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CONNECTICUT COALITION FOR JUSTICE IN EDUCATION FUNDING, INC., ET AL.	:	JUDICIAL DISTRICT OF HARTFORD
V.	:	COMPLEX LITIGATION
DOCKET	:	
M. JODI RELL, ET AL.	:	SEPTEMBER 7, 2016

Memorandum of Decision

Honorable Thomas G. Moukawsher

FILED

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HARTFORD J.D.

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"Learning is not attained by chance...."

Abigail Adams

1. Summary: To be constitutional, the state's chief education policies do not have to be richly funded but they must at least be rational, substantial, and verifiable.

In Connecticut's constitution, the state promises to give children a fair opportunity for an elementary and secondary school education. This doesn't mean the courts can tell the General Assembly how much to spend on schools. But the language can't mean that the state can leave learning to chance. It has to mean that the state must do thoughtful, visible things to give them that opportunity. To put it as a legal proposition, beyond a bare minimum, it is for the General Assembly to decide how much to spend on schools, but the state must at least deploy in its schools resources and standards that are rationally, substantially, and verifiably connected to teaching children. It isn't a lot to ask, but asking it raises doubts about many of our state's key education policies.

Requiring at least a substantially rational plan for education is a problem in this state because many of our most important policies are so befuddled or misdirected as to be irrational. They lack real and visible links to things known to meet children's needs. For instance, the state spends billions of dollars on schools without any binding principle guaranteeing that education aid goes where it's needed. During the recent budget crisis, this left rich schools robbing

millions of dollars from poor schools. State graduation and advancement standards are so loose that in struggling cities the neediest are leaving schools with diplomas but without the education we promise them. State standards are leaving teachers with uselessly perfect evaluations and pay that follows only seniority and degrees instead of reflecting need and good teaching. With the state requiring expensive services but doing nothing to see they're going to the right people in the right way, special education spending is also adrift. All of this happens because the state is torn between the need for communal and objective standards and the apparently irresistible pressure for the idiosyncratic *status quo*. Instead of the state honoring its promise of adequate schools, this paralysis has left rich school districts to flourish and poor school districts to flounder.

To keep its promise of adequate schools for all children, the state must rally more forcefully around troubled schools. It can't possibly help them while standing on the sidelines imposing token statewide standards. And while only the legislature can decide precisely how much money to spend on public schools, the system cannot work unless the state sticks to an honest formula that delivers state aid according to local need.

Having a special promise of adequate schools in our highest law shouldn't put the courts in charge of schools, but it should at least mean this much:

children have a judicially enforceable right to first principles governing our schools that are reasoned, substantial, and verifiably connected to teaching.

2. The state is responsible for the condition of our schools: Its duty to educate is non-delegable.

The state is responsible for Connecticut public schools, not local school districts.

The Connecticut constitution, in article eighth, §1, says: "There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation."

There is no misreading article eighth, §1. It says the state—specifically the General Assembly—must fulfill the promise of free public schools. In 2012 in *Pereira v. State Board of Education* the Supreme Court didn't hesitate to underline this, holding: "Obviously, the furnishing of education for the general public is a state function and duty."[1]

The constitution gives the General Assembly leeway about how to keep this promise, but it isn't endless. Like anyone else with a job in hand, the state can get help— from state employees, local school districts, and others. But, that doesn't mean the state can point the finger of blame at these helpers when things go wrong. As the *Pereira* Court ruled, whatever local boards of education do,

[1] 304 Conn. 1, 33.

they do "on behalf of the state."[2] This means that like other important legal duties the state's responsibility for what happens in schools is non-delegable.

Legal duties can spring from charters, statutes, or the courts, but duties that come from constitutions are the highest duties and sweep the others aside when they conflict. In 2009, in *Machado v. Hartford*, the Connecticut Supreme Court held that, wherever they come from, our most important duties are so important that responsibility for them may not be sloughed off onto others—fulfilling those duties is "nondelegable."[3]

Our courts have made this rule stick in far more mundane contexts than this. For instance, in 2001, in *Gazo v. Stamford*, the Court applied the widely known rule that "the owner or occupier of premises owes invitees a nondelegable duty to exercise ordinary care for the safety of such persons."[4] As the Court explained it, nondelegable duties create vicarious liability situations, in which "the law has ... broaden[ed] the liability for that fault by imposing it upon an *additional,* albeit innocent, defendant...namely, the party that has the nondelegable duty."[5] In *Ramsdell v. Union Trust Co.*, the Supreme Court held that the core functions of trustees are nondelegable.[6] In 2013, in *State v. Brown*, the Appellate Court held that even judges have constitutionally-mandated

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[2] *Id.*
[3] 292 Conn. 364, 371-72.
[4] 255 Conn. 245, 257.
[5] *Id.*
[6] 202 Conn. 57, 69.

nondelegable duties: they may not delegate to the state's attorney or defense counsel the duty to canvas plea bargainers about what it means to break their plea deals.[7]

In 2009, in *Teney v. Oppedisano*, the Superior Court held a plumber with warranty obligations liable for flood damage caused by an independent contractor because the plumber's duty to perform the work to the warranty standard was nondelegable.[8] In *Borovicka v. Oshkosh Corp.*, it confirmed the long-standing rule that liability for inherently dangerous activities is nondelegable.[9] In 2005, in *Cornelius v. Connecticut Dept. of Banking*, the Superior Court held that mortgage brokers must answer for the misdeeds of the appraisers they hire.[10]

And in 2009 in *Machado v. Hartford*, the Supreme Court enforced the long-standing rule that cities can't pass off liability for public roads by hiring private contractors—the law puts the duty to maintain them on the cities and no one else.[11] The court took as a bedrock assumption that "a vital public duty, once imposed by the state, generally is considered nondelegable."[12]

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[7] 145 Conn. App. 174, 181.
[8] 2009 WL 1055528,
[9] 2013 WL 2350516,
[10] 2005 WL 1757631, 5.
[11] 292 Conn. 364, 372-73.
[12] *Id.* at 372.

If the work of plumbers, landlords and even judges is important enough to be non-delegable, the state's constitutional duty to provide free public schools is important enough to be non-delegable too.

The importance of the state's direct duty over education couldn't be clearer. In 1977, in *Horton v. Meskill* our Supreme Court held that because it is specifically enumerated in the constitution, "in Connecticut, elementary and secondary education is a fundamental right...." [13] As the court knew, labelling the right "fundamental" raised it to the most important level known to law. In the equal rights context, it said that nobody from the General Assembly down could diminish one person's right compared with another's unless the court strictly scrutinized it and found the difference justified by some compelling state interest.[14] Car dealers, plumbers and landlords take a back seat here. Other constitutionally guaranteed civil rights may rise to this level, but no rights are more important.

Still the state would rather be a little less directly responsible. It points to a tradition of local control that it almost never brings up except to get itself out of a jam. It isn't persuasive here because most of the time in cases like the 1980 Supreme Court case *City Council v. Hall*, the state loudly reminds local governments that they are merely its creatures, and that "the only powers a

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[13] 172 Conn. 615, 648.
[14] *Id.* at 640.

municipal corporation has are those which are expressly granted to it by the state."[15]

The state insists the Supreme Court has recognized the importance of local control. But that does not mean it has recognized its primacy. In *Horton v. Meskill*, for example, the court discussed the valuable benefits of local control but saw them as no obstacle to imposing an educational financing plan that sent more money to poor towns than rich ones.[16]

It's obvious that local control can be a good thing: the education commissioner and others testified to its strengths—where it is working. But this requires nothing more than acknowledging that little intervention is needed where little problems reside. Knowing this takes nothing away from insisting that where great problems persist, great efforts may be required. The state may not have to rush to interfere in most schools, but when it needs to interfere, the state should not be able to claim that it's powerless.

It certainly can't say its hands are tied when it tied the knots itself. In describing its limits the state points mostly to restraints it has included in the General Statutes. State witnesses pointed again and again to these laws to say that the bulk of authority over education rests with local boards of education. But

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[15] 180 Conn. 243, 248.
[16] 172 Conn. at 638.

if the state isn't giving children a constitutionally required fair chance in school, it may not use its own laws as an excuse.

The standards at issue here are casualties of the state's view that education is by right a local affair. This has left most of the key state standards trying to look like statewide rules while being little more than guidance. Yet any review of the statutes shows that the state is being forced to recognize that it can't simply send money and hope for the best. Almost 15 years ago, following the federal No Child Left Behind Act, the legislature passed General Statutes § 10-223e setting up new ways for the state to take over dysfunctional school systems. Over the years, the state has intervened in varying ways in Bridgeport, Hartford, New London, Windham, and Winchester. The state knows it can't keep up the pretense that local schools are local problems, but it seems numb to the logical implications.

The state's direct responsibility is important to deciding this case. The court has to decide if the state is keeping its promise about education. If it isn't, the court has to decide what to do about it. This would require the court to weed out any General Statutes holding the effort back. Orders might have to limit state power, but given the state's direct and non-delegable responsibilities, court orders could also increase the power of the State Board of Education and Department of Education over troubled school systems and the agents they use to

keep the state's promises to children. Depending on the depths of the problems revealed in some districts, those powers might change considerably.

3. The courts may impose reason in state spending, but they may not dictate precisely how much to spend beyond a bare minimum.

The first job is to explore the limits of judicial power and decide if they are broad enough to address the problems pointed out at trial and the solutions mooted.

The basic promise in article eighth, §1, is simple and is simple to repeat: "There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation."

In 2010 in *Connecticut Coalition for Justice in Education Funding, Inc. v. Rell*, four of the seven justices of the Connecticut Supreme Court sent this case here for trial after reading this promise to require that our education system must be minimally adequate.[17] Three justices said the education provision meant that the constitution "guarantees Connecticut's public school students educational standards and resources suitable to participate in democratic institutions, and to

[17] 295 Conn. 240.

prepare them to attain productive employment and otherwise contribute to the state's economy or to progress on to higher education."[18]

Justice Palmer was the fourth and deciding vote for holding that the constitution requires an adequate education. Like concurring Justice Schaller, Justice Palmer saw that some standard of minimum adequacy is required to avoid doing "violence to the meaning of the term 'school'" in the constitution.[19] But to respect the rights of the legislature he defined the adequacy needed to pass constitutional muster more narrowly than the other three justices. [20]

Ultimately, Justice Palmer was more restrained than the three-judge plurality, but he was still at a point on the same continuum with them. The continuum was the legislature's duty to calculate educational resources and standards rationally. The plurality said it would strike down an educational program inadequate to prepare children for college, careers, and democracy. But the plurality said it would "stay its hand" on remedies awaiting legislative action unless the state lacked "a program of instruction rationally calculated to enforce the constitutional right to a minimally adequate education ..."[21]

Justice Palmer, by contrast, said he would not even find a constitutional adequacy violation unless the irrationality point had been reached, and the state's

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[18] *Id.* at 244-45.
[19] *Id.* at 331..
[20] *Id.* at 321.
[21] *Id.* at 317 n.59.

program "is so lacking as to be unreasonable by any fair or objective standard."[22] He emphasized that the legislature might come up with a variety of solutions, but it must operate "within the limits of rationality."[23] This means that the most the four justices agreed on was that irrational public school resources and standards are unconstitutional.

This doesn't ask that much. Rationality doesn't mean the state must show a "compelling interest" for everything it does or that the education provision subjects its decisions about schools to "strict scrutiny." It just means that irrational standards and programs are unconstitutional. So for a violation to be found, the evidence must show in Justice Palmer's words that "core or essential components"[24] or in the plurality's words that the "resources and standards"[25] are irrational.

What does "irrational" mean in this context? It can't mean that the constitution's education provision requires nothing more than traditional equal protection case law that seeks out a "rational" basis for legislative distinctions. That's the lowest standard that could possibly apply. That standard led the

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[22] *Id* at 321.
[23] *Id.* at 336.
[24] *Id.* at 343.
[25] *Id.* at 320.

Supreme Court in 2004 in *State v. Long* to say that for a distinction to be irrational is to "negative every conceivable basis which might support it ...."[26]

Applying this lowest possible standard here would contradict *Horton v. Meskill* where the Supreme Court held that education is a fundamental right.[27] As reflected in *Horton*, this usually means in equal rights cases that the laws at issue face some form of strict scrutiny.[28] Strict scrutiny is the highest possible standard that could apply. That standard only applied—the court only said education was a fundamental right—because the constitution's education provision requires specific action from the state about schools.[29] It would hardly make sense to take words that gave birth in one context to the highest duty and use them in another context to impose the lowest duty.

In *Horton*, the Supreme Court suggested that the way to resolve this is to remember that education cases are "in significant aspects *sui generis* and not subject to analysis by accepted conventional tests or the application of mechanical standards."[30] This means that when the majority of the Supreme Court in this case said the state's efforts must be "reasonable" and "rational" the words must reflect education's unique status in the constitution as something the state must do rather than merely something it must not do. A call for action on

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[26] 268 Conn. 508, 534, cert. denied, 543 U.S. 969.
[27] 172 Conn. at 648-49.
[28] *Id* at 649.
[29] *Id.*
[30] 172 Conn. 615,645 .

education in the highest law of the land unavoidably leads Connecticut citizens to expect something more than a token effort. For this reason, the court can't have meant to confine these words to the minimal equal protection analysis that applies to rights that aren't fundamental commands. The court must have expected something more.

So while we have to focus on rationality, we should at least expect that it means some rational thing substantial enough to be seen and verifiable enough to be measured. Anything less would hardly have required a trial. The state could have met it by adopting a budget and spending as much as a dollar or so, and the constitution's promise of free public schools would be empty. But insubstantial efforts can hardly satisfy a specific constitutional command. To keep from frustrating legitimate public expectations, we don't have to demand that the state's efforts be perfect or follow any particular fixed idea, but we can certainly expect that these efforts will be more than illusory; we can expect that they have real worth, solidity, value, meaning—we can expect them to be substantial, and to be seen to be so.

They must be seen to be so because the efforts can't be credible if we have to guess whether they exist. We can't possibly judge the adequacy of the state's work unless that work and its connection to teaching children are verifiable. We should be able to study budget formulas to see if they reasonably account for the

differing needs of districts. Standards should be clear enough so we can tell if they reasonably connect what they do with what they are supposed to do. With visible statistical evidence we can measure the effects of these standards in the schools. But the judiciary can hardly play a realistic role in protecting children's educational opportunities if there are no governing principles for the state to follow, and the courts are left counting the desks and supplies in every classroom in Connecticut. This would move the judiciary from policing first principles to being the first principal in every school in the state. The state simply cannot fulfill hopes fairly raised by our constitutional promise by adopting empty, unrecognizable, or non-existent policies: only discernible policies should be credited with being policies at all.

Taking these three points together means that if the court is to conclude that the state is not affording Connecticut children adequate educational opportunities, it must be proved that the state's educational resources or core components are not rationally, substantially, or verifiably connected to creating educational opportunities for children.

This must be proved against a high standard. As the Supreme Court held in *Kerrigan v. Commissioner of Public Health* in 2008, constitutional violations have to be proved beyond a reasonable doubt.[31] The plaintiffs say proof by a

[31] 289 Conn. 135, 155.

preponderance of the evidence should be enough in this unusual case involving an affirmative state obligation concerning education. But the Supreme Court chose to "acknowledge" the higher standard in its analysis of an education claim in 1985 in its second review of *Horton v. Meskill.* [32] More tellingly, the plurality in this case held it up as a check against raids on legislative prerogatives, noting that "deciding that a statute is unconstitutional, either on its face or as applied, is a delicate task in any event, and one that the courts perform only if convinced beyond a reasonable doubt of the statute's invalidity."[33] If the three justices leaning closest to the plaintiffs' position thought a high standard of proof applies, we can assume that the justices firmly against the plaintiffs would rely on it even more heavily. This court will require proof beyond a reasonable doubt.

The Supreme Court never got to consider any proof or apply any standard about what the constitution required. It sent the case here for the standard to be "refined and developed further as it is applied to the facts eventually to be found at trial in this case."[34] All four justices finding a constitutional minimum deemed the "core or essential components"[35] the "resources and standards"[36] subject to review. But the opinion only considered the education provision in the limited context of case law about the resources devoted to schools.

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[32] 195 Conn. 24, 35.
[33] 295 Conn. 240, 267.
[34] Id. at 318.
[35] *Id.* at 343 (Justice Palmer).
[36] *Id.* at 320 (Plurality).

These justices all cited a 1995 standard on minimum resources from the New York Court of Appeals in *Campaign for Fiscal Equity, Inc. v. State*.[37] The plurality seemed to view the New York standard as a starting point because it went on to review later New York case law that expanded on it. But Justice Palmer appeared to view it as enough to consider about resources; he didn't even cite the more expansive decisions. Interpreting constitutional language similar to Connecticut's, the New York court listed what it considered basic enough features from which to discern a school rationally:

> minimally adequate physical facilities and classrooms which provide enough light, space, heat, and air to permit children to learn. Children should have access to minimally adequate instrumentalities of learning such as desks, chairs, pencils, and reasonably current textbooks. Children are also entitled to minimally adequate teaching of reasonably up-to-date basic curricula such as reading, writing, mathematics, science, and social studies, by sufficient personnel adequately trained to teach those subject areas.[38]

This is a fairly easy standard for schools to meet, and even on its face it's unlikely to force the state to increase the raw amount of money it spends each year. But if this is the narrowest ground a majority of the upper court can agree on concerning a minimum level of resources, this court has to follow it.

Our Supreme Court approved of this narrowest-grounds of agreement approach in 2005 in *State v. Ross* where it quoted the U.S. Supreme Court saying that "[w]hen a fragmented Court decides a case and no single rationale explaining

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[37] *Id.* at 301, 316 (citing 86 N.Y.2d 307).
[38] *Id.* at 317.

the result enjoys the assent of five Justices, the holding of the Court may be viewed as the position taken by those Members who concurred in the judgments on the narrowest grounds ...."[39] The plaintiffs cite the District of Columbia Court of Appeals ruling in 1991 in *King v. Palmer*[40] to argue this is not true if the two sets of opinions are mutually exclusive. The problem for the plaintiffs is that the justices' positions are not mutually exclusive. Justice Palmer merely takes a more restrained view of the same belief that the plurality holds. This means four justices agree that Justice Palmer is right. Three of them simply think he should have gone further.

The narrowest-grounds rule favors Justice Palmer's view on what the constitution requires. But there isn't a lot of law on this point in Connecticut, so it's worth saying that even if the court didn't have to follow the common thread in his opinion, this limited approach would still be right. Beyond a bare minimum, the judiciary is constitutionally unfit to set the total amount of money the state has to spend on schools.

Courts are constitutionally unfit because they can't sort out competing legislative spending priorities or even competing constitutional spending priorities. This is why any constitutional standard the courts set for overall spending levels must be modest. Courts look at the issues and the evidence

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[39] 272 Conn. 577, 604 n. 13, quoting, *Marks v. United States*, 430 U.S. 188, 193 (1977).
[40] 950 F.2d 771 (*en banc*).

brought to them in specific cases. Judges see issues under a microscope. As the Connecticut Supreme Court held in *Travelers Ins. Co. v. The Netherlands Ins. Co.* in 2014, courts only consider cases or controversies.[41] A court does not hold sway over the general welfare. The case or controversy requirement means a court doesn't hold public hearings on the entire state budget nor can it launch its own investigations. The legislature's concern by contrast is the entire public welfare.

The plaintiffs hired as an expert witness Henry Levin, a Columbia University professor specializing in educational economics. He recognized that the costs and benefits of education spending must be weighed against other spending priorities before they can be imposed. The plaintiffs know that only the General Assembly does this. The legislature uses no microscope. It faces the full tidal wave of public demand. It considers every public matter and weighs it against the interests that compete with it for funding. In weighing those interests against each other, unlike the courts, the legislature can seek out whatever information it chooses. It is nonsense under such a system for a court to set expansive goals for the schools and direct whatever spending it takes to achieve them when it hasn't even thought about how its orders might undercut spending on other important rights, including those protected by the constitution.

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[41] 312 Conn. 714, 730.

This court already sits in the shadow of other lawsuits pressing constitutional demands for money. For over 20 years, *Juan F. v. O'Neill* has left a federal judge in the name of the constitution dictating state spending on child protection issues.[42] How can this court decide how much to spend teaching children against another court ordering how much to spend to keep them from abuse or neglect? Following our Supreme Court's 1996 decision in *Sheff v. O'Neill*, billions of dollars have been spent addressing Hartford students' race discrimination claims.[43] Is an integrated education worth more or less money than an adequate education? Should the court drag the *Sheff* and *Juan F.* parties before it to explore the issues? Or should the court blindly pile on top of those mandates whatever else it thinks might be needed and let the chips fall where they may? What about the stipulated settlement in *Shafer v. Bremby* requiring the state to speed up processing Medicaid claims? What about *Briggs v. Bremby* where a federal court ordered the state to speed up processing food stamp claims?[44] What does the court say to prisoners without beds or decent lawyers? To challenges filed on behalf of the mentally ill? Any ruling taking an overly-broad view of judicial discretion over education spending would squeeze the money being spent on those cases and what might be spent on them. It also would take money from causes without cases of their own—all without even

[42] 2:89 CV 859 (D.Conn)(SRU).
[43] 3:12 CV 0035 (D.Conn)(AWT).
[44] 792 F.3d 239.

considering whether they exist—all without weighing their importance against the claims made here. It can't matter that some courts have already taken expansive views of their constitutional authority over government spending. It doesn't change the good reasons against this view. It only suggests the judiciary should consider that the standard it sets in one matter may adversely affect other matters.

It doesn't help to try to mask the judiciary's role either. Orders that indirectly drain public money still drain it. Just as much damage is done by declaring legislative efforts unconstitutional and deferring action to the legislative branch "subject to judicial review." Nominally deferring to the legislature on a remedy while menacing it with potential action, still chooses the priority of one claim to public funds over others without even identifying and weighing the competing rights.

