantially equal educational opportunities.

157. Likewise, the SGWL does not relate to a municipality's ability to raise funds to provide suitable and substantially equal educational opportunities under this formula. Under the current formula, the higher the SGWL, the more aid municipalities receive.

158. The SGWL, as calculated under the original ECS formula, was twice the median town's wealth. Over time the level has been lowered three times and raised twice. Since FY2008, it has stood at 1.75 times the median town's wealth. These changes have been used by the State to control its funding obligations to municipalities, and do not relate to the actual ability of municipalities to raise funds to provide suitable and substantially equal educational opportunities to their students.

**D. Categorical Grants**

159. Connecticut provides a number of grant programs apart from the ECS grant, articulated in Conn. Gen. Stats. §§ 10-262k et seq. Such grant programs are "categorical," that is, they are targeted at specific educational program needs and programs or schools of choice. Unlike the general operating aid provided to municipalities for their school districts under ECS funding, categorical grants specify the programmatic purposes and conditions that must be met in order to qualify for the

funding. Categorical grant programs provide substantially less funding than the ECS grant and are similarly unconnected to the actual cost of providing children with suitable and substantially equal educational opportunities.

160. The July 1, 2012 enactment of Public Act 12-116 failed to fix the problems with the ECS grant formula. With the July 1, 2012, enactment of Public Act 12-116, Connecticut essentially no longer has a functioning ECS formula.

**E. State Board Statements on the ECS**

161. The State Board of Education has admitted that the current ECS formula is seriously flawed. In its list of “Strategic Priorities for 2001-2005,” the Board writes that the ECS cap must be eliminated, the “foundation level” must be raised on an annual basis, and the State Guaranteed Wealth Level must be increased.

**VI. IRREPARABLE HARM SUFFERED BY PLAINTIFFS**

162. As a result of the State’s failure to provide suitable educational opportunities, the plaintiffs are being irreparably harmed.

163. As a result of the State’s failure to provide substantially equal educational opportunities, the plaintiffs are being irreparably harmed.

164. Because of the State’s aforementioned constitutional violations, plaintiffs will be unable to take full advantage of this country’s democratic processes and institutions, risking political and social marginalization.

165. Because of the State’s aforementioned constitutional violations, plaintiffs will not be competitive in seeking meaningful employment. As such, plaintiffs

will be less able to reap both the tangible and intangible benefits, including the salary, health benefits, and self-realization that come with securing a dependable and adequately paying job.

166. Because of the State's aforementioned constitutional violations, plaintiffs will be unable to continue their education because they will not have achieved the requisite level of education to be accepted at an institution. As such, plaintiffs are deprived of both the monetary and intellectual rewards that are associated with such an education.

167. Because of the State's aforementioned constitutional violations, the State has failed to provide to plaintiffs a reasonable opportunity to meet state standards, and plaintiffs are thus being educated in a system which sets them up for economic, social, and intellectual failure.

## **VII. CLAIM FOR RELIEF**

168. By failing to maintain a public school system that provides plaintiffs with suitable and substantially equal educational opportunities, the State is violating Article Eighth, § 1 and Article First, §§ 1 and 20 of the State Constitution.

169. As a result of this constitutional violation, plaintiffs are being irreparably harmed, for which there is no adequate remedy at law.

### **Second Count**

170. Paragraphs 1 through 169 are incorporated herein by reference.

171. By failing to maintain a public school system that provides plaintiffs with suitable educational opportunities, the State is violating Article Eighth, § 1 of the State Constitution.

172. As a result of this constitutional violation, plaintiffs are being irreparably harmed, for which there is no adequate remedy at law.

### **Third Count**

173. Paragraphs 1 through 172 are incorporated herein by reference.

174. By failing to maintain a public school system that provides plaintiffs with substantially equal educational opportunities, the State is violating Article Eighth, § 1 and Article First, §§ 1 and 20 of the State Constitution.

175. As a result of these constitutional violations, plaintiffs are being irreparably harmed, for which there is no adequate remedy at law.

### **Fourth Count**

176. Paragraphs 1 through 175 are incorporated herein by reference.

177. At all times relevant hereto, defendants were acting under color of state law.

178. The State's failure to maintain a public school system that provides plaintiffs with suitable and substantially equal educational opportunities has disproportionately impacted African-American, Latino, and other minority students, in violation of Article Eighth, § 1 and Article First, §§ 1 and 20 of the State Constitution, and 42 U.S.C. § 1983.

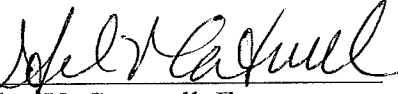
179. As a result of these constitutional violations, plaintiffs are being irreparably harmed, for which there is no adequate remedy at law.

180. Wherefore, plaintiffs respectfully request that:

- i. The Court declare that the plaintiffs have a right to receive suitable and substantially equal educational opportunities as a matter of State Constitutional law.
- ii. The Court render judgment for plaintiffs holding that the State's failure to provide suitable and substantially equal educational opportunities violates Article Eighth, § 1 and Article First, §§ 1 and 20 of the Connecticut Constitution.
- iii. The Court declare that the existing school funding system is unconstitutional, void and without effect.
- iv. The Court permanently enjoin defendants from operating the current public education system, except as necessary to provide an expedient and efficient transition to a constitutional public education system.
- v. The Court order defendants to create and maintain a public education system that will provide suitable and substantially equal educational opportunities to plaintiffs.
- vi. The Court appoint a Special Master to hold hearings, make findings, and report recommendations to the Court with regard to the constitutionality of any new system of education proposed by defendants.
- vii. The Court award plaintiffs reasonable attorneys' fees pursuant to 42 U.S.C. § 1983.

- viii. The Court retain jurisdiction for whatever period is necessary.
- ix. The Court provide other and further relief, legal or equitable, as the Court may deem just and proper.

THE PLAINTIFFS

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**CERTIFICATION**

I hereby certify that a copy of the foregoing Corrected Third Amended Complaint was mailed on January 7, 2013 to the following counsel of record:

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