

CCJEF v. Rell

The Connecticut Supreme Court recently ruled that a lower court erred in dismissing claims filed in 2005 by the Connecticut Coalition for Justice in Education Funding ("CCJEF"). CCJEF filed suit on behalf of students and families, contending that the state's failure to properly fund public schools inadequately prepares students for higher education and employment opportunities. Relying on the state Constitution, which provides that "there shall always be free and public elementary and secondary schools in the state," plaintiffs alleged that the state denied students "suitable educational opportunities."

CCJEF contended that quality education is not present in Connecticut, given the achievement gaps between students in the inner cities and students of the more affluent suburbs of the state. Plaintiffs pointed to the disparities in preschool classes, libraries, technology, hours of instruction, class size, textbooks, special education programs, and curriculum as evidence that the state has failed their obligation to provide an adequate education. Furthermore, CCJEF maintained that the state's failure to support a suitable public education system has disproportionately impacted African-American, Latino, and other minority students.

The state moved to strike the adequacy claims, arguing that the state Constitution does not confer a right to "suitable" educational opportunities, and does not guarantee equity or parity of educational achievement or results. The Connecticut Superior Court concurred and ruled in 2007 that the state constitution does not assure a minimum standard of quality for public education. CCJEF immediately filed an appeal and was joined by the support of many in the legal education community, including the Lawyers' Committee for Civil Rights Under Law, who filed a friend of the court brief in 2008 on behalf of the Connecticut State Conference NAACP and the Center for Children's Advocacy.

In reversing the lower court's ruling, the Connecticut Supreme Court relied on the precedent setting *Horton v. Meskill*, which found that under the state constitution, the state must provide a substantially equal educational opportunity to its youth in its free public schools. The court also paid considerable deference to *Sheff v. O'Neil*, a desegregation ruling which held that the courts have a role in ensuring that students receive the fundamental guarantee of an education. The court found that "the fundamental right to an education is not an empty linguistic shell" and must meet modern educational standards.

Ultimately, the court held that the state Constitution requires "that the public schools provide their students with an education suitable to give them the opportunity to be responsible citizens able to participate fully in democratic institutions, such as jury service and voting, and to prepare them to progress to institutions of higher education, or to attain productive employment and otherwise to contribute to the state's economy."

The long awaited decision will allow plaintiffs to maintain pursuit of their claims that the state has failed to adequately fund its lowest-performing schools.