Arguably, this is what the Connecticut Supreme Court did in 1996 in *Sheff v. O'Neill*[45] and in 1977 in *Horton v. Meskill.* [46] Most notably the *Sheff* Court declared: "the needy schoolchildren of Hartford have waited long enough" and concluded that "[w]e direct the legislature and the executive branch to put the search for appropriate remedial measures at the top of their respective

[45] 238 Conn 1.
[46] 172 Conn. 615.

agendas."[47] This approach does not apply here. *Sheff* considered what it called the unique circumstance of race discrimination,[48] and *Horton* was an equal protection case which expressly rejected the notion of considering "adequacy."[49] Perhaps that's why the Supreme Court majority in this case did not apply this thinking.

Only three of seven justices in this case suggested an expansive view of judicial power might be adopted and followed by judicial monitoring of a legislative response. Writing for them in the plurality opinion, Justice Norcott said that the court's job was to "articulate the broad parameters of that constitutional right, and to leave their implementation to...the political branches of state and local government ...."[50] He wrote that so long as the other branches rationally act within those parameters, "the judicial department properly stays its hand ...."[51]

In adopting his "unreasonable by any fair or objective standard" test, Justice Palmer rejected this approach:

> I take a different view from the plurality with respect to the scope of the right guaranteed by article eighth, § 1. In particular, I believe that the executive and legislative branches are entitled to considerable deference with respect to the determination of what it means, in practice, to provide for a minimally adequate, free public education. Thus, it is the prerogative

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[47] 238 Conn. at 3, 46.
[48] *Id.* at 25.
[49] 172 Conn at 645-46.
[50] 295 Conn. at 317, n.59.
[51] 295 Conn. at 282.

> of the legislature to determine, within reasonable limits, what a minimally adequate education entails.[52]

The narrow ground of agreement among four justices in the upper court is that courts should be restrained in finding the violation, not merely in remedying it. The remaining justices thought the courts shouldn't get involved at all.

That leaves only one way to set a high constitutional threshold without blindly mandating more spending. It would be to find the constitution breached but say the court won't do anything about it. But this can't be done either. That approach was rejected in 1984 in *Pellegrino v. O'Neill* when our Supreme Court said the judiciary will not give advisory opinions.[53] The *Pellegrino* Court barred them in the face of constitutional claims about the underfunding of the judiciary. The court recognized its unfitness to decide how much to spend on the courts, and it approved of *Horton* only because that unusual case covered matters on which the court assumed it could act directly.[54]

Thus, if the court weren't limited by the minimal elements listed in the New York case, it would still reject an expansive view of its power to set overall state educational spending levels. Beyond a bare minimum, it is for the legislature to decide how much to spend on schools.

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[52] *Id.* at 321.
[53] 193 Conn. 670, 683.
[54] *Id.*

4. This state spends more than the bare minimum on schools.

While the legislature has the job of setting overall school spending, this doesn't mean it can spend less than the modest constitutional minimum. The legislature must spend at least enough to create things recognizable under contemporary standards as schools. Because it has done so—because Connecticut schools more than meet the New York minimum standard the upper court pointed to—the state has not violated the constitution by devoting an overall inadequate level of resources to the schools.

Connecticut schools already go far beyond the New York minimum. The state spends a billion dollars a year on just that case's concern about school buildings. In recently completed or underway projects in Bridgeport alone, the state has committed $378 million to new buildings. While statewide enrollment has been declining for over a decade, spending on buildings has increased. And according to Michele Dixon, an educational consultant with the state office overseeing school construction grants, the state basically never turns down a project. The state shapes them, but especially in poor districts, it ultimately approves them and then pays most of the bill. With the billions of dollars spent in recent years on magnet schools aimed at desegregation, it has paid even more, particularly with Hartford-area magnet schools built in the wake of *Sheff v. O'Neill*, where it has paid 100% of the bill.

There is anecdotal evidence of physical deficiencies in some schools—a leaky roof here, a unreliable boiler there—but nothing to suggest a statewide failure to provide adequate facilities, including classrooms which provide enough light, space, heat, and air to permit children to learn. Where there are problems as in Windham or New London they appear to be already on the state's list to be fixed and fixed mostly with state money. The plaintiffs haven't proved by a preponderance of the evidence, or beyond a reasonable doubt, that the state's schools lack enough light, space, heat, and air to permit children to learn.

No witness or document suggests that children lack desks, chairs, pencils, and reasonably current textbooks either. Again, there is some anecdotal evidence that teachers in some schools find themselves using older textbooks and some teachers buy supplies. But there is no proof of a statewide problem caused by the state sending school districts too little money. Many teachers supplement their materials from internet sources and most children have some access to computers. There are certainly some hardships with computers and significant disparities in computer access, but against a minimal standard the plaintiffs have not proved by a preponderance and certainly not beyond a reasonable doubt that there is a systemic problem that should spark a constitutional crisis and an order to spend more on school supplies.

Connecticut children have minimally adequate teachers teaching, reasonably up-to-date basic curricula such as reading, writing, mathematics,

science, and social studies. Connecticut uses a nationally recognized test called Praxis to certify teachers. Both sides of this lawsuit commended it. The Department of Education maintains an array of teacher training materials online and in the field to support teachers, including help with curriculum initiatives. In impoverished districts with troubled schools, it provides very direct help, including extra money for interventionists, teacher coaches, and technical support. No one suggests that teaching in Connecticut is broadly incompetent. The claim is that opportunities for good teaching are not being rationally marshaled in favor of needy kids. Judged against a low minimum and judged as a system, the plaintiffs have plainly not met their burden to show beyond a reasonable doubt that Connecticut lacks minimally adequate teaching and curricula nor have they proved it by a preponderance of the evidence.

That Connecticut is spending enough to meet a low constitutional threshold is made even clearer by the host of extras the state provides beyond the conservative minimum. Since 2012, over $400 million in new money has flowed into the 30 lowest performing schools under the state's Alliance Districts program. Its Commissioner's Network of schools currently focuses additional resources and interventions on 14 individual failing schools. In 2015, it yielded for them some $13 million in additional financial support. On top of this, the state currently allots roughly $4 million a year for school improvement grants to around 30 high needs schools. When temporary federal funds following the

Great Recession were cut, Connecticut was one of a handful of states that kept the extra spending going out of its own pocket. Most of what the state has done financially has been combined with additional non-financial resources.

State and federal programs also beef up needy schools districts by providing students breakfast, lunch, and many times food to take home. Schools in some districts feed students even in the summer. After-school programs instruct and care for kids. Parents are invited into schools to share in learning. Homeless children are sought out and their needs tended. There are programs to prevent sexually transmitted diseases, young parents programs, pregnant student supports, and mental health programs. The plaintiffs claim that all of these programs are under-effective because they are under-funded. But the very existence of these programs means the state far exceeds the bare minimum spending levels the judiciary is willing to order under the education provision, so the plaintiffs' claims for more overall spending belong in the legislature, not the courts. The evidence certainly shows that thousands of Connecticut students would benefit from enhancing some of these programs, but once the state spends enough to meet the bare constitutional minimum only the legislature can decide whether to spend more on them or spend on something else.

All of this extra spending benefits poor districts but not wealthier districts. It is on top of basic education aid that has a history of strongly favoring poor districts over wealthier ones. This heavy tilt in state education aid in favor of the

state's poorer communities shows the state is devoting to needy schools a great deal more in resources than is required by the modest standard created by the New York court.

This tilt is also fatal to the plaintiffs' equal protection claim as a basis for an order to increase the total amount the state spends on education. The Connecticut constitution provides in article first, sections 1 and 20 that all citizens enjoy "equal rights" to state benefits and "equal protection of the law." In 1985, in *Horton v. Meskill*, our Supreme Court held that an equal protection claim based on spending disparities can only succeed if, among other things, any claimant can show that the disparities "jeopardize the plaintiffs' fundamental right to education."[55] Unlike the disparities in *Horton*, the state's current education spending disparity favors the impoverished districts with which the plaintiffs are most concerned. They can hardly claim getting more money compared to other towns is the cause of their woes. They claim lack of enough money is the cause of inadequacy, but that claim has no place under the *Horton* equal protection analysis.[56] Equal protection analysis is comparative; it does not provide a basis to dictate the absolute amount of money the state has to spend on schools.

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[55] 195 Conn. at 38.
[56] *Id.*

5. Whatever the state spends on education it must at least spend rationally.

The state's latitude to decide how much overall money to spend on schools doesn't mean the state can have a constitutionally adequate school program while spending its money whimsically. As already explained, rationality was the test the Supreme Court set up for the education provision, and to give this standard any weight it has to require the state's spending plan to be rationally, substantially, and verifiably connected to creating educational opportunities for children.

A rational education plan has a substantial and verifiable link between educating children and the means used to do it. Following *Horton*, the state said it adopted one that evolved into what is now the Educational Cost Sharing formula in General Statutes §10-262f - i. That formula starts with a foundation amount of aid per pupil. Nothing in the formula explains how it was chosen, and the most the parties suggest is that the basic number may reflect typical per pupil spending back when it was adopted. The formula then calls for that number to be adjusted for a variety of factors which include, among other things, the relative wealth of the town, student population and educational need. The formula includes producing a dollar amount defined in the statutes as a "fully funded" amount. The parties wrangle over just how aspirational this "fully funded" amount is. But whatever it means to be "fully funded," the state has never gotten near it. And whatever the formula's virtues and vices, they don't matter anymore

because the state stopped using the formula in 2013-14. The state says this is okay because it's free to repeal the ECS formula entirely and work without any discernable plan at all.

It's nearly doing that now. In place of the formula, since 2013-14, the legislature has simply adopted set dollar amounts of aid for each town. It did the same thing for several years before 2013-14 by overriding the formula and simply adopting the same numbers year after year. The state says it can do this because while you can't tell why districts get what they get the state has still been giving much more money to property-poor towns than to property-rich towns.

But a plan that spends a lot of money and is not entirely irrational is still not a rational plan. Without consciously and logically marshaling education aid—if the legislature can adopt principles and then ignore them—the state cannot be said to have a formula at all, not to mention one that takes seriously the Supreme Court's insistence on "a program of instruction rationally calculated to enforce the constitutional right to a minimally adequate education." The General Assembly may have the power to decide how much to spend on education, but the state cannot afford to misallocate it or hide its spending priorities from scrutiny. Without a defensible and discernible plan, no one can be sure what the state is delivering and what lines it may not cross.

Yet the state claims the legislature doesn't have to allocate education aid rationally. It says it can spend education aid capriciously, taking money from

those in need and giving it without explanation to those without need, so long as in general more aid goes to poor towns than rich towns. This is because the state says that any review of educational adequacy has to be episodic instead of systemic. Under this view, for each year, without explanation or plan, the General Assembly can adopt budgets. To consider an adequacy challenge under the constitution, you would have to look each year in each town to see if it met the New York minimum standard. Under this approach, presumably New Haven might get more money than Hartford without any reason so long as both cities got the bare minimum, and it wouldn't matter how much money Darien got as long the bare minimum Hartford got was a few dollars more. Educational spending priorities under this approach could be concealed in a black box of secrecy free from all but the most perfunctory review.

But this still isn't enough for the state. Another part of its argument says that the only people who would have standing to sue for a constitutional violation are individual children who can prove harm to them personally by some specific act of bad teaching, lack of supplies, etc. The state even agreed this would mean that any relief would have to be individual too. The state retreated only slightly when the court started describing this kind of claim as one for "educational malpractice."

Whatever we name it, the state's approach would be a disaster. The courts have no business running the schools, not to mention second-guessing every

child's education. If there is a meaningful role for the courts in enforcing the constitutional promise of an adequate education, it has to be at a very high level: the courts can set a minimum base for overall resources and then ensure that the major policies carrying them into action are rationally, substantially, and verifiably calculated to achieve educational opportunities.

This constitutional principle is important regardless whether an individual school system is flush with resources or not. But it adds to the urgency of ensuring a rational scheme to know how hard it is for poor cities in this state to fill in any gaps. Against the harsh realities of our poorest communities, it is inconceivable that we adopted a constitutional guarantee blind to the effort required to deliver adequate public schools across a broad spectrum of need.

The limited means of the state's largest city shows how bad the situation is. According to the state's most recent municipal fiscal indicators, with 147,000 people Bridgeport has enormous needs that it struggles to meet. The people of the city are so poor that the federal government makes no distinctions but gives free lunch to all of its 21,500 students. Its unemployment rate in recent years has hovered near 12%. The per capita income in that town was recently measured at $20,000 in a county where some towns' per capita income exceeds $95,000. Its median household income is $41,050 in a county where some towns' median household income exceeds $200,000. While it spends less on education per pupil than the statewide median, Bridgeport's per capita debt is more than three

times the state median. It has the third worst rate of collecting outstanding taxes in the state. Connecticut municipalities get 70% of their revenue from property taxes and spend most of that revenue on schools, so a property poor town is a town that has less for its schools. While Bridgeport has almost eight times as many people, the taxable property in the nearby town of New Canaan is worth over $1 billion more than all of the taxable property in crowded Bridgeport. The taxable property in nearby Greenwich is worth more than four times that in Bridgeport though it has less than half the population.

Bridgeport has a very hard time coming up with money when the state shortchanges it. The burden of Bridgeport's debt as a percentage of the value of its taxable property is already the worst in the state, 7.5 times the state median. Having little valuable property to tax, its mill rate—the tax burden per dollar of assessed value of property— is double that of most nearby towns. And while those towns have some of the highest and best bond ratings in the country, even with the state behind it, Bridgeport's bond rating is significantly impaired, making it even more expensive for the city to borrow.

Gaps in school resources are grappled to gaps in school results. While reason is needed for an important constitutional action regardless of results, achievement gaps in Connecticut certainly can explain the stakes. The distance between the rich and poor students in this state is great enough to remove any

doubt about the importance of being careful to send money where it is most needed.

On average, Connecticut students do exceptionally well on standardized tests. This shows up in the National Assessment of Educational Progress, the federal government sponsored "nation's report card":

- Based on NAEP 2013 Grade 4 reading results, no state earned an average scale score higher than Connecticut.
- Based on NAEP 2013 Grade 8 reading results, no state earned an average scale score higher than Connecticut.
- Connecticut high school seniors from the Class of 2013 outperformed students from all other states in the 12th grade NAEP reading assessment.

The Programme for International Student Assessment sponsored by the intergovernmental Organization for Economic Co-operation and Development similarly ranks Connecticut at the top in several categories:

- Only four education systems in the world outperformed Connecticut in reading on the 2012 PISA assessment.
- Only seven education systems in the world earned scores higher than Connecticut in science on the 2012 PISA assessment.
- In mathematics, only 12 education systems in the world scored higher than Connecticut on the 2012 PISA assessment.

Connecticut is the home of some of the world's best students. But the NAEP and PISA measures both suffer from what Stanford University Professor

Sam Savage calls, the "flaw of averages."[57] The flaw of averages is easy to see. Averages mislead when they cut across wide extremes. Let's say the average Windham household income were $30,000. If Bill Gates moved in, Windham's average household income would soar. Windham would look rich, but typical income in the town wouldn't have changed at all.

So it is with Connecticut's schools. Many soar, but some sink. Schools serving the poorest in Connecticut are concentrated in just 30 out of its 169 municipalities. The children in most Connecticut towns do well on tests and some do extremely well, pulling up the average to impressive heights. But viewed individually, the state of education in some towns is alarming.

Until recently, Connecticut's statewide tests were home grown. The state tested elementary school students with the Connecticut Mastery Test. It tested secondary school students with the Connecticut Academic Performance Test.

These tests reveal alarming statistics about reading skills among the poor that suggest there are no resources the General Assembly can afford to spare them in favor of indiscriminate impulse or political routine. The state points to a few improvements in recent years, but the testing gap is still so great that any gains the state points to can't mean the gap will heal itself if the state merely sits on its hands.

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[57] *See*, Sam L. Savage and Jeff Danzier, *The Flaw of Averages: Why We Underestimate Risk in the Face of Uncertainty*. (John Wiley & Sons, Inc. 2012).

Every expert at the trial agreed that acquiring reading skills by the end of third grade is essential. Without the skill to read, the rest of the material the schools present later is often lost. But while well over 70% of the students in the state's richest communities met their third grade reading goals in recent CMT tests, on average nearly 70% of the least affluent students in the towns this case has focused on did not. While less than 1 in 10 students in many of the state's richest communities are below the most basic reading levels under CMT, nearly 1 in 3 students in many of the state's poorest communities can't read even at basic levels.

Third grade readers rated as "advanced" are approaching a majority in rich towns, but there is no appreciable percentage of advanced readers in the poor cities. Likewise, while around 90% of the students in the state's richest places made their third grade math goals, most students in the poorest places did not.

The contrast is equally stark in high school. Under CAPT in the last few years, most of the children in Darien, New Canaan, Ridgefield, Weston, Westport and Wilton scored as "advanced" in math and approached the same status in reading. Meanwhile, one out of three children in Bridgeport, Windham, New Britain, and similar communities didn't even reach the most basic levels in math and only did modestly better at reading. Not reaching the most basic level means they don't have even limited ability to read and respond to grade level material.

There can be no serious talk of these children having reached the goals set for them. Only a tiny number of them did. In Bridgeport, New Britain and similar communities only 10-15% made it that high. Therefore, 85-90% of them missed their goals.

Things only get worse when we look at what happened when the state adopted new tests it deemed more appropriate—the tests developed by the Smarter Balance Assessment Consortium, a group of states led in part by Connecticut. The state first used the SBAC test for the School Year 2014-15. The tests showed that while nearly 70% of the poor missed the minimum standards for English, over 80% of the richest towns exceeded them. While around half of the students in poor focus towns didn't even meet the lowest requirements, only insignificant numbers of the students in the richest towns missed them.

There is no place to hide this bad news. The achievement gap between the rich and poor in Connecticut is not just because our rich do so well. If it were, our poor would consistently outpace the poor in poorer states. But they don't. According to 2013 NAEP tests, Connecticut's poor children are no better readers than the poor anywhere else in the country and do worse at math. In fact, 2015 NAEP results show that poor children in 40 other states did better in math than Connecticut's poor—including children in places like Arkansas, Mississippi, and

Louisiana—10 did about the same, and nobody did worse. The numbers for eighth graders were not much better.

The state says more money will not necessarily fix this problem. Its expert witness Michael Podgursky, an economics professor at the University of Missouri, testified convincingly that there is no direct correlation between merely adding more money to failing districts and getting better results. This is hard to argue with, and the plaintiffs concede that only well-spent extra money could help. But if the egregious gaps between rich and poor school districts in this state don't require more overall state spending, they at least cry out for coherently calibrated state spending.

There is no room for a slack system to support cities like Bridgeport. If education spending could be set by something other than educational need, it could even empower the legislature to make the balance worse. It might lead to desperately needed funds moving away from starving cities to rich suburbs for no good reason. This would be a big problem in a system supposed to be guided by need and reason. Yet while the plaintiffs were in court complaining of the lack of a principled system, the legislature started moving money from poor towns to rich ones.

Throughout 2016, the state has faced a bone-crushing fiscal crisis. Thousands of state employees have been laid off. Resources are scarce and being carefully rationed. The state knows there couldn't be a worse time to move

education money from struggling poor districts to rich districts. But the state did it anyway in May 2016 when, in the name of austerity, it amended the 2016-17 fiscal year budget.

Under the changes adopted, education aid to the state's poorest districts—with the exception of Danbury and Stamford—was cut by over $5.3 million:

Ansonia	$82,361
Bridgeport	$905,293
Derby	$39,412
East Hartford	$245,381
Hartford	$1,003,800
New Britain	$230,590
New Haven	$770,653
New London	$129,072
Meriden	$301,307
Norwalk	$57,755
Norwich	$181,023
Waterbury	$668,272
West Haven	$603,559
Windham	$133,117
	========
	$5,351,595

In the same bill, while significantly cutting funds for some wealthy districts— without formula or explanation—the state also protected education aid *increases* for other comparatively wealthy towns in the state amounting to over $5.1 million in extra money:

Berlin	$ 59,301
Branford	$304,456
Canton	$10,050
Chester	$7,858
Cromwell	$68,585
East Granby	$40,618
Glastonbury	$263, 457

Haddam	$99,496
Hamden	$67,521
Middlebury	$103,096
New Fairfield	$3,812
Newtown	$322,147
Orange	$266,396
Rocky Hill	$430,201
Seymour	$181
Shelton	$686,007
Simsbury	$288,579
Trumbull	$331,250
West Hartford	$1,494,623
Wethersfield	$480,424
Woodbridge	$32,760
Woodbury	$289,888
	=========
	$5,170,282

The plaintiffs certainly think this is wrong, but the state says that $5 million isn't much money. But there are two problems with the claim that we shouldn't worry about the diversion of only $5 million dollars. First, in desperate times in desperate towns $5 million is a lot of money. At $85,000 a head that represents around 59 full-time teaching positions at a time when poor cities without substantial tax bases are struggling with some of the nation's neediest students. Second, it broadcasts that the legislature does not feel bound to a principled division of education aid. If this view of the state's constitution won out, the legislature would be free to make today's $5 million tomorrow's $50 million and the next day's $500 million.

There are no millions to be diverted in the face of financial circumstances that are choking poor Connecticut towns to death. Based on prior budgets, Bridgeport had been expecting an extra $8 million for 2016-17. Without the extra funding, the school district was facing a $15 million funding gap just to maintain current services when the state took nearly a million dollars more away from it and gave it to wealthier towns. This followed a deficit of $5.8 million from the prior year. Administrators, clerks, guidance counselors and technicians are being shed. Kindergarten and special education paraprofessionals are being let go. Some schools have no extras like music and athletics left to cut. The school year is to be shortened. Class sizes are increasing in many places to 29 children per room — rooms where teachers might have a class with one third requiring special education, many of them speaking limited English, and almost all of them working considerably below grade level. Many of these children get their only meals at school. They don't have two parents at home. Sometimes they have no homes at all. They bounce from place-to-place and from school-to-school as the system struggles to find some way to teach them.

