

S.C. 19768

CONNECTICUT COALITION FOR
JUSTICE IN EDUCATION FUNDING,
INC., et al

Plaintiffs-Appellees / Cross-Appellants

v.

M. JODI RELL, et al

Defendants-Appellants / Cross-Appellees

: SUPREME COURT

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STATE OF CONNECTICUT

JANUARY 30, 2018

**DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION FOR RECONSIDERATION**

Defendants oppose Plaintiffs' Motion for Reconsideration.

Factual And Legal Grounds For Opposition

The factual and legal grounds for opposition to this motion are stated in Defendants' Memorandum In Opposition To Plaintiffs' Motion For Reconsideration, which is incorporated herein by reference.

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CONNECTICUT COALITION FOR JUSTICE IN EDUCATION FUNDING, INC., et al	:	SUPREME COURT
<i>Plaintiffs-Appellees / Cross-Appellants</i>	:	
v.	:	STATE OF CONNECTICUT
M. JODI RELL, et al	:	
<i>Defendants-Appellants / Cross-Appellees</i>	:	JANUARY 30, 2018

DEFENDANTS' MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR RECONSIDERATION

Plaintiffs devote the largest portion of their Memorandum of Law in Support of Motion for Reconsideration ("Plaintiffs' Brief") to an argument, pp. 3-4, 11-16, that the majority of this Court misinterpreted or misapplied Justice Palmer's controlling concurring opinion in *Connecticut Coalition for Justice in Education Funding v. Rell*, 295 Conn. 240 (2010) ("CCJEF I"). Suffice to say that both the majority and partially dissenting opinions discussed this issue in depth, and neither side swayed the other. Plaintiffs add nothing new to this dispute in their brief, and so there is no need for further discussion of this question.

The Plaintiffs assert that the trial court's findings "indicat[ed] that . . . curricula of [Bridgeport, New Britain, New London, and Windham] . . . were woefully insufficient." Plaintiffs' Brief, p. 6. In fact, the trial court found no such thing. Rather, it found, explicitly, that "Connecticut children have minimally adequate teachers teaching reasonably up-to-date basic curricula such as reading, writing, mathematics and social studies." State's Appendix, A475-A476. The trial court made no findings to the contrary about any individual school or district.

Plaintiffs also enumerate various negative factual findings about the Bridgeport, Danbury and East Hartford schools, and assert or imply that the trial court and this Court failed to draw proper conclusions from those facts. Plaintiffs' Brief, pp. 7-9. In making this argument, Plaintiffs ignore all of the extensive positive factual findings about those same schools, as detailed in Defendants' Reply Brief in this Court, pp. 5-8. A mixture of positive and negative factual findings for both sides is inevitable in a trial of the magnitude of the present one, but that sort of result does not provide a license for either side to claim that the trial court was wrong in its ultimate factual conclusions because of how it weighed the competing and sometimes conflicting underlying facts. At any rate, the majority of this Court already discussed, considered and rejected the Plaintiffs' claims that some of the trial court's factual findings compel a different outcome, or that the trial court ignored its own more specific factual findings when making its broader factual findings. *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, 327 Conn. 650, 714-5 (2018) (*CCJEF II*).

Plaintiffs nevertheless speculate that the trial court might say something different if it were ordered to articulate its decision in light of this Court's opinion, Plaintiffs' Brief, 10. Of course Plaintiffs, as appellants, bore the responsibility of providing an adequate record for review, *Conn. P.B.* § 61-10, and they were free to seek articulation of the trial court's findings about particular schools and districts prior to filing their appellate brief, *Conn. P.B.* § 66-5, but they failed to do so. Further, while Plaintiffs now appear to seek rulings about individual schools and districts, Plaintiffs' Claim for Relief in the operative Complaint upon which their case was tried simply asserts that "[b]y failing to maintain a public school system that provides plaintiffs with suitable and substantially equal

education opportunities, the State is violating [the constitution]." Plaintiffs' Corrected Third Amended Complaint, Section VII, State's Appendix A318-A319. There is no mention of individual schools or districts in that claim. Similarly, Plaintiffs' Claim for Relief, ¶180, asks, *inter alia*, that the court "declare that the existing school funding system is unconstitutional," "permanently enjoin defendants from operating the current public education system," and "order defendants to create and maintain a public education system that will provide suitable and substantially equal educational opportunities." State's Appendix A320-A321. Plaintiffs sought no particular relief as to individual schools or districts, but rather as to the State's system of education as a whole. Further, as noted above, the majority of this Court considered and rejected the claim that the trial court failed to consider all of its factual findings in regard to each part of its ruling.

In sum, Plaintiffs provide no basis for this Court to reconsider its decision.

Defendants-Appellants / Cross-Appellees

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I hereby further certify that: this document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law; and that this document complies with all applicable rules of appellate procedure.

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