For almost all students, there will be no high school buses in Bridgeport. Children will get tokens for the public transit system and some youngsters will have to figure out how to switch multiple transit buses just to make it to school in the morning. City efforts to raise taxes to make up the difference have resulted in reported threats of secession by the city's wealthiest neighborhood and angry

meetings jammed with hundreds of residents.[58] At the board of education, the interim superintendent reports that she routinely faces four to five hours of harassment from disgruntled board members. Real board business in Bridgeport usually doesn't even get started until around 11 p.m.

It's the same in other poor towns. Too little money is chasing too many needs. Wasteful spending cannot be blamed for it all. Incompetent leadership is not the real answer. The interim superintendent in Bridgeport is a former education department official. She was a top candidate for commissioner. Another top candidate runs the cash-strapped East Hartford public schools.

These schools might be recognizable as schools for constitutional purposes, but they face systemic problems that require consistent and rational solutions. Against this backdrop, considering the fundamental right of a child to an education in Connecticut, the state cannot meet its educational duties under the constitution without adhering to a reasoned and discernible formula for distributing state education aid. That formula must apply educationally-based principles to allocate funds in light of the special circumstances of the state's poorest communities. An approach that allows rich towns to raid money desperately needed by poor towns makes a mockery of the state's constitutional duty to provide adequate educational opportunities to all students.

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[58] www.ctpost.com/local/article/Bad-day-at-Black-Rock-over-taxes-Tuesday-833515.

So does a system that spends money on school construction without rhyme or reason. The state devotes $1 billion to school construction every year when the rest of its basic education aid totals roughly $2 billion. This happens while experts for both sides in this case rated physical facilities at the bottom of their lists of things that help students learn. A recent international study says the same thing, rating buildings' impact on education of "very low or no impact."[59]

Still Connecticut keeps on spending and does so without following any rational criteria for what should be built or renovated and what shouldn't. As Michele Dixon from the office of school construction testified, there is no practical limit on spending beyond the raw dollar amount the state borrows each year and local appetite for building and sharing some of the cost, which for some projects has been zero. While the state has project criteria that create nominal priorities, Dixon reported that virtually all projects find their way into the two highest priority categories because the criteria are fluid enough to encourage it.

This building boom has happened while the state's student population has been shrinking considerably. It also goes on amidst a legislative free-for-all where, as Dixon testified, every year legislators with enough clout swoop in and change school construction spending priorities or reimbursement rates to favor projects in their districts without any consideration of relative needs across the state. In the absence of a constitutional mandate this approach might be

[59] https://educationendowmentfoundation.org.uk/evidence/teaching-learning-toolkit/physical-environment.

permissible, but decisions rationally related to children's needs are an irreducible minimum in education spending. To form a logical part of an organized school system for this state, school construction spending must be connected substantially, intelligently, and verifiably to school construction needs aimed at helping students learn. To pass muster there must be a legitimate goal and a rational, substantial, and verifiable plan to achieve it.

Beyond a reasonable doubt, Connecticut is defaulting on its constitutional duty to provide adequate public school opportunities because it has no rational, substantial and verifiable plan to distribute money for education aid and school construction. This doesn't mean the court should draft the state's education spending plan, but it does mean the state has to draft a rational one and follow it as a matter of law. Without a court order, a plan adopted today can be ignored tomorrow. That's what happened with the Educational Cost Sharing formula. Instead, the court will begin its review of the state's proposed remedy 180 days from the entry of judgment on this ruling.

Many rational approaches are possible. A formula can be designed that distributes money in proportion to need regardless of the overall amount the General Assembly decides to spend. Depending on what is proposed, the review and approval might be of key principles only, leaving the legislature the flexibility to change parts of it as circumstances warrant. While its starting point is unclear, the ECS formula contained some sensible elements for designing a state budget

formula. The important thing is that whatever rational formula the state proposes must be approved and followed. If the legislature can skip around changing formulas every year, it invites a new lawsuit every year.

The court will only review the formula to be sure that it rationally, substantially, and verifiably connects education spending with educational need. The plan should include a timetable for carrying it out if the state believes the system would be harmed by any immediate changes. The plaintiffs will have 60 days to respond to the state's plan and then a hearing will be scheduled.

6. The state must define an elementary and secondary education reasonably.

Any spending plan rationally, substantially, and verifiably linked to teaching children must not only be deliberate, it must be aimed at what the constitution promises: a free elementary and secondary education. A spending scheme really can't be said to be aimed at elementary and secondary school education when the state doesn't even enforce a coherent idea of what these words mean.

For its secondary schools, the state has allowed the form of high school graduation to overwhelm its substance. High school graduation rates in Connecticut are going up. But, as Henry Levin, an economics and education professor at Columbia University testified, increasing high school graduation rates is a worthy goal, but it loses its desired effect if the state hasn't set a meaningful standard level of achievement meriting graduation.

In Connecticut there isn't one. The state's definition of what it means to have a secondary education is like a sugar-cube boat. It dissolves before it's half launched. It was sunk by a highly-soluble statutory scheme.

The state's central high school graduation requirement is in General Statutes § 10-221a (b). It requires high school students to complete 20 "credits" to graduate: four in English, three in math, three in social studies, two in science, one in the arts or vocations, one in physical education and a half credit in civics and American government. For the Class of 2020 the credits needed are supposed to go up by five.

Whatever the number of credits required, the state undercuts the requirement with §10-221a (f) defining a credit as the "equivalent" of a 45-minute class every school day for a year. If using the word "equivalent" weren't enough to keep a student from having to actually go to class to get credit, later language removes any doubt by directly letting students do online work as a substitute for showing up. The online work must be "equivalent," "rigorous," "systematic" and "engag[ing]," but the law doesn't make these words actually mean anything. Still, General Statutes § 10-223g says that school districts with high dropout rates must have these online credit programs.

Computers are unseen culprits in this murky business. Online credit recovery is credit-earning work where students sit in front of computers reviewing material instead of in classrooms. It's unregulated. It's ill-defined, but

the legislature demands it. Superintendent Rabinowitz, Superintendent Garcia and two high school principals agreed that whatever it was it was less demanding than classroom work. Rabinowitz admitted the system was an open invitation for abuse and that the invitation had been accepted.

General Statutes §10-223a (b) includes equally insubstantial guidance. It requires local school districts to "specify the basic skills necessary for graduation...and include a process to assess a student's level of competency in such skills." The law requires an undefined role for a mastery examination, leaving that role to be great, small, or indifferent. It accompanies this loose arrangement with one of its few inescapable mandates. The basic law decisively forbids school districts from using minimum test scores as the sole basis for promotion or graduation. If this point is not clear enough in § 10-223a (b), it is repeated in § 10-14n (e).

The only other thing directly addressing graduation standards is a 15-year-old letter from the education commissioner to superintendents. It attached a copy of the Milford public school graduation standards and encouraged superintendents to read it.

The state says that even if it doesn't have a strong graduation standard it still has new statewide academic standards that outline what high school students should learn. The "common core" and the tests created by the smarter balance academic consortium set significant goals. The standards say what students

should learn at each grade level, but they can't do much good where they're needed most because they don't stop students from graduating when they fall miles below the standard. The new standards might affect school ratings under state and federal measures. They might draw attention to failing schools and students. But the schools and students at issue here were utterly failing under the old system too. It's too late for a court to accept as constitutional a system for troubled schools that does little more than call attention to problems.

In the end, the state admits it needs new graduation standards. But on this and other subjects it says it's working on the problem and should be free to keep trying. Unfortunately, the "work" the state cites on graduation standards only highlights its paralysis, not its progress.

In 2015, the General Assembly launched a task force to study aligning high school graduation requirements with the state's new common core standards. The task force decided that high school graduation standards needed an "urgent overhaul." It called for the new standards to have "rigor," "alignment," and reflect "21st Century skills." But it spoke mostly in generalities, and while it said "mastery" is more important than "seat time," the only thing it suggested doing about mastery was *weakening* year-end mastery tests expected to acquire force in 2020. In fact, on the various graduation pathways it envisioned, the task force never suggested any way students would have to show they have mastered high school material. In the wake of this wobbly logic the report made the puzzling

disclaimer that "the task force wishes to make it very clear that it is not denigrating the importance of acquiring academic knowledge and skills ...."

This seems obvious grounds for relief. And the task force even saw fit to add that, not only were they good, but knowledge and skills should be pursued "rigorously." Still the whole thing suggests the report was some kind of spoof. The task force certainly took nothing away from that impression when its biggest thought on how to fix the problem turned out to be another task force. But the state couldn't even get that job done. In 2016, any prospect for another task force along with hope for improved graduation requirements died in a legislative committee— without even a vote.[60]

Reading the task force report and the statutes after hearing and watching school officials struggle to talk about graduation standards forces the conclusion that the state is paralyzed about high school graduation. The state sings the praises of a high school degree as a door opener. It hears clamoring from the community to get them into students' hands. But in the end it only leaves districts free to meet these demands in the easiest possible way—by supplying students with unearned diplomas.

The lack of a substantial and rational high-school-graduation standard has resulted in unready children being sent along to high school, handed degrees, and left—if they can scrape together the money—to buy basic skills at a community

[60]https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2016&bill_num=378.

college. Those who can't immediately buy the education they were supposed to get for free must hope for a higher-education degree someday or simply accept drastically reduced prospects every day.

The facts are incontestable. Test scores show that high schools in impoverished cities are graduating high percentages of their students without the basic literacy and numeracy skills the schools promise. Recent CAPT test results show that one out of three high school children in Bridgeport, Windham, New Britain and similar communities did not reach even the most basic levels in math and only did modestly better at reading. Not reaching the most basic levels means these children can't even demonstrate a limited ability to read and respond to grade level material. An East Hartford high school science teacher testified that 80% of her students do not test at grade level. Many of them, she said, required explanations of common words like "faucet" and "sink." In Bridgeport, New Britain, and similar communities, around 90% of the students missed their high school achievement goals. SBAC tests revealed that across the state 80 to 90% of the poor failed to reach the *minimum* standards for high school reading. Recent PSAT scores in Bridgeport show that just 1.9% of students were on track to be college and career ready. SAT scores showed 90% of Bridgeport students were not college and career ready.

Yet Bridgeport has a high school graduation rate of over 70%. Only 2% of Windham high school students were on track under the PSAT for college and

career ready but that town's superintendent reports that it now has a graduation rate of more than 80%. No wonder the school superintendent of Bridgeport painfully but readily confessed that a functionally illiterate person could get a Bridgeport high school degree. No wonder the superintendent of Windham likewise conceded that her system was producing graduates who were ready for neither college nor a career. Contrasts between very low SAT college-and-career ready scores and very high graduation rates are stark in poor communities across the state:

Municipality	Most recent graduation rate %	SAT college & career ready %	Graduating but not ready %
Bridgeport	71.5%	10%	61.5%
Danbury	78.1%	34%	44.1%
East Hartford	78.3%	20%	58.3%
Hartford	71.5%	8%	63.5%

New Britain	63.6%	25%	38.6%
New Haven	75.5%	11%	64.5%
New London	71.1%	16%	55.1%
Waterbury	67.9%	15%	52.9%
Windham	81.7%	34%	47.7%

This isn't the SAT's fault. While there is a gap in most communities, the number of unready graduates is pretty small in Connecticut's wealthiest towns:

Municipality	Most recent graduation rate %	SAT college & career ready %	Graduating but not ready %
Darien	96.7%	86%	10.7%
New Canaan	98.4%	83%	15.4%
Ridgefield	97.6%	78%	19.6%
Weston	97.2%	83%	14.2%
Westport	97.8%	84%	13.8%
Wilton	97%	81%	16%

Greenwich	95.1%	69%	26.1%

You can't overlook the failure of our graduation standards in poor towns when a solid majority of their students are graduating unready and a solid majority of students in rich towns aren't having any trouble at all. But if test scores aren't enough, higher education realities remove any doubt that the state is failing poor students by giving them unearned degrees.

According to the state's statistics, more than 70% of impoverished students across the state's public higher education system and 70% of all Connecticut community college students don't have basic literacy and numeracy skills and have to get special instruction. Now higher education is under pressure too with Public Act 14-217, § 209 (b) deflecting attention from the problem by requiring state colleges to embed remedial work in credit-bearing courses rather than in stand-alone remedial courses. It's almost as though the inevitable end will be to keep pushing these students along and giving them more unearned degrees—this time while charging them for the privilege. But the origin of the problem isn't so easily buried. The higher education figures led even the state's chief education performance officer, Ajit Gopalakrishnan, to agree that the statistics force the conclusion that the state's high schools are graduating students unprepared for higher education.

Without a reasonable and substantial state standard, these unready graduates are an inevitable product of demands for higher graduation rates. The federal and state government rate schools higher the higher their graduation rates. Aid amounts and remedial requirements are sensitive to these numbers too. While the state says this factor is weighed less than others that doesn't change the message: high school graduation rates should rise. And so they do. While the state points to one high school principal who testified that higher rates at his school meant more educated graduates, this testimony can't overcome the overwhelming statewide statistics and their consistency with credible testimony from other educators. The state is letting graduation rates rise without them meaning that there are more educated people among us.

Without any reasonable doubt, this breaks the state's constitutional promise of a free secondary education by making it for the neediest students meaningless. Among the poorest, most of the students are being let down by patronizing and illusory degrees. It's a safe bet that doing away with them will put enormous pressure on schools, but perhaps when it comes to focusing attention above all on basic literacy and numeracy skills, enormous pressure is just what they need.

A new system is constitutionally required to rationally, substantially, and verifiably connect an education degree with an education. The superficial, subjective, and easily circumvented systems some schools use are the root of the

problem. The obvious way to replace them is to use a readily available means to show that students have been educated—that is, that students have learned something useful by going to school. Every school system on earth knows how to do this. Some form of objective test is given. The form of it is always fought over, but the state has already proved it knows how to create and impose one and believes it's an appropriate tool. Right now, to get a high school degree outside of secondary school—to get a "graduate equivalent degree"— General Statutes § 10-5 requires in most cases passing "an examination approved by the commissioner." The state can hardly say that an objective graduation requirement is too much to ask when it's already using one.

Others have them too. According to the state's witness, Stanford University professor of education and economics Edward Hanushek, they work. He particularly likes Massachusetts's objective mastery requirement. Hanushek was impressed that our neighbor state radically changed things in the 1990s, and he said these changes made Massachusetts a national education leader. In 1993, Massachusetts passed Mass. Gen. Laws c. 69 § 1D. It requires students to pass a statewide standard test or, in a few cases, another objective test tailored for an individual student under an "educational proficiency plan." Either way Massachusetts made what children learn matter most, not how much time they sit in a classroom or how long they stare at a computerized lesson. Fourteen states including Massachusetts, New York, and New Jersey now require their

students to pass a test to get a degree.[61] The state has plenty of examples to consider.

It will have 180 days to consider them. Then it must submit for court review an objective and mandatory statewide-graduation standard. We can hope the state picks one that will become the preeminent standard in the United States. But it doesn't have to be that good to pass constitutional muster. All the definition has to do is rationally, substantially, and verifiably connect secondary-school learning with secondary-school degrees. If they aren't shams Connecticut can follow the Massachusetts example and adopt multiple tests. But the tests mustn't fall prey to the kind of evasions in place now. As in some states, the test could lead to different kinds of degrees—"class one,", "class two," "honors," "certificate of completion," etc.

Presenting a policy in six months doesn't mean that the state has to apply it to all students immediately. The state should propose a way to introduce the new requirement as quickly as possible but as fairly as possible. It should address the problem of requiring students to meet a new standard we haven't prepared some of them to face. The schedule may connect that problem with granting varying diploma degrees temporarily or otherwise. If it is reasonable, it will be

[61]http://www.edweek.org/ew/section/multimedia/state-testing-an-interactive-breakdown-of-2015-16.html.

approved. Once the court has the state's plan, the plaintiffs may have 60 days to comment on it.

The only way a mastery-based high school graduation requirement can work constitutionally and practically is to join it with a rational, substantial, and verifiable definition of an elementary school education. Experts like Rutgers University Professor Stephen Barnett for the plaintiffs and Hanushek for the defendants are sure that the basic problem for those having trouble in secondary school starts from them not learning to read, write and do basic math in elementary school. Again, Connecticut has no state standard with any teeth for students to pass from elementary to secondary school.

Elementary school is the heart of the problem for students in struggling Connecticut districts. Secondary school students can't succeed without elementary school skills, and children just aren't picking them up in this state's poorest communities.

Gregory Furlong, a teacher at Bridgeport's Byrant Elementary School, says that fifth graders at his school are often reading at kindergarten "See Spot run" levels. They still get promoted. Elizabeth Carpasso, a Bridgeport middle school teacher, deals with these children three grades later in eighth grade. She has put her textbooks aside because the children can't read them. She looks for other ways of teaching her class and passes the students on. Elsa Saavedra-Rodriguez, principal of New Britain's Smalley Elementary School, tells the same story.

Virtually none of her students have the basic skills they should have before moving up and not one exceeds them. Ruth Stewart-Curley teaches English language learners at New London's Benny Dover Jackson Middle School. Sixth through eighth graders are lumped together in her class. Some are entirely illiterate. Some can't even hold a pencil. They range from those who speak no English to those bordering on the mainstream. Mixed in are special education students. She is supposed to teach these students English and science. But she can't find a text to use with a diverse and troubled group like this. She struggles along, but her work sounded frustrating at least and maybe even fruitless at worst. But the kids move on. Patricia Garcia, Windham superintendent, sees her students at every level missing what they are supposed to be doing in their grade and sadly watches them moving up the grades anyway.

These aren't isolated stories. The test scores described earlier and detailed in this opinion's fact-finding appendix show how for thousands of Connecticut students there is no elementary education, and without an elementary education there is no secondary education. Beyond a reasonable doubt the state's failure to define elementary education rationally violates its constitutional duty to provide a meaningful opportunity to get one.

Several experts testified about the importance of good elementary schools and preschools and their connection to success in secondary school. They included:

- Eric Hanushek from Stanford
- Henry Levin from Columbia.
- Robert Villanova director of LEAD CT and former superintendent of the Farmington Public Schools
- Early Childhood Commissioner Myra Jones Taylor
- Bridgeport Superintendent Frances Rabinowitz
- East Hartford Superintendent Nathan Quesnel
- Education Commissioner Dianna Wentzell,
- Deputy Commissioner Ellen Cohn

All of them and every teacher, administrator, and professor who testified agreed that if children are going to have a chance they must learn to read, write, and do basic math in elementary school. Many pointed directly at the end of third grade. A child lost then is hard to recover. According to a 2012 study by the Annie E. Casey Foundation, more than a quarter of children illiterate at the end of third grade never even graduate from high school—and in Connecticut we know just how easy that is to do.

While both sides of the case agree on the priority, they want to do different things about it. The plaintiffs lean too hard on more money as the answer. Some of their witnesses suggested that basic literacy work meant an army of reading interventionists simply layered on top of what is already being done.

The state leaned too hard on leadership as the solution. The education commissioner and others rigidly suggested that none of the state's schools were short of money and that all would be well if the school day were reorganized, curriculum martialed, and teachers collaborated. Given the magnitude of the problem this seemed doubtful. More air went out of it when rebuttal witnesses

Superintendent Rabinowitz and East Hartford Superintendent Quesnel credibly explained that most of these tactics are painfully familiar and mostly being used already.

Deputy Education Commissioner Ellen Cohn was a breath of fresh air. Cohn wrote a 2014-15 report on early reading strategies. This former Navy nurse said the task is like a medical triage. To her, early literacy was important enough to mean stripping resources from wherever necessary to prevent another wave of children passing through elementary school set up to fail. It would require giving her department the power to mandate the basic literacy techniques in a state reading pilot called CK3LI. She said the merit of these techniques is now beyond debate, and no witness quarreled with her. To Cohn, the job could be done. It would mean painful realignments but the state could break the cycle of failure in its poor communities.

Cohn wanted strong elementary school standards but opposed just keeping children back and doing the same thing over again. She believed children who stay back too often become children who later drop out. More important, she believed doing the same thing over again would get the same result.

Whatever the right answer is, Cohn must be right that the state can't continue down the same path with troubled elementary schools. The failure is just too big and the response to it is just too small. Therefore, the state must

propose a definition of what it means to have an elementary school education that is rationally and primarily related to developing the basic literacy and numeracy skills needed for secondary school. No definition without force behind it can be rational, especially since the state would already say that it has amply laid out what elementary school should achieve by adopting its common core standards. Here the difference between a definition and a constitutionally adequate definition is that the former may have no real consequence while the latter requires substantial consequences. In other words, the definition of an elementary education must be rational and substantial and its effectiveness verifiable.

The state will have 180 days from this decision to propose a remedy that creates a rational, substantial, and verifiable definition of elementary school. There are many possibilities. Many of the elements that need to be given life and weight are in Cohn's report. They might gain some heft, for example, if the rest of school stopped for students who leave third grade without basic literacy skills. School for them might be focused solely on acquiring those skills. Eighth grade testing would have to show they have acquired those skills before they move on to secondary school. This would give the schools four school years to fix the problem for most children. The work could start as early as high-quality preschool. But it's up to the state to decide that, not the court.

Whatever the state does, the effort in troubled districts would likely focus on whole classes of children. In many city schools virtually none of the students have the skills they need to leave third grade, so it's not as if a new approach would mean that a small number of children would be left socially isolated. Whatever the state comes up with will have to allow for the special challenges poor districts face, including the reality that many poor children move from school to school as they more frequently than most children move from home to home.

The state must tell the court what powers over local districts it needs to get the job done. But it must also marshal its financial resources. The state could do this several ways. It could simply provide the money. It could cut spending on unfocused and inconsequential school construction, and spend the savings on communities that need drastic interventions. The state could take money from elsewhere in the state education budget or from elsewhere in the school budgets of troubled districts. Cohn's triage analogy may prove painfully apt. But the education commissioner and the deputy commissioner emphasized that money for needed interventions can be found if courage is used in reprioritizing district spending to focus money on the key problem. Everyone in this litigation agrees on what that key problem is, so the state should have a chance and the power in troubled districts to test its claim that the resources can be found to give meaning to the constitution's promise of a free elementary school education.

As with the other orders, the parties should propose for the remedies stage a plan to roll out the changes. One aspect of triage that won support from experts like Hanushek is that the state would be better off trying to succeed with a full blown effort in a small number of districts rather than sapping its strength by trying to succeed in too many districts at once. Starting efforts with some group of districts with fewer members than the state's 30-member Alliance District group might work—the lowest 10 which it labels "Reform Districts" in particular might make sense. Spreading the standards from the greatest to the least troubled districts also might work. The only thing that would make neither progress on the ground nor with the court would be a plan that is more of a dodge than a to-do list.

7. Connecticut's teacher evaluation and compensation systems are impermissibly disconnected from student learning.

Most of the state's education money is spent on teachers. Both sides agree this is where the money belongs. It is also undisputed that good teachers are the key to a good school system. The problem is that in Connecticut there is no way to know who the best teachers are and no rational and substantial connection between their compensation and their effect on teaching children.

The first problem is a dysfunctional evaluation system. Despite a lot of talk, teacher evaluation is still almost entirely local and the state standards are almost entirely illusory. This has left virtually every teacher in the state—98%—

being marked as proficient or even exemplary while nothing in the system and no one in the case indicated these results are useful or accurate. The state insists that many schools across the country suffer from this problem, but—as we all learned in school—others doing something wrong is hardly an excuse.

An inflated teacher evaluation system, like a graduation or grading system where everyone succeeds, is virtually useless. A virtually useless evaluation system is constitutionally inadequate to undergird the state's largest financial commitment to education. As with the other key points, students can't receive a constitutionally adequate educational opportunity when something of this importance to schools has no rational, substantial, and verifiable connection to effective teaching.

General Statutes § 10-151b misses that connection by missing any real requirement entirely. It says that schools must have evaluations "consistent with the guidelines for a model teacher evaluation and support program adopted by the State Board of Education." But while requiring the guidelines, the statute didn't even allow the board to adopt the guidelines by itself. The law gave the board until 2012 to adopt the guidelines through a typical task force approach required by § 10-151d under which they must be adopted "in consultation with" something called the Performance Evaluation Advisory Council or "PEAC". PEAC members included teachers, principals, school boards, superintendents—

everyone in education most likely to disagree about what to do—people whose views are vital but whose votes are most likely to stifle a meaningful result.

PEAC did not disappoint. Although it faced a federal mandate to include a connection between teacher evaluations and student learning, PEAC did everything it could to weaken this requirement and then reconvened a year later to weaken it some more.

An earlier federal mandate, the No Child Left Behind Act, was roundly criticized for linking teacher evaluations to student test results. Some of the thinking behind this criticism shows up in the 2010 decision in this case, reflecting legitimate concerns that teachers are not responsible for the condition students are in when they walk into the schoolhouse. In the schools at the center of this case in particular, everyone agrees that crushing socio-economic circumstances handicap many of the students and make it wrong to expect them to get the same test scores as other Connecticut students. But those old cries of foul persisted at PEAC even when the new Every Child Succeeds Act replaced measuring absolute student performance with measuring evidence of growth. It hardly seems unreasonable to evaluate teachers partly based on how much their students have learned from them. The state's own expert Eric Hanushek insisted this was a vital element, saying that these so-called "measures of student learning" should make up around 35% of teacher evaluations.

Yet PEAC seems to have buckled under the load of criticism about tests. In the end, the State Board of Education set its teacher evaluation standards in capitulation to PEAC rather than in consultation with it. The instrument of surrender was a series of guidelines and a sample called the System for Educator Evaluation and Development or "SEED". The first article of the surrender is that schools don't have to use SEED at all. They can come up with their own system and use it so long as the Department of Education approves it as meeting the guidelines.

The main surrender is in the guidelines. Perhaps its authors thought people would assume the guidelines were serious simply because they are so complex. They certainly are complex, but they are not serious.

Under the guidelines, half of the evaluation is supposed to be on teacher practices and skills. This half is subjective and is like the traditional system where ultimately a principal watches a teacher in action and files a review. The remaining 10% of the first half is an equally subjective but highly limited role for parent or peer evaluation surveys.

The evaluation's second half is supposed to meet federal requirements about connecting how teachers do with how students learn. It says its focus is "student outcome indicators." But it quickly turns to slush. Measures of student achievement were supposed to make up 22.5% of a teacher's evaluation. One half

of this—a mere 11.25% of a teacher's evaluation —was supposed to be linked to growth rates in the state's carefully wrought system of student testing.

The other 11.25% addressing "outcome indicators" is illusory. First, the state allows schools to use any "standard indicator" or any "non-standardized indicator" of how much students learn. Second, the teacher has to agree to use it at all and then the teacher and evaluator have to agree what weight to give a standardized indicator and what weight to give the "non-standardized indicator." The goals can be changed mid-year. The only guidance about it is that it's supposed to be "fair, reliable valid and useful" or at least be so "to the greatest extent possible." In short, this part of the evaluation doesn't really *require* anything at all.

If this wasn't weak enough, the department then granted some two dozen waivers to school systems which didn't want to follow the guidelines and, in 2014, it gave up all pretenses, vaporizing the 11.25% that was supposed to be based on the state's official test scores, using the new SBAC testing system as an excuse. PEAC suggests that it will be imposed later, and the state has managed to hold off federal sanctions with these blandishments. The remainder of the student outcome indicators —5% —can optionally be student input or something called "whole-school student learning indicators." In a gutted system, what these indicators are hardly seems to matter.

The state's teacher evaluation system is little more than cotton candy in a rainstorm. Everything about it suggests it was designed to give only the appearance of imposing a significant statewide evaluation standard. These empty evaluation guidelines mean good teachers can't be recognized and bad teachers reformed or removed. As Superintendent Rabinowitz testified, these failures are integral to the daunting task she faces in trying to weed out teachers holding her system back. They run counter to the spirit if not the letter of the Every Child Succeeds Act. And they make a mockery of years of work the state has put in perfecting goals for students and the yardsticks to measure them against. Why bother measuring how students are doing if it never has any direct connection to how they're being taught?

Beyond a reasonable doubt the state's teacher evaluation system creates no rational, substantial, and verifiable link between teacher evaluations and student learning. It's not merely a matter of the standard being weak. The standard fails the constitutional test because it doesn't even honestly do what it says its doing.

It could. The state's chief performance officer, Ajit Gopalakrishnan, said the state has student test growth data for all of the state's teachers. He agreed the department could use the information in whatever intelligent way it might want to judge whether teachers are teaching. But it doesn't use or distribute the information for this purpose at all.

Better teachers aren't made by teachers earning better degrees or by long years on the job. Plaintiffs' expert Jennifer King Rice, professor and associate dean at the University of Maryland, agreed with state expert Eric Hanushek of Stanford about this. So did Superintendent Rabinowitz. So did Commissioner Wentzell. According to this undisputed view, teachers make significant gains in the early years of teaching but plateau after about five years.[62] No one defended the idea that having a master's degree makes a better teacher and an extensive study by Jennifer King Rice shows it has nothing to do with how well a teacher teaches. Although state officials, local board members, superintendents, principals, and teachers testified, no one said long years on the job and advanced degrees always meant good teaching.

Yet in Connecticut these two factors, which may have almost no role in good teaching, play virtually the entire role in deciding how much a teacher makes. The only exceptions are some loan programs and tuition forgiveness plans designed to attract teachers in shortage areas. Otherwise, the billions that flow to increased teacher pay in this state have nothing to do with either how much teachers are needed or some recognized measure of how well they teach.

Connecticut pays teachers well. It ranked third in the country in terms of teacher salary in 2012-13, but Professor Rice's study showed that doesn't matter so much to teachers. Money isn't the biggest reason why teachers teach or where

[62] *See also*, http://tntp.org/publications/view/the-mirage-confronting-the-truth-about-our-quest-for-teacher-development at 15.

they teach. But if the way money is spent—especially on raises— means nothing, it's still being wasted. Professor Hanushek in particular saw this as a lost opportunity. He thinks paying more while influencing nothing merely locks in inefficiencies. He and the commissioner of education testified that pay differentials based on things like shortages make more sense. As Superintendent Quesnel testified, East Hartford gets six times as many applications for elementary teacher jobs than for high school science instructors, yet there is no distinction in pay that reflects the difficulty of attracting and keeping one group of teachers over another. The same shortage problems with only minimal shortage solutions hold true in many districts for math teachers, bilingual instructors, special education teachers, and, in general in poor districts where the working conditions make the jobs less attractive.

The state sees itself as powerless here. It set up a system of local control in which school districts must agree on these things with teachers. But if the system was set up by the state then the state is responsible for the system. Any obstacle to a rational system the state has set up, the state can take down. The state is not powerless.

There are ways the state could link compensation to effective teaching, but it's nothing to do lightly. Studies show that some financial incentives have little

worth.[63] Bluntly tying pay to test results for example makes no sense. It would give teachers in rich districts more money just because their kids always do better on tests while stripping money from teachers in poor districts where teaching skill is most needed. Professor Rice agreed that some financial incentives work and others don't. Extra money for shortage areas and in troubled districts seem to get the strongest support from full-time experts like Hanushek and Rice, professionals like Quesnel, and scholarly sources too.[64] But that doesn't mean other approaches linking compensation and performance should be ruled out.

It also doesn't mean that there is no role to play for seniority beyond 5 years and advanced degrees. It's not as though any conceivable role these things might play would be irrational; the problem is that it's irrational for these two factors to play the only role. The court isn't going to decide how to pay teachers. The only thing the court concludes is that beyond a reasonable doubt the teacher pay system we have lacks a rational, substantial, and verifiable connection between teaching need and teaching pay.

The parties agree that paying and evaluating principals and superintendents is handled even more loosely and locally. Yet the state insists that leadership is the biggest thing troubled schools need to succeed, with the commissioner practically pounding the table about the importance of principals

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[63] See, e.g., Roland G. Fyer, Jr., "The Production of Human Capital in Developed Countries: Evidence from 196 Randomized Field Experiments" (March 2016) at 47; http://scholar.harvard.edu/files/fryer/files/handbook_fryer_03.25.2016.pdf.
[64] *Id.* at 52

who know what's wrong in their schools and have the courage to set it right. Former Farmington superintendent Robert Villanova, a respected authority on school leaders, highlighted this too. For him, the political chaos that often overwhelms the business of paying and reviewing superintendents is hurting our schools, including the arcane contractual relationships that push superintendents out of most districts with unnatural regularity.

The court finds beyond a reasonable doubt that the state is using an irrational statewide system of evaluation and compensation for educational professionals and therefore denies students constitutionally adequate opportunities to learn. The state will submit plans to replace them no later than 180 days from the date of this decision. The plans can include appropriate rational elements of the current system but should include proposals for hiring, evaluating, promoting, removing, and compensating educational professionals including teachers, principals, and superintendents. The plaintiffs may then have 60 days to respond to the proposals. The parties should include proposed implementation schedules. If the state proposes a rational plan the court will approve it.

8. The state's program of special education spending is irrational.

Not every dollar the state spends on schools is fair game for constitutional scrutiny. But like teacher salaries, special education spending is so large that

whatever happens to it has an outsized influence on the state's chance of keeping its promise of adequate opportunities in our schools.

Congress and the General Assembly have ordered school districts to bear immense financial burdens in the name of special education without giving them much help shouldering them. Special education mandates come chiefly from the federal Individuals with Disabilities Act (IDEA) at 20 U.S.C. § 1400 *et. seq.* and General Statutes §10-76a *et seq.* IDEA's purpose under 20 U.S.C. § 1400 (d) (1) (A) is "to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services to meet their unique needs and prepare them for further education, employment, and independent living." The law also requires that students learn in the least restricted environment (LRE) possible with the goal of keeping them in the classroom with the other children. As experts for both sides explained, the IDEA mandates an "Individual Education Program" (IEP) be prepared following a "Planning and Placement Team" (PPT) meeting which includes school psychologists or counselors, working with parents and teachers. These PPT meetings and the resulting evaluations decide whether a child is eligible for special education with the IEP essentially telling the school system what it has to do and consequently what it has to spend.

The state has a pretty broad view of the program. It says special education requires extensive services ranging from tutoring services for students with mild

dyslexia to immensely expensive transportation and therapy for profoundly, multiply-disabled children. The state's vision is well-reflected in a case it cited. In 1989, the First Circuit Court of Appeals interpreted IDEA in *Timothy W. v. Rochester, New Hampshire School District.*[65] Timothy W. had almost no cerebral cortex and could respond to light and other things just enough to let people know he was experiencing them.[66] The First Circuit said the act covered all disabled children and required that all of them receive an "appropriate".[67] The *Timothy W.* case has contributed to this and other states telling school districts to transport, care for and provide extensive services for multiply-disabled children regardless whether the state can do anything that would look to most people like education. It is a phenomenon that costs immense sums, but conventional education thinking seems resigned to it.

The cost of special education is staggering. In many places over 20% of the money spent on schools is spent on special education, and more than 66,000 students are enrolled. In 2013-14 federal, state, and local spending on special education in Connecticut reached $1.82 billion when annual basic state school aid was roughly $2 billion. Almost all of that $1.82 billion comes from local government; federal and state aid amounts to just 15-20%.

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[65] 875 F.2d 954.
[66] *Id.*
[67] *Id.* at 959-60.

The state does insist it pays more. It says that for federal purposes it uses an old post-*Horton* formula to claim 19%-22% of its general local education aid is special education aid. But this really isn't credible anymore since the evidence shows it is largely an arbitrary percentage, it was abandoned from the formula decades ago, and the state has now entirely given up any pretense of having a formula. Around 10% of special education spending—around $200 million—is spent every year on students with multiple disabilities.

Bridgeport Superintendent Rabinowitz said her district spent around $75 million on special education in 2014-15 and got just $1.5 million of it from the federal government and $4.8 million from the state. Because the law makes her spend whatever the IEPs require for special education children, she has less to spend on other children. At great expense—a single student's care can cost $100,000 or even $200,000—Bridgeport cares outside of the district schools for roughly 300 children that might be called multiply-disabled and incapable of being educated within the system. According to East Hartford Superintendent Quesnel, the only children he's spending more money on each year are children in special education. For years zero-increase budgets for his school system have left him constantly stripping resources from the student population as a whole to meet those things like special education over which he is powerless.

There are two problems with special education serious enough to warrant constitutional concern. First is the problem of spending education money on

those in special education who cannot receive any form of elementary or secondary education. Second is the evidence that shows that getting picked for special education in this state is mostly arbitrary and depends not on rational criteria but on where children live and what pressures the system faces in their name.

Daniel J. Reschly is a professor of educational psychology at Vanderbilt University. He was the state's special education expert at trial. Reschly said that special education spending is crowding out spending on general education in Connecticut and across the country. Margaret McLaughlin, a professor of special education at the University of Maryland, was the plaintiffs' expert. She agreed with Reschly. A 2013 state study of education funding said the same thing and said schools should change the way they pay for special education and how it's done.

Reschly said a lot about how schools identify special education students. Schools are supposed to make a call about whether a student needs services and what services if any are "appropriate." A school might grant or deny services to a child with a reading problem depending on why the child can't read and whether the system can give the child an "appropriate education." Schools have to use judgment.

But Reschly also considered cases like *Timothy W.* About these difficult cases, he said the schools never make a judgment call at all. He, other witnesses,

and scholarly sources say circumstances like Timothy W.'s and worse can costs school districts amounts approaching and exceeding $200,000 a year per child.[68] Yet school officials never consider the possibility that the education appropriate for some students may be extremely limited because they are too profoundly disabled to get any benefit from an elementary or secondary school education. Reschly struggled to say why hundreds of thousands of dollars might be spent on someone profoundly disabled without even considering whether it's a good idea while for other disabled children the schools have to shape programs to fit their prospects and circumstances. After a lot of back and forth, he settled on saying that schools provide extensive services for the multiply disabled without inquiring into their circumstances to avoid the "degree of pushback" they would get by saying limited or no services were appropriate.

Part of the problem may be unfounded fear of cases like *Timothy W.* That case turned on whether IDEA covered a child who could not be educated in any traditional sense.[69] Framed that way, the First Circuit could only answer that the act covers all disabled children, and it requires them to be given an education appropriate for their circumstances. But that ignores the real judgment call that Reschly says schools run away from. The call is not about whether certain profoundly disabled children are entitled to a "free appropriate public education."

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[68] *See*, Note, "Special Education, Equal Protection and Education Finance: Does the Individuals with Disabilities Education Act Violate a General Education Student's Fundamental Right to Education?," 40 B.C. L. Rev. 633 at 634 (March 1999).
[69] 875 F.2d 954 (1989).

It is about whether schools can decide in an education plan for a covered child that the child has a minimal or no chance for education, and therefore the school should not make expensive, extensive, and ultimately pro-forma efforts. For a child in a coma, the judgment call may be painful, but it is simple: the "appropriate" education service for a child in a coma is likely little more than evaluating the child's condition and following the proper procedure to recognize that no educational service is appropriate because the child cannot benefit from it. No case holds otherwise, and this means that extensive services are not *always* required.

A description of the IDEA "appropriate education" duty came from the highest authority nearly 35 years ago in the U.S. Supreme Court's opinion in *Board of Education v. Rowley*.[70] Rowley was mostly deaf. She was certainly capable of getting an education and was getting one. The question was whether she should have a sign language interpreter with her in class as opposed to less expensive assistance.[71]

The Supreme Court held that the act aimed, not at an equal education, but a "basic floor of opportunity" that "consists of access to specialized instruction and related services which are individually designed to provide educational benefit to the handicapped child."[72] It also recognized that "[t]he educational

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[70] 458 U.S. 176 (1982).
[71] *Id.* at 184.
[72] *Id.* at 201.

opportunities provided by our public school systems undoubtedly differ from student to student, depending upon a myriad of factors that might affect a particular student's ability to assimilate information presented in the classroom."[73] The Court rejected the idea of a one-size fits all analysis of what effort may be enough:

> The determination of when handicapped children are receiving sufficient educational benefits to satisfy the requirements of the Act presents a more difficult problem. The Act requires participating States to educate a wide spectrum of handicapped children, from the marginally hearing-impaired to the profoundly retarded and palsied. It is clear that the benefits obtainable by children at one end of the spectrum will differ dramatically from those obtainable by children at the other end, with infinite variations in between. One child may have little difficulty competing successfully in an academic setting with nonhandicapped children, while another child may encounter great difficulty in acquiring even the most basic of self-maintenance skills. **We do not attempt today to establish any one test for determining the adequacy of educational benefits conferred upon all children covered by the Act.**[74]

The Supreme Court overturned the lower court rulings requiring the sign language interpreter, saying only local experts control how far any effort must go: "The primary responsibility for formulating the education to be accorded a handicapped child, and for choosing the educational method most suitable to the child's needs, was left by the Act to state and local educational agencies in cooperation with the parents or guardian of the child."[75]

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[73] *Id.* at 198.
[74] *Id.* at 202 (emphasis added).
[75] *Id.* at 207.

Out of this kind of modest statement, urban legends about IDEA seem to have grown, and they have led many to think the law requires unthinking, expensive, and futile efforts in the name of education. Media reports reflect a wide public perception that herculean efforts are required even to achieve virtually nothing.[76] But as Justice Ruth Bader Ginsberg, sitting on the D.C. Circuit Court of Appeals in 1984, wrote in *Lunceford v. District of Columbia Board of Education*: public "resources are not infinite," and federal law "does not secure the best education money can buy; it calls upon government, more modestly, to provide an appropriate education for each [disabled] child."[77] Reschly was reluctant but clear enough: the reason so much is spent is because someone has to take responsibility for saying that it shouldn't be, and no one is willing to do it.

If, as Reschly and others said, roughly 10% of the special education population fits this description and we assume the unlikely scenario that they command just 10% of total special education spending then this is costing our state schools nearly $200 million a year. This doesn't mean none of the money should be spent or even decide how much should be spent. An appropriate education for some severely-disabled multiple-handicapped children doubtless

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[76] *See e.g.*, "A Struggle to Educate the Severely Disabled", www.nytimes.com/2010/06/20/education/20donovan.html.; "Special Needs, Painful Costs," articles.courant.com/2001-02-09/news/0102092823_1_speical-education-severely.
[77] 745 F.2d 1577, 1583.

requires this kind of spending to get results, but we don't know who these children are because no judgment on the question is made at all—schools wrongly think they aren't supposed to think, but must do something no matter the degree or character of the benefit.

Neither federal law nor educational logic says that schools have to spend fruitlessly on some at the expense of others in need. Medical services including physical and occupational therapy may help some multiply-disabled children and may be an important social service. When they are "related services" to educating children under 20 U.S.C. § 1401 (17), IDEA says schools must supply them. But when they have no substantial connection to education no one says they have to be paid for out of education budgets.

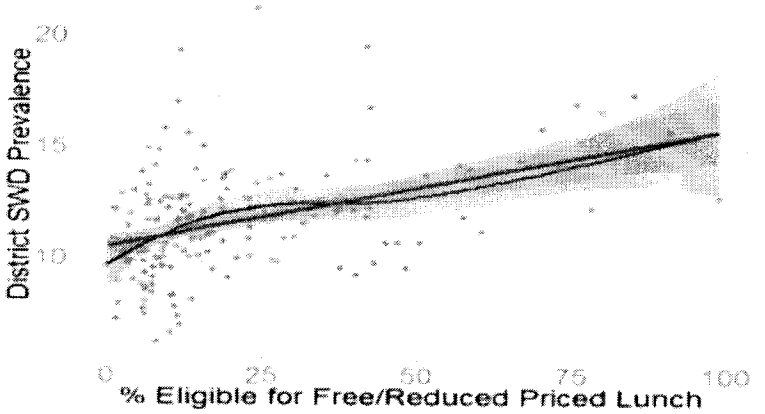
This kind of spending is hard to square with seeing the constitution as requiring a substantial, rational, and verifiable connection between things schools do and things that teach kids. That thinking must at least require schools to spend education money on education. It means schools shouldn't be forced to spend their education budgets on other social needs—however laudable— at the expense of special education children who can learn and all the other children who can learn along with them. The first step is for schools to identify and focus their efforts on those disabled students who can profit from some form of elementary and secondary education. This will require state standards to address this issue and require school districts to make the necessary judgments.

Doubtless the state can choose to continue to serve multiply-disabled children in any way it sees fit. It may simply have to rethink forcing local school districts to pay for it with local school money.

Spending education money on education is certainly needed to marshal resources for thousands of children in inner city schools whom we already know can be educated but aren't being educated. This includes special education students. Reschly's research shows that while there are very few children like Timothy W. there is a bigger problem with special education money and it affects all the disabled children in our schools.

Reschly closely studied which students were getting tapped for special education in Connecticut. He did it to prove that impoverished students are not being identified for special education much more than wealthier students. But he discovered something more ominous along the way. He drew some scatter graphs comparing school districts and considering the identification rates for various kinds of special education. Figure 4 in his report shows total prevalence patterns for special education identification:

Figure 4. Relationship of Total SWD Prevalence and District Poverty in 2010-2011



Source *CCJEF_2011 - Supp.xls (Tbl39); CCJEF_2012 - Supp.xls (Tbl39)*

Each dot on his graph is a school district. The horizontal axis shows relative poverty based on the percentage of students who receive free and reduced price lunches under federal law. The vertical axis shows students with disability (SWD) identification prevalence—the total percentage of the student population found eligible for special education. Overall, the scatter graphs show that children aren't significantly more likely to get special education just because they live in a poor town.

But the graphs also show that the disability identification rates vary so widely between districts that Reschly was left scratching his head trying to find a pattern. Similar districts were identifying completely dissimilar percentages of special education students. He didn't think this could mean one town had many intellectually disabled children while another town with the same characteristics had scarcely a single one. Instead, Reschly was left believing that the variations

meant some districts were ignoring problems, some districts were over-identifying problems, and some districts just refused to use certain labels. For example, some districts he knows avoid saying kids are intellectually disabled—those formerly called mentally retarded—preferring instead to call them autistic.

His experience with Connecticut's system and others revealed chaos. Poor districts call some children emotionally disturbed while wealthy districts call the same kind of children ADHD sufferers—with consequent variations in services and expenses. In many districts there is no limit to special education when it comes to bad behavior. Bad behavior in these places always comes from some kind of disability like emotional disturbance no matter where it comes from, how bad it is, or how often it happens.

Deputy Commissioner Cohn supported this sense that things were out of control. She explained that children in Hartford were under-identified for special education, but she said "you just need a hang nail to get identified for special education in Glastonbury." Reschly thought "it always has been remarkable... that schools could have markedly different rates of disability identification using the same state definitions and classification criteria." He ultimately agreed that the inexplicable and in his word "enormous" differences between districts can only be because the state standards allow serious over-inclusion or under-inclusion in special education.

This unstable reality is because Connecticut hardly has any state standards for identifying specific disabilities and a method of dealing with them. Doubtless, some categories of disability are harder to recognize than others and, yes, everyone knows that what needs to be done is highly individual. Does a child slow to read have dyslexia? Is a behavior problem ADHD or emotional disturbance? Plainly these depend on the child. But Reschly doesn't agree that all speech and language difficulties are subjective and many other disabilities can obviously be identified with more or less objectivity (blindness, etc.) and so can the typical services schools should provide.

Reschly said the problem can be brought far closer to reason by standard procedures and methods of ensuring compliance with them. He says that without them too many judgments are open to outside pressure to supply unneeded special education services or supply the wrong ones. Reschly said the system is warped by pressure from parents, by pressure from individual schools for more outside resources, and by pressure from central school district leaders to use in-house services and save money. Reschly and others saw these pressures as a "significant" problem. They hurt schools, but more important they hurt the children the schools are supposed to educate by ignoring their actual needs.

Even with government spending $1.8 billion every year on special education in Connecticut the state requires little or nothing of districts in how they go about spending it. The state did publish a 2010 book of guidelines. The

guidelines focus on federal law and walk through generalities, discussing the relationship between general and special education and making some general suggestions about accuracy. The guidelines include nothing that local PPT can use to know how to ensure uniformity, to accurately label, to set reasonable goals and to use reasonable means to carry them out. The state also pointed to a document called "Guidelines for the Practice of School Psychology." These guidelines are even less helpful. They say nothing about how to identify disabled students, virtually nothing about special education, and psychologists aren't even required PPT members. More helpfully, the department website publishes informational papers on a variety of topics, including specific information on subjects like intellectual disability, autism and ADHD. Fleshed out and made part of required protocols, documents like these might be useful, but the only evidence is that these resources are there if anyone wants them and nothing more.

There isn't any reasonable monitoring of over-identification or under-identification either. IDEA compliance is the focus of a lot of work and some regular samples across the state, but its focus has been on ensuring paperwork compliance and monitoring compliance with the individual education plans that get created without examining their appropriateness. This process does not significantly address under-identification or over-identification.

Special education identification and intervention is unquestionably individualized, but that doesn't mean it has to be chaotic. Without a rational basis, neither the state's command to local school districts nor its means of identifying and educating disabled students can stand under the constitution's education provision. Here again, it is not a question of whether the state has chosen the most effective course. The problem rises to a constitutional level because, with respect to one of the largest components of its funding scheme, the state beyond a reasonable doubt lacks a rational, substantial, and verifiable connection between its educational mandate and a means of carrying it out.

Within 180 days, the state will submit new standards concerning special education which rationally, substantially, and verifiably link special education spending with elementary and secondary education. The plaintiffs will have 60 days to respond.

9. The difference between rational policy and the best policy.

The connection between the constitution's education mandate and the means of carrying it out doesn't have to be ideal to avoid judicial scrutiny. Not everything has to be perfectly equal either. If these things were true, this decision could say a lot about several topics.

It might discuss class size. There was a spirited debate at trial about class size that challenged the preconception that a smaller class was a better class. That discussion highlighted the importance of good teachers over smaller class

sizes. There was also a robust discussion about the role of interventionists and classroom teachers as well as the role of classroom teachers and paraprofessionals. The role of a good principal was discussed. The most effective way to create an education budget was mooted. The relative importance of racial integration and effective education was discussed, with several witnesses debating the role of the state's magnet schools. The struggles of English language learners were reviewed with many suggestions for how to ease their lot.

But if there was any one thing in the trial that stood out as good—as opposed to constitutional— policy it was the need for universal high-quality preschool. Witnesses for both sides agreed that high-quality preschool would be the best weapon to get ahead of the literacy and numeracy problems plaguing schools in impoverished cities. Eric Hanushek, the state expert from Stanford, believed the state would gain a lot from targeting free public preschool to a small number of cities and offering it to every child in them rather than spreading the effort thinly to some children throughout the state. Early Childhood Commissioner Jones-Taylor agreed. More work in this area cries out for attention—but not from this court.

All this is just to show that there is a difference in a constitutional case between a court pushing good education policy and a court barring irrational education policy. The legislature makes policy. The only reason for any of the court's legal conclusions is that the fundamental right to an adequate educational

opportunity won't mean much unless the state's major policies have good links to teaching Connecticut children. The remedies that will be considered in this case are required because in several senses these links are missing.

10. The next job is to craft remedies.

To get rid of an irrational policy, adopt a rational one. It's the court's job to require the state to have one. It's is the state's job to develop one. The court will judge the state's solutions, and if they meet the standards described in this decision, uphold them. The state will submit proposed reforms consistent with this opinion within 180 days. The state will propose changes consistent with this opinion on the following subjects:

- the relationship between the state and local government in education.
- an educational aid formula;
- a definition of elementary and secondary education;
- standards for hiring, firing, evaluating, and paying education professionals;
- funding, identification, and educational services standards for special education.

Once the state submits its proposed remedies, the plaintiffs will have 60 days to comment on them and propose alternatives. A hearing will then be scheduled.

All proposals will include a timetable and any other proposed variables related to carrying them out along with a thorough justification. Both parties should list any statutes they claim are invalidated by the court's rulings.

11. Conclusion: Schools are for kids.

This case has been fought over for more than 11 years. It started in Superior Court in 2005 and the Supreme Court sent it here for a trial nearly seven years ago. After the parties spent countless hours gathering evidence and the court heard many motions, it has had 60 days of trial stretching over a six-month period. Over 5,000 exhibits were marked and thanks to nearly 2,000 fact admissions they were whittled down to 826 full exhibits. Over 50 witnesses testified, including nearly 20 education and financial experts. Thousands of pages of briefing have been filed and studied. The court has made 1,060 individual findings of fact in an appendix to this decision.

So nothing here was done lightly or blindly. The court knows what its ruling means for many deeply ingrained practices, but it also has a marrow-deep understanding that if they are to succeed where they are most strained schools have to be about teaching children and nothing else. If they are to succeed rather than be overwhelmed by demands for alternative schools, public schools must keep their promises. So change must come. The state has to accept that the schools are its blessing and its burden, and if it cannot be wise, it must at least be sensible. The implications here are plain:

- The state's responsibility for education is direct and non-delegable: it must assume unconditional authority to intervene in troubled school districts.

- The court can't dictate the amount of education spending, but spending including school construction spending must follow a formula influenced only by school needs and good practices.

- The state must define elementary and secondary education objectively, ending the abuses that in some places have nearly destroyed the meaning of high school graduation and have left children rising from elementary school to high school without knowing how to read, write, and do math well enough to move up.

- The state must link the terms of educators' jobs with things known to promote better schools: it cannot churn out uselessly perfect teacher evaluations nor can teacher pay consider solely what degrees teachers have and how long they have been on the job.

- The state must end arbitrary spending on special education that has delivered too little help to some and educationally useless services to others; it must set sensible rules for schools to follow in identifying and helping disabled children.

The clerk will enter judgment partially favoring the plaintiffs, and the court will schedule a hearing on remedies after reviewing the proposals the parties begin submitting 180 days from now. The court will retain jurisdiction to enforce the equitable constitutional decrees in this ruling.

BY THE COURT

Moukawsher, J.

X07 HHD CV 14 5037565 S	:	SUPERIOR COURT
CONNECTICUT COALITION FOR JUSTICE IN EDUCATION FUNDING, INC., ET AL.	:	JUDICIAL DISTRICT OF HARTFORD
V.	:	COMPLEX LITIGATION DOCKET
M. JODI RELL, ET AL.	:	SEPTEMBER 7, 2016

Memorandum of Decision

Appendix One: Fact Findings

The court has found those facts it deems material to its decision and justified by the evidence. Among those things it has not found as facts are rhetorical claims by the parties in this litigation and school officials' rhetorical descriptions of their schools.

1. Positive findings about Connecticut's schools

1. The National Assessment of Educational Progress (NAEP) is the largest nationally representative and continuing assessment of what America's students know and can do in various subject areas, including Reading and Math for Grades 4, 8, and 12.

2. The results from NAEP, often called, the "The Nation's Report Card," report the educational progress of students across the nation and allow states to compare the performance of their students to the performance of students in other states across the country, including subgroups and achievement differences between groups.

3. NAEP does not test every student but uses a complex sampling design to select representative samples of students for testing. Schools are selected to participate based on factors such as size, location, or demographic data. Students are randomly selected from the selected schools.

4. Performance is reported in terms of average scale scores and performance level, specifically the percentage of students at/above the three NAEP achievements level of basic, proficient, and advanced.

5. NAEP describes the proficiency level as "competency over challenging subject

matter." NAEP set its proficiency level before the term became pervasive in discussing student performance because of the No Child Left Behind Act. NAEP's proficiency level was intended to be an aspirational standard.

6. Data is analyzed using widely accepted statistical standards so that NAEP does not make statements claiming performance differences unless there is a statistically significant difference.

7. Connecticut has participated in every state level assessment of NAEP since the very first administration in 1990.

8. Schools in Connecticut are required to participate in NAEP by state law passed in 1990. (General Statutes § 10-239i). In addition, federal law requires any district receiving Title I funding to participate in NAEP testing.

9. State level NAEP results for Grades 4 and 8 in Reading and Mathematics are provided every two years. State level results for Grade 12 in Reading and Math have been provided twice in 2009 and 2013.

10. The 2009 Grade 12 administration of NAEP was the first time that states could elect to assess a sample of Grade 12 students large enough to yield state-level results. In 2009, eleven states participated in the first Grade 12 state level NAEP administration. In 2013, thirteen states participated in the second Grade 12 state level NAEP administration. Connecticut participated in both administrations of the state level NAEP assessments for Grade 12.

11. Based on NAEP 2013 Grade 4 mathematics results, 10 states earned an average scale score higher than Connecticut, 20 states earned scores not different, and 19 states scored lower than Connecticut's fourth graders.

12. Based on NAEP 2013 Grade 4 reading results, no state earned an average scale score higher than Connecticut.

13. Based on NAEP 2013 Grade 8 mathematics results, 15 states earned an average scale score higher than Connecticut, 14 states earned scores not different, and 20 states scored lower than Connecticut's eighth graders.

14. Based on NAEP 2013 Grade 8 reading results, no state earned an average scale score higher than Connecticut.

15. Based on NAEP 2013 Grade 12 reading results, no participating state earned an average scale score higher than Connecticut.

16. Connecticut high school seniors from the Class of 2013 outperformed students from all other states in the 12th grade NAEP reading assessment.

17. Based on NAEP 2013 Grade 4 mathematics results, Connecticut students earned an

overall higher average scale score than the national public average.

18. The overall average scale score in mathematics for Connecticut's Grade 12 students improved in 2013 when compared to the NAEP 2009 scores.

19. Based on NAEP 2013 Grade 4 reading results, Connecticut students earned an overall higher average scale score than the national public average.

20. Based on NAEP 2013 Grade 8 reading results, Connecticut students earned an overall higher average scale score than the national public average.

21. When comparing Connecticut's NAEP 2013 Grade 4 and Grade 8 mathematics and reading results for these subgroups to NAEP 2003 performance, all subgroups showed either an increase in performance or scores did not change.

22. When comparing Connecticut's NAEP 2013 Grade 12 mathematics and reading results for these subgroups to NAEP 2009 performance, all subgroups showed either an increase in performance or scores did not change.

23. Connecticut's 2013 NAEP performance for Grade 12 Reading shows a statistically significant narrowing of the achievement gap between black and white students from 2009 to 2013. In addition, the results show the lower performing black subgroup increasing at a higher rate than the higher performing white subgroup.

24. Connecticut's achievement gaps, including the Black/White, Hispanic/White and National School Lunch program (NSLP)/economically disadvantaged /non NSLP gaps are the same as those of Massachusetts and New Jersey based on the NAEP Grade 12 Reading and Math assessments for the 2013 administration with the exception of the NSLP gap for Grade 12 Math.

25. Connecticut's Black and NSLP subgroups, outperformed the nation (national public) in the NAEP Grade 12 Reading assessment for the 2013 administration. Connecticut's Hispanic subgroup performed no differently than the nation.

26. Connecticut's Black and NSLP subgroups improved their performance from 2009 on the NAEP Grade 12 Reading assessment for 2013. The performance of Connecticut's Hispanic subgroup remained the same from 2009 to 2013.

27. Massachusetts and New Jersey's NSLP subgroup performance for the NAEP Grade 12 Reading assessment for the 2013 administration is not statistically different than that of Connecticut.

28. Connecticut's Black subgroup outperformed the nation (national public) in the NAEP Grade 12 Math assessment for 2013. Connecticut's NSLP and Hispanic subgroups performed no differently than the nation (national public).

29. The performance of the Black, NSLP, and Hispanic subgroups in Connecticut remained the same from 2009 to 2013 for the NAEP Grade 12 Math assessment.

30. The Program for International Student Assessment (PISA) is a system of international assessments that aims to evaluate education systems worldwide by testing the skills and knowledge of 15-year-old students in reading literacy, mathematics literacy and science literacy.

31. Only four education systems in the world outperformed Connecticut in reading on the 2012 PISA assessment.

32. Connecticut students earned an average score in reading that was higher than the international average and higher than the U.S. average on the 2012 PISA assessment.

33. Only seven education systems in the world earned scores higher than Connecticut in science on the 2012 PISA assessment.

34. Connecticut students earned an average score in science that was higher than the international average and higher than the U.S. average on the 2012 PISA assessment.

35. In mathematics, 12 education systems in the world scored higher than Connecticut on the 2012 PISA assessment.

36. Connecticut students earned an average score in mathematics that was higher than the U.S. average and not different from the international average on the 2012 PISA assessment.

37. Connecticut ranks third in the country as to the number of National Association for the Education of Young Children (NAEYC) accredited pre-K programs, Massachusetts being first and California being second.

38. Connecticut ranks third in the country in state per pupil spending for pre-K.

2. Contrasts between rich and poor towns in Connecticut

State programs for lower performing school districts.

39. The Connecticut State Department of Education (the department) has designated Ansonia, Bloomfield, Bridgeport, Bristol, Danbury, Derby, East Hartford, East Haven, East Windsor, Hamden, Hartford, Killingly, Manchester, Meriden, Middletown, Naugatuck, New Britain, New Haven, New London, Norwalk, Norwich, Putnam, Stamford, Vernon, Waterbury, West Haven, Winchester, Windham, Windsor, and Windsor Locks as Alliance Districts.

40. Alliance Districts receive additional funding earmarked for education and delivered through the Education Cost Sharing (ECS) funding to the 30 towns and cities. (An Alliance grant constitutes the portion of an Alliance District's ECS grant that is in excess of the Alliance District's Fiscal Year 2012 ECS grant, receipt of which is made conditional on the Commissioner's approval of an Alliance District plan.)

41. The following amounts were appropriated for Alliance Districts: $39,499,998 for FY 2013, $87,442,021 for FY 2014, $132,901,813 for FY 2015, and $147,487,030 for FY 2016.

42. In 2015-2016, an aggregate amount of $147,487,030 was awarded to Alliance Districts.

43. The Connecticut commissioner of education selects schools to participate in the Commissioner's Network program, which is a partnership between local stakeholders and the department. Currently, there are four cohorts of a total of 17 schools drawn from the state's lowest performing schools that are part of the Commissioner's Network.

44. Of these 17 schools, the following are from focus districts: Bridgeport – James J. Curiale School, Marin School; East Hartford – O'Brien School, East Hartford Middle School; New Britain – DiLoreto Magnet School; Windham – Windham Middle School.

45. In Fiscal Year 2015, an aggregate amount of $12,937,306 was awarded to Commissioner's Network schools.

46. Each Commissioner's Network program lasts for a period of three to five years.

47. During the course of the Commissioner's Network program, the schools adhere to a "Network Turnaround Plan," which implements various reforms to improve student achievement.

48. The Turnaround Plans must include: (1) specific academic, developmental, and other student goals to be met in three years; (2) specific interim objectives to be met in each year that the school is in the network;" (3) specific, dramatic, and transformative strategies to maintain or establish; (a) a strong family and community connection to the school; (b) a positive school environment; (c) effective leadership; (d) effective teachers and support staff; (e) effective use of time; (f) an effective curriculum and instructional program; and (g) effective use of evidence to inform decision-making."

49. In Fiscal Year 2016, it is anticipated that an aggregate amount of $10,321,405 will be awarded to Commissioner's Network schools.

50. The department subsidizes the cost of the Preliminary Scholastic Aptitude Test (PSAT) for all Alliance Districts.

51. The Priority School District (PSD), Extended School Hour (ESH) Grant initiated in 1995 is an entitlement grant that provides funding to support after school programs in the school districts identified as PSDs. The funds are used to provide academic support, enrichment and recreational programming outside of the traditional school day, which may include before and after school hours, weekends, summers and vacations.

State programs for English language learners.

52. Annual Measurable Achievement Objectives (AMAO) are performance targets for English as a Second Language (ESL) students. AMAO 1 is the percentage of English learners (ELs) who receive ESL services that have made progress in English language acquisition. AMAO 2 is the percentage of ELs who have attained English language proficiency based on the LAS links. AMAO 3 is the adequate yearly progress (AYP) performance of the ELL subgroup on state standardized tests and where districts have high schools, AMAO 3 includes whether EL subgroup met its graduation rate targets. Overall AMAO means that a Title III subgrantee met all three AMAOs.

53. The following districts failed to make overall AMAO, as of the 2012-13 academic year, for ten years: Bridgeport, Danbury, East Hartford, Hartford, Meriden, New Britain, New Haven, New London, Norwalk, Norwich, Stamford and Waterbury. In contrast, Greenwich has only failed to meet the standard 1 year.

Local Financing Resources.

54. The Equalized Net Grand List (ENGL) is the estimate of the market value of all taxable property in a municipality. The state Office of Policy and Management calculates the ENGL from sales and assessment ratio information and grand list reports filed by municipalities. According to a report from the Office of Legislative Research, "[w]hen measured on a per capita basis, ENGL represents the amount of property wealth available in a town to support each resident. It is an estimate of the market value of a town's taxable property, equalized to reflect each town's taxable real and personal property at 100 percent fair market value."

55. As reported in the 2007-11 and 2009-13 editions of the Municipal Fiscal Indicators, the Equalized Net Grand List per capita (ENGLPC) for the below municipalities, the corresponding rank (highest to lowest) out of 169 municipalities, and the state median ENGLPC for FYFY 2011 and FY 2013 are set forth in the following table.

(A) District	(B) FY 2011 ENGLPC	(C) FY 2011 ENGLPC Rank	(D) FY 2013 ENGLPC	(E) FY 2013 ENGLPC Rank
Darien	$557,365	2	$541,217	3
New Canaan	$541,464	4	$562,481	2
Ridgefield	$289,755	17	$272,678	17
Weston	$342,597	12	$330,116	10
Westport	$552,810	3	$523,876	4
Wilton	$344,427	11	$328,817	11
Greenwich	$712,705	1	$677,437	1
Bethel	$150,016	71	$137,801	74
Danbury	$123,067	107	$109,472	116
East Hartford	$83,610	156	$75,181	156
Bridgeport	$67,223	163	$52,504	164
New Britain	$54,770	168	$48,665	168
New London	$76,323	161	$68,043	162
Windham	$58,397	167	$47,814	169
State Median	$138,977		$130,321	

56. As reported in the 2007-2011 and 2009-2013 editions of the Municipal Fiscal Indicators, equalized mill rates for the below municipalities, the corresponding rank (highest to lowest) out of 169 municipalities for FY 2013, the corresponding rank (highest to lowest) out of 168 municipalities for FY 2011, and the state median mill rates for the state of Connecticut for FY 2011 and 2013 are set forth in the following table.

(A) District	(B) FY 2011 Equalized Mill Rate	(C) FY 2011 Equalized Mill Rate Rank	(D) FY 2013 Equalized Mill Rate	(E) FY 2013 Equalized Mill Rate Rank
Darien	8.75	164	9.67	166
New Canaan	10.28	158	10.24	161
Ridgefield	15.45	116	16.44	134
Weston	17.66	76	18.56	98
Westport	10.95	155	12.06	159
Wilton	15.81	109	17.46	117
Greenwich	6.69	168	7.53	168
Bethel	17.96	72	21.12	56

(A) District	(B) FY 2011 Equalized Mill Rate	(C) FY 2011 Equalized Mill Rate Rank	(D) FY 2013 Equalized Mill Rate	(E) FY 2013 Equalized Mill Rate Rank
Danbury	16.15	99	19.24	85
East Hartford	24.25	8	29.92	5
Bridgeport	27.97	4	37.01	3
New Britain	26.70	6	30.61	4
New London	18.45	62	22.16	39
Windham	20.22	34	26.89	9
State Median	17.16		19.24	

57. As reported in the 2007-11 and 2009-13 editions of the Municipal Fiscal Indicators, Median Household Income from the U.S. Census Bureau for the below districts, and the corresponding rank (highest to lowest) out of 169 municipalities, and the Connecticut State median household income (MHI) for 2011 and 2013 are set forth in the following table.

(A) District	(B) 2011 Median Household Income	(C) 2011 Median Household Income Rank	(D) 2013 Median Household Income	(E) 2013 Median Household Income Rank
Darien	$193,896	2	$ 205,688	2
New Canaan	$191,750	3	$ 161,848	4
Ridgefield	$145,000	6	$ 147,993	7
Weston	$205,563	1	$ 207,262	1
Westport	$155,792	5	$ 160,106	5
Wilton	$159,720	4	$ 167,094	3
Greenwich	$127,201	9	$ 132,164	9
Bethel	$87,475	54	$ 85,589	67
Danbury	$65,656	135	$ 64,969	137
East Hartford	$49,611	160	$ 50,400	158
Bridgeport	$40,947	166	$ 41,050	165
New Britain	$39,838	167	$ 40,294	167
New London	$45,509	162	$ 43,307	163
Windham	$42,178	164	$ 41,639	164
State	$69,243		$ 69,461	

(A) District	(B) 2011 Median Household Income	(C) 2011 Median Household Income Rank	(D) 2013 Median Household Income	(E) 2013 Median Household Income Rank

Challenges in lower performing schools.

58. The chronic absenteeism rate for students eligible for free meals for the 2013-14 academic year was more than three times that of those who were ineligible for lunch subsidies.

59. As reported in the 2015 CT Equity Plan, the percentage of Core Academic Teachers with four years or less experience for teachers for all schools, schools in the high poverty quartile, and schools in the low poverty quartile for 2013-14 are set forth in the following table.

School Type	Core Academic Teachers with 4 years or less exp.
All Schools	21.9
Schools in the High Poverty Quartile	30.4
Schools in the Low Poverty Quartile	18.1
High Poverty/Low Poverty Gap	12.3

60. As reported in the 2015 CT Equity Plan, the percentage of all teachers with four or less years of experience and the percentage of teacher mobility (which is the metric used to reflect a school's educator retention rate) for all schools, schools in the high poverty quartile, and schools in the low poverty quartile for 2013-14 is set forth in the following table.

School Type	% All Teachers 4 Years or Less Exp.	% Teacher Mobility 5 years
All Schools	20.8	41.1
Schools in the High Poverty Quartile	26.1	53.1

School Type	% All Teachers 4 Years or Less Exp.	% Teacher Mobility 5 years
Schools in the Low Poverty Quartile	19.8	34.3
High Poverty/Low Poverty Gap	6.3	18.8

61. As reported in the 2015 CT Equity Plan, the percentages of principals with two years or less of experience, principals with four years or less of experience, and the principal mobility rate for five years, for all schools, schools in the high poverty quartile, and schools in the low poverty quartile for 2013-14 is set forth in the following table.

School Type	% Principals 2 Years or less of Experience	% Principal 4 Years or less of Experience	% Principal Mobility 5 years
All Schools	27.4	44.7	64.4
Schools in the High Poverty Quartile	33.8	48.5	67.3
Schools in the Low Poverty Quartile	23.6	38.8	60.2
High Poverty/Low Poverty Gap	10.2	9.7	7.1

62. As reported in the 2015 CT Equity Plan, the percentages of Core Academic Teachers with four years or less experience for all schools, schools in the high minority quartile, and schools in the low minority quartile for 2013-14 are set forth in the following table.

School Type	Core Academic Teachers with 4 years or less exp.
All Schools	21.9
Schools in the High Minority Quartile	31.8
Schools in the Low Minority	18.3

School Type	Core Academic Teachers with 4 years or less exp.
Quartile	
High Poverty/Low Poverty Gap	13.5

63. As reported in the 2015 CT Equity Plan, the percentages of all teachers with four years or less of experience and the percentage of teacher mobility (which is the metric used to reflect a school's educator retention rate) for all schools, schools in the high minority quartile, and schools in the low minority quartile for 2013-14 are set forth in the following table.

School Type	% All Teachers 4 Years or Less Exp.	% Teacher Mobility 5 years
All Schools	20.8	41.1
Schools in the High Minority Quartile	28.7	52.2
Schools in the Low Minority Quartile	17.9	34.2
High Poverty/Low Poverty Gap	10.8	18.0

64. As reported in the 2015 CT Equity Plan, the percentages of principals with two years or less of experience, principals with four years or less of experience, and the principal mobility rate for five years for all schools, schools in the high minority quartile, and schools in the low minority quartile, for 2013-14, are set forth in the following table.

School Type	% Principals 2 Years or less of Experience	% Principal 4 Years or less of Experience	% Principal Mobility 5 years
All Schools	27.4	44.7	64.4
Schools in the High Minority Quartile	30.1	47.3	64.7
Schools in the Low Minority	22.7	42.7	57.5

School Type	% Principals 2 Years or less of Experience	% Principal 4 Years or less of Experience	% Principal Mobility 5 years
Quartile			
High Poverty/Low Poverty Gap	7.4	4.6	7.2

65. As reported in the 2015 CT Equity Plan, the percentage of Core Academic Teachers with four years or less of experience for 2011-12 and 2012-13 for schools in the high minority quartile and schools in the low minority quartile is set forth in the following table.

	2011-12 Core Academic Teachers with four or less years of experience	2012-13 Core Academic Teachers four or less years of experience
High Minority Quartile Schools	30.8	29.4
Low Minority Quartile Schools	20.4	19.1

66. As reported in the 2015 CT Equity Plan, the percentage of Core Academic Teachers with four or less years of experience for 2011-12, 2012-13, and 2013-14 for the high poverty quartile schools and for the low poverty quartile schools is set forth in the following table.

	2011-12 Core Academic Teachers with four or less years of experience	2012-13 Core Academic Teachers four or less years of experience
High Poverty Quartile Schools	29.0	28.4
Low Poverty Quartile Schools	20.2	18.6

67. According to the 2015 CT Equity Plan from the 2008-09 to the 2013-14 retention in high-poverty schools was less than half of that in low poverty schools.

68. According to the 2015 CT Equity Plan, nearly 125,000 students attending high poverty schools "are much more likely to see staff and program changes on a frequent basis than their peers attending low-poverty schools."

69. According to the 2015 CT Equity Plan, "[o]ver 1180 of the work force in high poverty schools in 2008-2009 transferred to a lower-poverty school while 532 teachers moved to a higher-poverty school."

70. According to the 2015 CT Equity Plan, from 2008-09 to 2013-14, "8.8% of Connecticut educators moved to lower-minority schools and approximately 4.4% of Connecticut educators moved into high minority schools."

71. According to the 2015 CT Equity Plan, the nearly 125,000 students attending high minority schools "are much more likely to see staff and program changes on a frequent basis than their peers attending low-minority schools."

Standardized test results.

72. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the below subgroups on the Connecticut Academic Performance Test (CAPT) Mathematics assessment for 2012 and 2013.

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
FRPL	44.6%	□□□□□	44.5%	76.9%
Non FRPL	11.5%	38.5%	11.6%	34.9%
EL	72.3%	93.5%	74.7%	92.4%
Non-EL	19.5%	49.3%	19.6%	45.9%
SPED	53.9%	84.6%	56%	83.1%
Non-SPED	18.4%	47.7%	18.4%	44.3%
White	10.9%	38.2%	10.6%	33.7%
Black	49.6%	84.4%	48.7%	81.5%
Hispanic	43.7%	79.4%	43.9%	77.2%

73. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring Below Basic and the percentage of students scoring Advanced for the below districts on the CAPT Reading assessment for the years 2012 and 2013.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
Darien	0.3%	35.5%	0.3%	44.0%
New Canaan	0.9%	56.3%	0.3%	52.4%
Ridgefield	0.4%	44.2%	0.5%	41.9%
Weston	0.0%	45.2%	0.6%	32.5%
Westport	0.2%	53.5%	0.0%	43.9%
Wilton	0.0%	41.1%	0.3%	39.2%
Greenwich	1.9%	36.4%	1.9%	34.3%
Bethel	2.1%	27.8%	2.3%	26.9%
Danbury	11.6%	10.1%	11.6%	6.9%
East Hartford	19.3%	7.8%	13.2%	4.1%
Bridgeport	25.2%	1.0%	28.3%	1.9%
New Britain	22.9%	3.7%	28.2%	4.3%
New London	5.7%	3.8%	19.9%	4.3%
Windham	23%	3.4%	35.5%	2.5%
State	5.8%	19.2%	6.0%	19.5%

74. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the CAPT Math assessment for the years 2012 and 2013.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
Darien	1.8%	45.0%	1.5%	55.7%
New Canaan	0.0%	51.1%	1.0%	49.2%
Ridgefield	0.4%	48.4%	1.6%	49.3%
Weston	0.5%	52.4%	0.6%	56.4%
Westport	1.5%	52.3%	0.4%	59.3%
Wilton	0.0%	52.7%	0.6%	53.7%
Greenwich	3.1%	44.9%	3.6%	38.3%
Bethel	4.2%	31.2%	5.0%	26.0%
Danbury	17.4%	10.6%	15.1%	8.6%
East Hartford	26.5%	7.6%	22.7%	5.3%
Bridgeport	38.9%	2.5%	41.2%	2.5%
New Britain	32%	2.9%	38.6%	2.7%

New London	18.6%	6.2%	22.2%	7.8%
Windham	35.4%	6.9%	47.6%	1.6%
State	8.9%	22.8%	9.3%	21.9%

75. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the CAPT Science assessment for the years 2011-12, 2012-13, 2013-14, and 2014-15.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced	(F) 2014 Below Basic	(G) 2014 Advanced	(H) 2015 Below Basic	(I) 2015 Advanced
Darien	1.5%	44.1%	1.5%	47.9%	0.6%	51.4%	0.6%	49.8%
New Canaan	0.9%	49.4%	1.0%	53.4%	0.4%	58.5%	0.3%	63.5%
Ridgefield	0.0%	50.0%	0.2%	51.8%	0.5%	53.4%	0.0%	52.1%
Weston	0.0%	55.6%	0.6%	45.8%	0.0%	54.4%	2.0%	45.6%
Westport	1.3%	47.7%	0.4%	53.5%	0.6%	55.2%	0.7%	52.5%
Wilton	0.0%	51.3%	0.0%	55.1%	1.2%	55.7%	0.0%	50.3%
Greenwich	3.5%	43.1%	1.4%	40.7%	2.4%	45.7%	2.2%	47.7%
Bethel	5.4%	27.2%	3.1%	28.3%	5.2%	28.3%	2.4%	35.0%
Danbury	18.2%	9.9%	15.2%	14.3%	21.8%	11.6%	17.6%	9.7%
East Hartford	23.9%	7.0%	13.2%	5.0%	16.3%	6.6%	15.3%	9.1%
Bridgeport	37.9%	2.9%	34.1%	2.1%	34.0%	4.2%	36.2%	2.3%
New Britain	47.0%	4.0%	40.5%	3.3%	29.0%	5.5%	27.9%	4.4%
New London	19.0%	8.2%	14.9%	9.4%	18.8%	12.0%	21.7%	11.1%
Windham	31.3%	10%	25%	7.8%	35.2%	6.3%	45.1%	6.0%
State	9.8%	24.7%	7.6%	26.7%	9.1%	26.7%	9.5%	25.6%

76. Based on data maintained and reported by the department, the following table sets forth the reported percentage of students that did not reach Proficient or Goal for all Connecticut students and for the following subgroups on the Grade 3 Connecticut Mastery Test (CMT) Reading assessment for the years 2012 and 2013.

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
All Students	25.5%	40.8%	27.6%	43.1%

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
FRPL	45.7%	64.8%	48.4%	67.6%
Non FRPL	13.9%	26.9%	15.3%	28.5%
EL	70.1%	85.6%	74.7%	89.1%
Non-EL	22.8%	38%	24.6%	40.1%
SPED	57.9%	74.1%	61.9%	76.1%
Non-SPED	23.3%	38.4%	25.2%	40.8%
White	15.7%	29.1%	16.8%	30.6%
Black	45.9%	65.9%	47.7%	67.3%
Hispanic	46.4%	65.4%	49.9%	67.9%

77. Based on data maintained and reported by the department, the following table sets forth the reported percentage of students that did not reach Proficient or Goal for the state of Connecticut and for the below subgroups on the Grade 3 Math assessment for the years 2012 and 2013.

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
All Students	14.2%	33.2%	17.3%	38.4%
FRPL	28.4%	55.9%	33.2%	61.9%
Non FRPL	5.9%	20.1%	7.8%	24.3%
EL	41.6%	70.1%	48%	78.2%
Non-EL	12.5%	30.9%	15.3%	35.8%
SPED	37.7%	65.4%	43.3%	69.5%
Non-SPED	12.2%	30.6%	15.2%	35.8%
White	6.8%	21.9%	8.6%	26.1%
Black	32.8%	61.7%	37.2%	65.7%
Hispanic	27.8%	55.2%	33%	61.4%

78. Based on data maintained and reported by the department, the following table sets forth the reported percentage of students that did not reach Proficient or Goal for the state of Connecticut and for the below subgroups on the Grade 5 CMT Reading assessment for the years 2012 and 2013.

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal

All Students	20.3%	32.3%	20.9%	33.1%
FRPL	39.2%	56.3%	39.3%	56.3%
Non FRPL	10.2%	19.4%	10.7%	20.2%
EL	72.9%	87.3%	74%	90.1%
Non-EL	18%	29.9%	18.6%	30.6%
SPED	51.8%	68.4%	55.1%	70.8%
Non-SPED	17.8%	29.4%	18.1%	30%
White	11.1%	20.9%	11.8%	21.7%
Black	40.7%	58.4%	40.5%	57.6%
Hispanic	40.9%	57.2%	39.6%	56.5%

79. Based on data maintained and reported by the department, the following table sets forth the reported percentage of students that did not reach Proficient or Goal for the state of Connecticut and for the below subgroups on the Grade 5 CMT Math assessment for the years 2012 and 2013.

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
All Students	14.3%	28.2%	15.6%	30.6%
FRPL	29.4%	50.8%	31.3%	53.1%
Non FRPL	6.1%	15.9%	6.8%	17.9%
EL	53.2%	74.4%	58.2%	80.8%
Non-EL	12.5%	26.1%	13.6%	28.3%
SPED	41.8%	64.4%	45%	68.9%
Non-SPED	11.8%	24.8%	12.9%	27%
White	6.9%	17.2%	7.6%	19.4%
Black	32.6%	56%	34.5%	57.1%
Hispanic	29.4%	50.5%	31.2%	53%

80. Based on data maintained and reported by the department, the following table sets forth the reported percentage of students that did not reach Proficient or Goal for the state of Connecticut and for the below subgroups on the Grade 5 Science assessment for the years 2012, 2013, 2014, and 2015.

(A)	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal	(F) 2014 Below Proficient	(G) 2014 Below Goal	(H) 2015 Below Proficient	(I) 2015 Below Goal
All Students	17.6%	35.9%	18.3%	37.5%	16.6%	40.4%	20.9%	44.6%

(A)	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal	(F) 2014 Below Proficient	(G) 2014 Below Goal	(H) 2015 Below Proficient	(I) 2015 Below Goal
FRPL	35.6%	61.8%	35.9%	63%	33%	65.9%	40%	71%
Non FRPL	7.2%	20.9%	7.8%	22.2%	7%	25.6%	9%	28.1%
EL	63.9%	88%	65.1%	89.2%	65%	91.4%	67.2%	91.3%
Non-EL	15.2%	33.2%	15.9%	34.8%	13.9%	37.7%	18.1%	41.8%
SPED	52.3%	75.3%	55%	77.6%	48.4%	76.9%	54.9%	80.2%
Non-SPED	12.8%	30.4%	13.3%	31.9%	12.2%	35.4%	16.8%	40.2%
White	7.7%	21.9%	8.4%	23.6%	7.2%	26.7%	8.9%	29.1%
Black	39.6%	67.3%	40.8%	68%	37.5%	71.4%	45.4%	75.2%
Hispanic	36.9%	62.3%	35.8%	63%	33.5%	65.8%	41.2%	71.3%

81. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the state of Connecticut and for the listed subgroups on the Grade 8 CMT Reading assessment for the years 2011-12 and 2012-13.

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
All Students	13.8%	23.2%	14.3%	23.7%
FRPL	29.6%	45.2%	29.7%	45.3%
Non FRPL	6%	12.3%	6.6%	12.8%
EL	77%	91.2%	78.1%	91.3%
Non-EL	11.9%	21.1%	12.4%	21.6%
SPED	41.3%	57.8%	42.8%	58.2%
Non-SPED	11.4%	20.2%	11.8%	20.6%
White	6.4%	12.9%	7.3%	13.7%
Black	28.9%	45.5%	28.2%	44.9%
Hispanic	31.2%	46.4%	31.3%	46.8%

82. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the state of Connecticut and for the listed subgroups on the Grade 8 CMT Math assessment for the years 2011-12 and 2012-13.

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal

(A) Group	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
All Students	12.9%	32.6%	13.9%	34.8%
FRPL	28.5%	59.4%	29.7%	60.9%
Non FRPL	5.2%	19.3%	6%	21.6%
EL	63%	87.7%	70%	91.8%
Non-EL	11.3%	30.9%	12.1%	33%
SPED	38.8%	71.2%	41.1%	72.3%
Non-SPED	10.6%	29.1%	11.4%	31.2%
White	5.3%	20.3%	6.4%	22.8%
Black	29.9%	62.6%	30.6%	62.6%
Hispanic	29.7%	59.6%	30.6%	61.3%

83. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the state of Connecticut and for the listed subgroups on the Grade 8 Science assessment for the years 2011-12, 2012-13, 2013-14, and 2014-15.

(A)	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal	(F) 2014 Below Proficient	(G) 2014 Below Goal	(H) 2015 Below Proficient	(I) 2015 Below Goal
All Students	22.9%	37.9%	23.5%	39.4%	21.7%	37.5%	23.3%	38.9%
FRPL	45.9%	65.2%	45.3%	65.8%	43.1%	64.6%	45.2%	65.5%
Non FRPL	10.9%	23.6%	11.8%	25.2%	10%	22.6%	11.1%	24%
EL	85.3%	95.6%	87.4%	96.8%	82.7%	94.5%	81.3%	92.8%
Non-EL	20.7%	35.9%	21.1%	37.3%	19.2%	35.1%	20.8%	36.6%
SPED	62.8%	78.5%	63.4%	79.8%	58%	76.6%	60.3%	78.2%
Non-SPED	17.8%	32.7%	18%	33.8%	16.7%	32.2%	18.9%	34.3%
White	11.4%	24.1%	12.1%	25.9%	9.9%	22.7%	11.1%	24.4%
Black	48%	69%	48.4%	69.5%	46.8%	69.7%	49.8%	70.9%
Hispanic	47.2%	66.1%	46.6%	66.6%	44.7%	66%	45.3%	65.4%

84. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the CAPT Reading assessment for the years 2011-12 and 2012-13.

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Darien	3%	25%	2.2%	16.3%
New Canaan	1.5%	11.1%	2.9%	12.3%
Ridgefield	3.1%	19%	2.8%	18.4%
Weston	1.1%	14%	3%	22.3%
Westport	2.2%	16.4%	1.5%	18.3%
Wilton	3%	19.5%	2.5%	20.7%
Greenwich	6.5%	29.2%	5.3%	28.2%
Bethel	9.7%	36.7%	11%	41.6%
Danbury	29.8%	69.1%	29.1%	72%
East Hartford	46%	78.3%	39.2%	81.3%
Bridgeport	58%	91.8%	62%	91.4%
New Britain	51.7%	82%	55.1%	85.4%
New London	29.3%	78.3%	45.7%	77.4%
Windham	54.7%	81.8%	60.3%	87.6%
State	19.1%	52.5%	19%	51.5%

85. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the CAPT Math assessment for the years 2011-12 and 2012-13.

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Darien	3.6%	17.5%	3.4%	11.4%
New Canaan	1.8%	16.2%	2.3%	13.9%
Ridgefield	1.8%	16.3%	3.5%	15.3%
Weston	3.2%	15.5%	3%	12.1%
Westport	3.3%	14.1%	2.6%	10%
Wilton	2.3%	18.3%	3.1%	14.9%
Greenwich	8.6%	29.1%	7.8%	27.5%
Bethel	12.7%	36.7%	14.2%	40.6%
Danbury	38.7%	70.2%	31.9%	63.9%
East Hartford	46.1%	79.8%	49.1%	76.9%
Bridgeport	63.5%	89.7%	64.5%	88.7%

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
New Britain	55%	85.2%	60.5%	85.4%
New London	41%	78.3%	48.9%	73.9%
Windham	59%	79.2%	66.9%	86.3%
State	21.2%	50.7%	21.4%	47.4%

86. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the CAPT Science assessment for the years 2011-12, 2012-13, 2013-14, and 2014-15.

(A)	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal	(F) 2014 Below Proficient	(G) 2014 Below Goal	(H) 2015 Below Proficient	(I) 2015 Below Goal
Darien	4.8%	26.9%	3.4%	23.3%	1.8%	23.4%	1.2%	25.4%
New Canaan	2.4%	21.1%	3.2%	16.4%	1.8%	18.4%	1.2%	12.9%
Ridgefield	.9%	20%	2.8%	20.6%	2.6%	19.8%	1.2%	20.2%
Weston	0%	16.6%	2.4%	18.5%	3.1%	18.5%	4.4%	25.5%
Westport	3.1%	20.6%	1.7%	19.7%	1.9%	15.6%	2.3%	21.1%
Wilton	1.3%	18.5%	.9%	19.3%	2.4%	22.6%	2.1%	23.6%
Greenwich	7.2%	33.4%	6.3%	30.1%	8.2%	30.7%	7.6%	31%
Bethel	13.4%	47.7%	13%	45.3%	10.8%	47.4%	10.7%	37.4%
Danbury	34.5%	72.5%	29%	67.9%	39.8%	71.7%	39.2%	77.5%
East Hartford	43.4%	80%	34.7%	80.2%	37.4%	80.2%	35.3%	77.8%
Bridgeport	59.3%	89.5%	61.8%	90.3%	61.6%	88.7%	63.5%	90.7%
New Britain	64.6%	88.2%	63%	91.9%	56%	87.8%	59.6%	89.3%
New London	35.4%	73.4%	44.2%	77.9%	39.6%	74.5%	43%	76.8%
Windham	50%	77.5%	52.3%	84.4%	58.6%	90.6%	72.9%	90.2%
State	19.8%	52.7%	18.3%	51%	21.3%	53.2%	22.2%	55.5%

87. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the Grade 3 CMT Reading assessment for the years 2011-12 and 2012-13.

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Darien	7.1%	19.3%	9.9%	20%
New Canaan	5.7%	10.9%	3.3%	10.3%
Ridgefield	9.3%	20.1%	8.2%	18.8%
Weston	10.3%	14.9%	8.8%	21.1%
Westport	7.3%	15.8%	8.2%	17.2%
Wilton	7.3%	13.8%	4.4%	15.5%
Greenwich	12.1%	21.2%	12.2%	24.9%
Bethel	5.2%	20.3%	6.4%	21.6%
Danbury	31.8%	53.7%	39.9%	58.1%
East Hartford	47.4%	62.3%	54%	74.7%
Bridgeport	58.2%	76.6%	59.6%	78.6%
New Britain	56.9%	76.9%	56.9%	73.2%
New London	37.5%	59.5%	48.2%	64.4%
Windham	39.3%	60.3%	47.8%	65%
State	25.5%	40.8%	27.6%	43.1%

88. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the Grade 3 CMT Math assessment for the years 2011-12 and 2012-13.

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Darien	2.3%	13.6%	6.1%	19.5%
New Canaan	1.4%	5.1%	.7%	5%
Ridgefield	3.7%	7.5%	2.9%	10.6%
Weston	2.9%	8.6%	.6%	8.1%
Westport	1.6%	11.2%	4.4%	12.1%
Wilton	3.3%	15.9%	3.4%	16.6%
Greenwich	5.3%	15.9%	8.4%	21.7%
Bethel	5.2%	20.3%	3.5%	19.3%
Danbury	13.9%	35.8%	22.7%	51.5%
East Hartford	33.4%	59.7%	36.8%	63%
Bridgeport	36.6%	66.5%	47.4%	74.9%
New Britain	51.4%	74.9%	43.6%	71.9%
New London	27.7%	53.8%	32.6%	64.8%
Windham	21.6%	52.4%	24.8%	57.3%

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
State	14.2%	33.2%	17.3%	38.4%

89. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the Grade 5 CMT Reading assessment for the years 2011-12 and 2012-13.

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Darien	6.1%	13.3%	3.7%	10.8%
New Canaan	4.1%	12.2%	4.8%	8.3%
Ridgefield	4.4%	8.8%	4.4%	9.1%
Weston	7.7%	8.2%	5.1%	13.1%
Westport	5.3%	11%	5.6%	10.9%
Wilton	4.1%	9.1%	7%	13.1%
Greenwich	6.7%	17.2%	9.1%	16.9%
Bethel	7.9%	17.6%	11.7%	23.8%
Danbury	26.3%	40.9%	23.5%	39%
East Hartford	44.8%	60.1%	45.1%	62.8%
Bridgeport	51.9%	67.7%	53.2%	68.3%
New Britain	59.8%	72.3%	48.2%	64.9%
New London	43.1%	61.9%	42.8%	59.1%
Windham	55.3%	68.4%	43.5%	59.8%
State	20.3%	32.3%	20.9%	33.1%

90. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the Grade 5 CMT Math assessment for the years 2011-12 and 2012-13.

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Darien	3%	7.5%	3.4%	9.6%
New Canaan	2.7%	9.8%	6.4%	9.3%
Ridgefield	1.6%	5.2%	1.3%	7.5%
Weston	2.4%	6.7%	1.7%	6.2%

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Westport	2.8%	6.6%	1.9%	8.4%
Wilton	3.2%	6.1%	3.6%	9.4%
Greenwich	6.3%	15.8%	4.4%	16%
Bethel	7%	14%	5.8%	17%
Danbury	10.7%	27.1%	18%	36.7%
East Hartford	36.4%	55.3%	38.3%	58.5%
Bridgeport	38.4%	59.5%	42.2%	64.9%
New Britain	56.1%	73.1%	44.6%	63.6%
New London	30.9%	52.3%	27.1%	49.1%
Windham	42.8%	64.4%	25.1%	47.9%
State	14.3%	28.2%	15.6%	30.6%

91. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the Grade 5 CMT Science assessment for the years 2011-12, 2012-13, 2013-14 and 2014-15.

(A)	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal	(F) 2014 Below Proficient	(G) 2014 Below Goal	(H) 2015 Below Proficient	(I) 2015 Below Goal
Darien	2.5%	11.9%	2.8%	10.9%	3.2%	20.2%	5.1%	20.1%
New Canaan	1.7%	8.4%	2.5%	7.9%	.8%	6.3%	3.6%	13.2%
Ridgefield	2%	9.2%	3.1%	9.4%	2.3%	11.3%	2.5%	21.2%
Weston	3.8%	10.4%	1.7%	9%	.5%	10.6%	1.7%	9.8%
Westport	2.7%	13.2%	3.4%	13.3%	2.6%	14%	5.2%	15.7%
Wilton	2.9%	9.2%	3.9%	14.7%	1.9%	11.4%	2.5%	12.1%
Greenwich	6%	18.2%	7.5%	19%	6.2%	19.5%	9.6%	26.6%
Bethel	6.5%	15.2%	4.3%	15.3%	4.9%	19%	6.6%	16.5%
Danbury	23.4%	48.4%	22.7%	46%	20.7%	52.2%	33.3%	65.5%
East Hartford	42.1%	65.8%	41.1%	69.5%	35.4%	69.1%	40.1%	73.9%
Bridgeport	48.3%	73.8%	50.8%	76.8%	48.8%	80.6%	55.6%	83.1%
New Britain	55.5%	77.2%	44.7%	72.4%	44.6%	79.8%	51.3%	80%
New London	39.9%	68.1%	33.9%	59.7%	26.4%	58.9%	36.9%	67.2%
Windham	46.2%	70.3%	38.7%	66.7%	37.6%	69.4%	40.6%	67.8%
State	17.6%	35.9%	18.3%	37.5%	16.6%	40.4%	20.9%	44.6%

92. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the Grade 8 CMT Reading assessment for the years 2011-12 and 2012-13.

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Darien	2.3%	5.2%	3.1%	4.7%
New Canaan	1.4%	6.9%	1.5%	3.4%
Ridgefield	1.6%	4.2%	4.2%	8.6%
Weston	3.3%	7.6%	3.4%	5.4%
Westport	2.9%	6.2%	2.6%	6.1%
Wilton	1.2%	3.9%	.9%	3.9%
Greenwich	8.8%	13.9%	7.4%	14.2%
Bethel	4.5%	11.2%	4.7%	9.8%
Danbury	15.6%	26.9%	18.3%	33%
East Hartford	33.7%	50.4%	33.9%	52.1%
Bridgeport	40.8%	55.5%	40.2%	54.7%
New Britain	47.8%	65.3%	45.6%	62%
New London	32.7%	51.6%	33.1%	47.9%
Windham	43%	56.6%	53.7%	63.4%
State	13.8%	23.2%	14.3%	23.7%

93. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the Grade 8 CMT Math assessment for the years 2011-12 and 2012-13.

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
Darien	1.6%	4.7%	.8%	4.1%
New Canaan	1.8%	8.7%	1.8%	7.6%
Ridgefield	1.9%	7%	2.1%	10.5%
Weston	1.9%	13.7%	2.9%	12.3%
Westport	0.4%	5.8%	2.4%	9.2%
Wilton	2.4%	7.7%	1.2%	7.8%
Greenwich	5.8%	17.2%	5.3%	19.2%
Bethel	2.1%	12.8%	3.7%	13.8%
Danbury	17.1%	43.2%	19.2%	50.2%

(A) District	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal
East Hartford	28.9%	66.1%	31.9%	65.8%
Bridgeport	35.8%	65.1%	37.2%	66.3%
New Britain	53.9%	78.5%	50%	78%
New London	36.4%	76.5%	40.2%	71%
Windham	40.5%	71.2%	59.8%	81.8%
State	12.9%	32.6%	13.9%	34.8%

94. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not reach Proficient or Goal for the listed districts on the Grade 8 CMT Science assessment for the years 2011-12, 2012-13, 2013-14 and 2014-15.

(A)	(B) 2012 Below Proficient	(C) 2012 Below Goal	(D) 2013 Below Proficient	(E) 2013 Below Goal	(F) 2014 Below Proficient	(G) 2014 Below Goal	(H) 2015 Below Proficient	(I) 2015 Below Goal
Darien	4.2%	10.2%	3.6%	13.5%	2.9%	10.2%	1.9%	7.7%
New Canaan	2.9%	8.3%	2.4%	7.3%	3.8%	11.7%	4%	9.9%
Ridgefield	6%	14.8%	7.9%	17.7%	4.4%	11.2%	5.6%	15.1%
Weston	4.7%	15.6%	5.9%	16.1%	4.3%	12%	8.5%	18.9%
Westport	3.5%	12.6%	6.3%	15.7%	4.8%	13.8%	3.7%	10.7%
Wilton	4.4%	11%	3.5%	12.1%	3%	11%	4.1%	10.6%
Greenwich	9.7%	22.4%	11.6%	25.2%	12.2%	27.8%	10.5%	19.9%
Bethel	10.7%	20.5%	7.3%	20.1%	8.6%	17.2%	8.3%	19.2%
Danbury	27.7%	46.7%	33.3%	53.3%	25.1%	47.1%	30.6%	51.1%
East Hartford	45.5%	69.6%	55.3%	76%	51.4%	72.9%	44.6%	62.2%
Bridgeport	54%	72.4%	57.4%	76.8%	56.5%	77.1%	60.9%	79.9%
New Britain	68.5%	84.7%	64%	82.1%	60.5%	81.1%	62.6%	79.4%
New London	54%	72.3%	48.6%	65.9%	56.2%	75%	57.7%	76.7%
Windham	61.1%	76.2%	70%	83.3%	52%	69.2%	61.9%	81.2%
State	22.9%	37.9%	23.5%	39.4%	21.7%	37.5%	23.3%	38.9%

95. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students

scoring advanced for the below districts on the Grade 3 CMT Reading assessment for the years 2012 and 2013.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
Darien	2.5%	38.5%	4.5%	36.3%
New Canaan	2.9%	58.0%	1.7%	51.0%
Ridgefield	4.3%	47.2%	4.0%	42.7%
Weston	5.7%	44.3%	2.3%	35.7%
Westport	3.7%	46.5%	4.2%	41.0%
Wilton	3.1%	43.4%	2.4%	43.8%
Greenwich	5.9%	41.1%	5.8%	35.5%
Bethel	4.7%	29.2%	3.5%	35.1%
Danbury	18.1%	11.7%	22.1%	11.3%
East Hartford	33%	7.8%	35.1%	4.5%
Bridgeport	40.9%	3.4%	41.4%	3.6%
New Britain	42.4%	4.5%	40.1%	5.6%
New London	19.8%	10.8%	26.6%	5.9%
Windham	25.6%	10.0%	31.0%	10.2%
State	15.0%	23.5%	16.8%	21.6%

96. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the Grade 3 CMT Math assessment for the years 2012 and 2013.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
Darien	0.6%	49.1%	2.6%	37.2%
New Canaan	1.1%	63.1%	0.3%	61.9%
Ridgefield	0.7%	58.1%	1.1%	51.2%
Weston	0.0%	58.9%	0.0%	49.4%
Westport	1.1%	51.8%	1.6%	52.3%
Wilton	1.1%	45.7%	1.4%	41.9%
Greenwich	1.5%	47.1%	3.8%	38.7%
Bethel	1.4%	39.2%	1.2%	40.4%
Danbury	4.3%	24.3%	10.6%	17.8%

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
East Hartford	18.7%	12.1%	22.4%	9.6%
Bridgeport	19.3%	7.5%	27.5%	5.3%
New Britain	32.5%	6.0%	26.3%	7.0%
New London	10.1%	13.0%	19.6%	8.3%
Windham	11.0%	14.5%	12.4%	9.8%
State	6.3%	30.4%	8.4%	25.7%

97. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the Grade 5 CMT Reading assessment for the years 2012 and 2013.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
Darien	3.6%	37.8%	1.7%	35.1%
New Canaan	2.0%	46.4%	1.9%	53.2%
Ridgefield	2.3%	44.9%	2.6%	48.4%
Weston	3.8%	31.1%	3.4%	38.1%
Westport	2.3%	43.1%	3.7%	43.1%
Wilton	1.8%	46.2%	4.0%	41.6%
Greenwich	2.8%	36.5%	5.2%	36.9%
Bethel	4.4%	31.7%	6.3%	23.8%
Danbury	14.2%	12.3%	13.4%	15.6%
East Hartford	31.1%	4.9%	31.7%	6.3%
Bridgeport	37.4%	3.2%	40.4%	3.6%
New Britain	46.3%	3.7%	34.6%	4.3%
New London	30.3%	6.4%	33.0%	3.7%
Windham	35.4%	4.9%	26.8%	9.1%
State	12.7%	21.9%	13.1%	21.4%

98. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the Grade 5 CMT Math assessment for the years 2012 and 2013.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
Darien	1.1%	54.4%	1.1%	55.4%
New Canaan	0.3%	54.6%	0.3%	58.2%
Ridgefield	0.0%	64.3%	0.3%	62.1%
Weston	1.0%	58.9%	0.0%	56.8%
Westport	1.1%	65.6%	0.0%	65.4%
Wilton	0.6%	59.8%	1.2%	55.5%
Greenwich	1.3%	53.8%	1.1%	51.3%
Bethel	0.4%	49.6%	0.5%	43.7%
Danbury	3.9%	31.3%	6.7%	26.1%
East Hartford	19.6%	10.9%	18.0%	11.1%
Bridgeport	19.4%	10.8%	21.3%	8.5%
New Britain	35%	6.5%	27.4%	8.1%
New London	19.1%	15.0%	13.8%	17.0%
Windham	18.8%	10.6%	9.3%	15.3%
State	6.1%	36.2%	6.7%	33.0%

99. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the Grade 5 CMT Science assessment for the years 2011-12, 2012-13, 2013-14 and 2014-15.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced	(F) 2014 Below Basic	(G) 2014 Advanced	(H) 2015 Below Basic	(I) 2015 Advanced
Darien	0.8%	34.3%	0.8%	36.6%	1.1%	32.1%	1.7%	26.0%
New Canaan	0.3%	54.5%	1.0%	56.5%	0.0%	60.6%	1.3%	44.1%
Ridgefield	0.3%	59.3%	1.3%	53.1%	0.0%	48.6%	0.8%	31.5%
Weston	0.9%	45%	0.0%	47.8%	0.0%	51.9%	0.6%	41.4%
Westport	1.1%	41.6%	0.9%	38.8%	0.6%	40.1%	2.5%	32.7%
Wilton	0.6%	42.2%	0.3%	37.7%	0.8%	47.8%	1.6%	31.2%
Greenwich	1.0%	32.6%	2.1%	35.9%	1.8%	38.8%	2.9%	30.3%
Bethel	1.7%	45.5%	1.0%	34.9%	1.3%	35.4%	1.1%	40.1%
Danbury	8.0%	11.9%	9.1%	13.5%	5.8%	10.7%	14.2%	5.7%
East Hartford	18.9%	4.7%	19.8%	3.5%	14.4%	3.6%	20.0%	3.5%
Bridgeport	24.1%	3.3%	26.0%	2.9%	25.4%	1.7%	32.5%	2.2%

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced	(F) 2014 Below Basic	(G) 2014 Advanced	(H) 2015 Below Basic	(I) 2015 Advanced
New Britain	28.3%	4.3%	21.9%	3.6%	22.3%	2.8%	26.7%	3.2%
New London	19.3%	2.9%	15.5%	5.6%	11.1%	6.8%	20.3%	6.6%
Windham	23.3%	4.7%	21.0%	6.6%	17.1%	4.5%	16.1%	7.3%
State	7.1%	23.3%	7.6%	22.0%	6.8%	19.3%	10.2%	16.7%

100. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the Grade 8 CMT Reading assessment for the years 2012 and 2013.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
Darien	1.0%	67.7%	0.8%	59.4%
New Canaan	0.7%	61.6%	0.9%	58.7%
Ridgefield	0.7%	63.9%	1.9%	55.8%
Weston	0.5%	59.7%	1.0%	51.0%
Westport	1.3%	53.1%	1.9%	50.0%
Wilton	0.3%	65.6%	0.6%	58.8%
Greenwich	3.8%	50.7%	3.6%	48.4%
Bethel	2.1%	42.1%	2.8%	44.4%
Danbury	9.7%	27.2%	10.9%	21.4%
East Hartford	19.4%	8.6%	21.4%	10.8%
Bridgeport	25.6%	8.1%	26.9%	7.4%
New Britain	34.1%	7.7%	32.2%	6.1%
New London	21.7%	7.8%	19.5%	14.2%
Windham	29.4%	11.8%	43.4%	8.3%
State	8.0%	34.3%	8.1%	32.6%

101. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the Grade 8 CMT Math assessment for the years 2012 and 2013.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced
Darien	0.5%	72.4%	0.6%	70.4%
New Canaan	0.4%	59.3%	0.3%	59.9%
Ridgefield	0.2%	63.4%	0.5%	55.6%
Weston	0.9%	50.7%	0.0%	54.4%
Westport	0.0%	69.8%	1.2%	62.5%
Wilton	0.3%	61.5%	0.0%	60.4%
Greenwich	1.8%	52.9%	1.3%	51.2%
Bethel	0.0%	43.8%	1.4%	46.5%
Danbury	6.0%	21.3%	6.8%	15.6%
East Hartford	10.1%	7.7%	8.7%	9.6%
Bridgeport	15.1%	9.5%	16.7%	7.6%
New Britain	25.8%	5.6%	24.9%	3.3%
New London	15.7%	1.4%	15.4%	7.1%
Windham	22.5%	7.2%	30.1%	4.3%
State	4.5%	33.1%	4.7%	30.5%

102. Based on data maintained and reported by the department, the following table sets forth the percentage of students scoring below basic and the percentage of students scoring advanced for the below districts on the Grade 8 CMT Science assessment for the years 2011-12, 2012-13, 2013-14 and 2014-15.

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced	(F) 2014 Below Basic	(G) 2014 Advanced	(H) 2015 Below Basic	(I) 2015 Advanced
Darien	1.3%	36.2%	1.1%	38.6%	1.0%	33.9%	1.4%	35.4%
New Canaan	1.8%	47.1%	1.8%	43.3%	2.2%	42.9%	2.0%	35.6%
Ridgefield	2.8%	31.3%	4.0%	29.1%	2.1%	36.2%	2.9%	27.7%
Weston	3.3%	32.2%	1.5%	25.4%	1.0%	27.3%	4.5%	25.2%
Westport	1.1%	33.7%	2.8%	33.6%	2.0%	33.7%	1.2%	31.1%
Wilton	2.6%	45.6%	1.5%	39.8%	0.8%	35.3%	2.7%	41.3%
Greenwich	5.6%	30.9%	6.3%	28.4%	6.8%	23.3%	3.9%	25.4%
Bethel	6.1%	19.7%	4.1%	21.0%	3.2%	24.0%	4.6%	25.0%
Danbury	16.4%	9.6%	19.8%	7.6%	13.3%	5.2%	17.5%	5.2%
East Hartford	30.7%	5.9%	38.1%	5.7%	30.5%	3.6%	28.1%	7.0%
Bridgeport	38.9%	2.2%	40.9%	1.8%	36.5%	2.0%	42.8%	1.5%

(A) District	(B) 2012 Below Basic	(C) 2012 Advanced	(D) 2013 Below Basic	(E) 2013 Advanced	(F) 2014 Below Basic	(G) 2014 Advanced	(H) 2015 Below Basic	(I) 2015 Advanced
New Britain	48.9%	1.0%	43.1%	0.8%	44.7%	0.9%	47.3%	1.9%
New London	33.9%	1.3%	31.3%	4.5%	35.0%	0.6%	40.3%	1.6%
Windham	47.3%	2.1%	53.3%	1.8%	38.8%	4.4%	47.8%	1.3%
State	14.0%	18.1%	14.4%	17.9%	12.5%	17.5%	13.9%	15.7%

103. According to the 2012-13 District Performance Reports for the below districts, the number of schools that fall into the Connecticut School District Classifications are set forth in the following table.

School District	No. of Excelling Schools	No. of Progressing Schools	No. of Transitioning Schools	No. of Review Schools	No. of Focus Schools	No of Turnaround Schools
(A) Darien	1	6	0	0	0	0
(B) New Canaan	3	2	0	0	0	0
(C) Ridgefield	3	6	0	0	0	0
(D) Weston	2	2	0	0	0	0
(E) Westport	1	7	0	0	0	0
(F) Wilton	3	1	0	0	0	0
(G) Greenwich	8	2	5	0	0	0
(H) Bethel	3	0	2	0	0	0
(I) Danbury	0	1	12	4	0	0
(J) East Hartford	0	2	3	7	2	0
(K) Bridgeport	0	3	3	12	5	7
(L) New Britain	1	0	0	4	5	5
(M) New London	0	0	1	2	1	1
(N) Windham	0	0	1	3	0	2

104. According to the 2012-13 District Performance Reports for the below districts, the percentage of total enrollment attending schools that fall into the Connecticut School District Classifications for 2012-13 are set forth in the following table.

School District	Percentage of Total Student Enrollment attending Excelling Schools	Percentage of Total Student Enrollment attending Progressing Schools	Percentage of Total Student Enrollment attending Transitioning Schools	Percentage of Total Student Enrollment attending Review Schools	Percentage of Total Student Enrollment attending Focus Schools	Percentage of Total Student Enrollment attending Turnaround Schools
(A) Darien	23.5%	76.5%	0.0%	0.0%	0.0%	0.0%
(B) New Canaan	56.2%	43.8%	0.0%	0.0%	0.0%	0.0%
(C) Ridgefield	31.5%	68.5%	0.0%	0.0%	0.0%	0.0%
(D) Weston	51.2%	48.8%	0.0%	0.0%	0.0%	0.0%
(E) Westport	10.1%	89.9%	0.0%	0.0%	0.0%	0.0%
(F) Wilton	69.5%	30.5%	0.0%	0.0%	0.0%	0.0%
(G) Greenwich	40.9%	11.7%	47.5%	0.0%	0.0%	0.0%
(H) Bethel	52.9%	0.0%	47.1%	0.0%	0.0%	0.0%
(I) Danbury	0.0%	4.0%	59.9%	36.1%	0.0%	0.0%
(J) East Hartford	0.0%	7.7%	17.0%	66.8%	8.4%	0.0%
(K) Bridgeport	0.0%	8.4%	6.0%	38.1%	18.9%	28.6%
(L) New Britain	1.7%	0.0%	0.0%	24.0%	49.1%	25.3%
(M) New London	0.0%	0.0%	15.3%	36.7%	17.4%	30.6%
(N) Windham	0.0%	0.0%	11.3%	53.5%	0.0%	35.2%

105. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not meet level 3 or 4 for the state of Connecticut and the listed subgroups on the Smarter Balanced assessments (SBAC) for 2014-15.

Group	Did not Meet Achievement Level Mathematics	Did not Meet Achievement Level English Language Arts
All Students	60.9%	44.6%
Free Lunch	84.6%	70.0%
Reduced Lunch	73.6%	54.4%
Not Eligible Lunch	47.7%	30.8%

Group	Did not Meet Achievement Level Mathematics	Did not Meet Achievement Level English Language Arts
EL	93.0%	89.9%
Special Education	91.8%	85.4%
White	49.7%	32.7%
Black	86.1%	69.7%
Hispanic	82.7%	67.2%

106. Based on data maintained and reported by the department, the following table sets forth the percentage of students that did not meet level 3 or 4 for the listed districts on the Smarter Balanced Assessments for the 2014-15 school year.

District	Did not Meet Achievement Level Mathematics	Did not Meet Achievement Level - English Language Arts
Darien	24.1%	14.7%
New Canaan	25.9%	17.8%
Ridgefield	33.8%	18.0%
Weston	30.0%	21.6%
Westport	27.2%	14.9%
Wilton	42.7%	26.4%
Greenwich	36.0%	22.2%
Bethel	58.6%	32.0%
Danbury	70.2%	52.3%
East Hartford	83.2%	66.8%
Bridgeport	90.9%	76.2%
New Britain	85.4%	77.0%
New London	81.3%	69.4%
Windham	81.9%	72.4%

107. Based on data maintained and reported by the department, the following table sets forth the percentage of students for the listed districts that were at Level 1 for the Smarter Balanced Assessments.

District	2014-15 SBAC ELA Percent at Level 1: Does not meet achievement level	2014-15 SBAC Math Level 1: Does not meet achievement level
Darien	4%	7%
New Canaan	4%	7%
Ridgefield	5%	10%
Weston	6%	8%
Westport	4%	9%
Wilton	10%	14%
Greenwich	8%	14%
Bethel	11%	24%
Danbury	25%	37%
East Hartford	39%	54%
Bridgeport	49%	67%
New Britain	53%	61%
New London	39%	52%
Windham	45%	54%
State	21.9%	32.4%

108. Based on 2013 Grade 4 NAEP Math data, the following table sets forth Connecticut's average scale score of each subgroup and percentage of each subgroup at each achievement level.

Subgroup	Subgroup Average Scale Score	Subgroup Percentage Below Basic	Subgroup Percentage At or Above Basic	Subgroup Percentage At or Above Proficient	Subgroup Percentage At Advanced
Non-FRPL	255	5	95	61	13
FRPL	225	35	65	20	1
White	253	6	94	58	12
Black	219	43	57	14	1
Hispanic	224	35	65	19	1

109. Based on 2013 Grade 8 NAEP Math data, the following table sets forth Connecticut's average scale score of each subgroup and percentage of each subgroup at each achievement level.

Subgroup	Subgroup Average Scale Score	Subgroup Percentage Below Basic	Subgroup Percentage At or Above Basic	Subgroup Percentage At or Above Proficient	Subgroup Percentage At Advanced
Non-FRPL	297	14	86	48	14
FRPL	263	49	51	16	2
White	297	14	86	48	13
Black	260	52	48	13	1
Hispanic	258	53	47	12	1

110. Based on 2013 Grade 4 NAEP Reading data, the following table sets forth Connecticut's average scale score of each subgroup and percentage of each subgroup at each achievement level.

Subgroup	Subgroup Average Scale Score	Subgroup Percentage Below Basic	Subgroup Percentage At or Above Basic	Subgroup Percentage At or Above Proficient	Subgroup Percentage At Advanced
Non-FRPL	242	12	88	57	18
FRPL	210	43	57	19	2
White	238	15	85	53	15
Black	208	48	52	15	2
Hispanic	209	44	56	20	3

111. Based on 2013 Grade 8 NAEP Reading data, the following table sets forth Connecticut's average scale score of each subgroup and percentage of each subgroup at each achievement level.

Subgroup	Subgroup Average Scale Score	Subgroup Percentage Below Basic	Subgroup Percentage At or Above Basic	Subgroup Percentage At or Above Proficient	Subgroup Percentage At Advanced
Non-FRPL	284	9	91	57	9
FRPL	256	33	67	23	2
White	282	11	89	54	8
Black	256	32	68	22	2
Hispanic	256	33	67	24	2

112. The Scholastic Aptitude Test (SAT) College and Career Readiness (CCR) Benchmark score is 1550. The percentage of test-takers for the class of 2012 and 2013 who met the CCR benchmark score of 1550 for the listed districts and for the state of Connecticut are reflected in the following table.

District	Class of 2012	Class of 2013
Darien	80%	86%
New Canaan	82%	83%
Ridgefield	74%	78%
Weston	81%	83%
Westport	81%	84%
Wilton	82%	81%
Greenwich	69%	69%
Bethel	51%	49%
Danbury	34%	34%
East Hartford	21%	20%
Bridgeport	10%	10%

District	Class of 2012	Class of 2013
New Britain	24%	25%
New London	18%	16%
Windham	27%	34%
State	44%	45%

113. The average SAT scores for the classes of 2012, 2013 and 2014 for the below listed districts, as well as the state average are reflected on the table below.

(A) District	(B) Class of 2012	(C) Class of 2013	(D) Class of 2014
Darien	1776	1815	1796
New Canaan	1795	1774	1767
Ridgefield	1721	1759	1754
Weston	1794	1792	1782
Westport	1785	1788	1766
Wilton	1801	1799	1796
Greenwich	1717	1715	1707
Bethel	1531	1545	1553
Danbury	1434	1443	1456
East Hartford	1321	1292	1367
Bridgeport	1166	1195	1125
New Britain	1349	1348	1322
New London	1296	1238	1210
Windham	1353	1405	1198
State	1504	1507	1502

114. The Advanced Placement (AP) test data, released by the College Board, for 2015 for the below listed high schools are reflected on the table below.

(A) District	(B) High School	(C) High School Enrollment	(D) Test Takers	(E) Total Exams Taken	(F) Number of Exams with Scores 3/4/5	(G) Percent of Exams taken with Scores 3/4/5
Darien	Darien HS	1,365	362	744	697	94%

New Canaan	New Canaan HS	1,250	375	843	776	92%
Ridgefield	Ridgefield HS	1,744	544	1,295	1,165	90%
Weston	Weston HS	781	219	536	475	89%
Westport	Staples HS	1,854	574	1,258	1,149	91%
Wilton	Wilton HS	1,352	361	774	702	91%
Greenwich	Greenwich HS	2,501	858	2,202	1,736	79%
Bethel	Bethel HS	889	201	386	273	71%
Danbury	Danbury HS	2,885	589	1,145	550	48%
East Hartford	East Hartford HS	1,675	219	414	169	41%
Bridgeport	Bassick HS	1,008	68	85	16	19%
Bridgeport	Central HS	1,673	116	197	88	45%
Bridgeport	Warren Harding HS	1,134	54	55	26	47%
New Britain	New Britain HS	2,457	208	331	140	42%
New London	New London HS	886	133	158	42	27%
Windham	Windham HS	527	36	53	26	49%

115. The Advanced Placement (AP) test data, released by the College Board, for 2014 for the below listed high schools are reflected on the table below.

(A) District	(B) High School	(C) High School Enrollment	(D) Test Takers	(E) Total Exams Taken	(F) Number of Exams with Scores 3/4/5	(G) Percent of Exams taken with Scores 3/4/5
Darien	Darien HS	1,355	339	705	677	96%
New Canaan	New Canaan HS	1,264	319	694	641	92%
Ridgefield	Ridgefield HS	1,786	598	1,380	1,267	92%
Weston	Weston HS	774	216	533	475	89%
Westport	Staples HS	1,835	533	1,130	1,035	92%
Wilton	Wilton HS	1,318	343	743	642	86%
Greenwich	Greenwich HS	2,637	782	1,974	1,669	85%
Bethel	Bethel HS	933	204	366	228	62%
Danbury	Danbury HS	2,878	599	1,215	658	54%
East Hartford	East Hartford HS	1,682	192	385	160	42%
Bridgeport	Bassick HS	1,114	60	91	7	8%
Bridgeport	Central HS	1,838	133	235	115	49%
Bridgeport	Warren Harding	1,105	65	67	30	45%

	HS					
New Britain	New Britain HS	2,481	202	333	141	42%
New London	New London HS	881	133	170	42	25%
Windham	Windham HS	624	59	93	31	33%

116. The Advanced Placement (AP) test data, released by the College Board, for 2013 for the below listed high schools are reflected on the table below.

(A) District	(B) High School	(C) High School Enrollment	(D) Test Takers	(E) Total Exams Taken	(F) Number of Exams with Scores 3/4/5	(G) Percent of Exams taken with Scores 3/4/5
Darien	Darien HS	1,329	303	636	618	97%
New Canaan	New Canaan HS	1,275	307	593	557	94%
Ridgefield	Ridgefield HS	1,759	482	1,095	1,019	93%
Weston	Weston HS	777	245	571	500	88%
Westport	Staples HS	1,879	497	1,106	1,029	93%
Wilton	Wilton HS	1,309	372	814	680	84%
Greenwich	Greenwich HS	2,678	739	1,754	1,456	83%
Bethel	Bethel HS	959	157	257	201	78%
Danbury	Danbury HS	2,887	519	1,034	590	57%
East Hartford	East Hartford HS	1,641	179	331	148	45%
Bridgeport	Bassick HS	1,177	73	111	3	3%
Bridgeport	Central HS	2,140	125	212	83	39%
Bridgeport	Warren Harding HS	1,297	29	32	7	22%
New Britain	New Britain HS	2,530	193	324	140	43%
New London	New London HS	933	166	219	49	22%
Windham	Windham HS	673	72	141	83	59%

117. The Advanced Placement (AP) test data, released by the College Board, for 2012 for the below listed high schools are reflected on the table below.

(A) District	(B) High School	(C) High School Enrollment	(D) Test Takers	(E) Total Exams Taken	(F) Number of Exams with Scores 3/4/5	(G) Percent of Exams taken with Scores 3/4/5
Darien	Darien HS	1,315	299	603	577	96%
New Canaan	New Canaan HS	1,310	288	552	525	95%
Ridgefield	Ridgefield HS	1,771	486	1,081	1,010	93%
Weston	Weston HS	755	209	472	430	91%
Westport	Staples HS	1,824	487	1,037	962	93%
Wilton	Wilton HS	1,291	352	735	653	89%
Greenwich	Greenwich HS	2,656	677	1,549	1,269	82%
Bethel	Bethel HS	949	146	264	198	75%
Danbury	Danbury HS	2,887	514	973	534	55%
East Hartford	East Hartford HS	1,732	206	445	181	41%
Bridgeport	Bassick HS	1,073	66	99	14	14%
Bridgeport	Central HS	2,181	132	207	95	46%
Bridgeport	Warren Harding HS	1,309	58	59	20	34%
New Britain	New Britain HS	2,516	287	560	192	34%
New London	New London HS	934	117	160	37	23%
Windham	Windham HS	729	79	193	78	40%

118. The department reported four-year cohort graduation rates for 2012-2014 for the listed districts are reflected in the below table.

(A) District	(B) Cohort 2012	(C) Cohort 2013	(D) Cohort 2014
Darien	96.5%	97.2%	96.7%
New Canaan	97.0%	97.6%	98.4%
Ridgefield	98.2%	96.1%	97.6%
Weston	99.5%	99.0%	97.2%
Westport	97.9%	98.7%	97.8%
Wilton	98.1%	96.0%	97.0%
Greenwich	92.3%	94.8%	95.1%
Bethel	94.1%	92.7%	92.6%
Danbury	76.8%	75.5%	78.1%
East Hartford	76.6%	77.7%	78.3%
Bridgeport	66.3%	67.3%	71.5%
New Britain	60.5%	60.9%	63.6%

(A) District	(B) Cohort 2012	(C) Cohort 2013	(D) Cohort 2014
New London	61.9%	64.2%	71.1%
Windham	70.2%	75.3%	73.2%

119. Based on the National Student Clearinghouse Reports, the following table sets forth the percentage of students entering four-year colleges immediately after high school for the classes of 2012 to 2014 for the following high schools.

District	High School	Class of 2012	Class of 2013	Class of 2014
(A) Darien	Darien HS	84%	89%	83%
(B) New Canaan	New Canaan HS	83%	84%	86%
(C) Ridgefield	Ridgefield HS	85%	87%	83%
(D) Westport	Staples HS	83%	85%	84%
(E) Weston	Weston HS	85%	88%	90%
(F) Wilton	Wilton HS	86%	83%	82%
(G) Greenwich	Greenwich HS	69%	73%	70%
(H) Bethel	Bethel HS	68%	58%	60%
(I) Danbury	Danbury HS	51%	53%	45%
(J) East Hartford	East Hartford HS	30%	29%	30%
(K) Bridgeport	Bassick HS	18%	20%	18%
(L) Bridgeport	Central HS	33%	31%	35%
(M) Bridgeport	Harding HS	20%	19%	18%
(N) New Britain	New Britain HS	24%	24%	27%
(O) New London	New London HS	30%	30%	30%
(P) Windham	Windham HS	26%	31%	26%

120. Based on the National Student Clearinghouse Reports, the following table sets forth the percentage of students entering two-year colleges immediately after high school for the classes of 2011 to 2014 for the following high schools.

District	High School	Class of 2011	Class of 2012	Class of 2013	Class of 2014
Darien	Darien HS	1%	3%	0%	3%
New Canaan	New Canaan HS	4%	3%	2%	2%
Ridgefield	Ridgefield HS	1%	2%	2%	2%
Westport	Staples HS	2%	2%	4%	4%
Weston	Weston HS	3%	2%	1%	2%

District	High School	Class of 2011	Class of 2012	Class of 2013	Class of 2014
Wilton	Wilton HS	4%	3%	3%	3%
Greenwich	Greenwich HS	9%	7%	8%	9%
Bethel	Bethel HS	8%	8%	11%	12%
Danbury	Danbury HS	17%	16%	15%	17%
East Hartford	East Hartford HS	26%	28%	30%	26%
Bridgeport	Bassick HS	13%	18%	23%	18%
Bridgeport	Central HS	25%	23%	23%	21%
Bridgeport	Harding HS	22%	20%	17%	18%
New Britain	New Britain HS	29%	26%	26%	28%
New London	New London HS	21%	25%	24%	26%
Windham	Windham HS	24%	24%	26%	24%

121. Based on the National Student Clearinghouse Reports, the following table sets forth the percentage of students in the class of 2011 that were no longer enrolled in college but had not graduated in 2012-13 and 2013-14.

District	High School	Not Enrolled/Grad 2012-13	Not Enrolled/Grad 2013-14
Darien	Darien HS	2.8%	4.4%
New Canaan	New Canaan HS	2.9%	6.5%
Ridgefield	Ridgefield HS	3.8%	7.1%
Westport	Staples HS	2.4%	3.9%
Weston	Weston HS	2.6%	3.1%
Wilton	Wilton HS	2.3%	3.3%
Greenwich	Greenwich HS	5.2%	8.9%
Bethel	Bethel HS	8.0%	8.8%
Danbury	Danbury HS	7.5%	13.7%
East Hartford	East Hartford HS	13.0%	20.1%
Bridgeport	Bassick HS	13.4%	19.2%
Bridgeport	Central HS	12.4%	16.8%
Bridgeport	Harding HS	13.1%	22.5%
New Britain	New Britain HS	12.1%	20.2%
New London	New London HS	11.3%	21.5%
Windham	Windham HS	11.8%	18.0%

122. Based on the National Student Clearinghouse Reports, the following table sets forth

the percentage of students in the class of 2012 that were no longer enrolled in college but had not graduated in 2013-14.

District	High School	Not Enrolled/Grad 2013-14
Darien	Darien HS	2.0%
New Canaan	New Canaan HS	3.1%
Ridgefield	Ridgefield HS	4.1%
Westport	Staples HS	3.3%
Weston	Weston HS	5.3%
Wilton	Wilton HS	1.9%
Greenwich	Greenwich HS	3.5%
Bethel	Bethel HS	5.6%
Danbury	Danbury HS	9.6%
East Hartford	East Hartford HS	12.6%
Bridgeport	Bassick HS	9.5%
Bridgeport	Central HS	9.6%
Bridgeport	Harding HS	10.8%
New Britain	New Britain HS	10.8%
New London	New London HS	20.5%
Windham	Windham HS	13.2%

123. Based on data maintained by the department, the following table sets forth the performance levels of students who did not qualify for free or reduced lunch on the 2015 Smarter Balanced English Language Arts Assessment for the listed districts.

	% Level1	% Level2	% Level3	% Level4	% Level3+
Darien	4.1%	10.1%	35.3%	50.5%	85.8%
New Canaan	4.2%	13.6%	34.8%	47.4%	82.2%
Ridgefield	4.5%	12.9%	33.7%	48.8%	82.6%
Wilton	9.3%	16.8%	41.8%	32.1%	73.9%
Weston	5.5%	15.0%	40.5%	39.0%	79.5%
Westport	3.4%	10.1%	36.6%	49.9%	86.5%
Greenwich	5.4%	12.0%	33.1%	49.5%	82.6%
Bethel	8.7%	18.0%	39.5%	33.8%	73.3%
Danbury	16.3%	23.6%	35.1%	25.0%	60.1%
East Hartford	28.5%	24.9%	33.0%	13.6%	46.6%
Bridgeport	*	*	*	*	*
New Britain	33.1%	23.7%	27.9%	15.2%	43.2%

	% Level1	% Level2	% Level3	% Level4	% Level3+
New London	28.9%	25.1%	27.4%	18.6%	46.0%
Windham	22.1%	24.3%	37.5%	16.1%	53.6%

124. Based on data maintained by the department, the following table sets forth the performance levels of students who qualified for free or reduced lunch on the 2015 Smarter Balanced English Language Arts Assessment for the listed districts.

District	% Level1	% Level2	% Level3	% Level4	% Level3+
Darien	12.8%	29.8%	34.0%	23.4%	57.4%
New Canaan	*	*	*	*	*
Ridgefield	18.6%	22.0%	39.0%	20.3%	59.3%
Weston	29.7%	29.7%	29.7%	10.8%	40.5%
Westport	20.6%	28.0%	27.1%	24.3%	51.4%
Wilton	30.0%	16.7%	33.3%	20.0%	53.3%
Bethel	20.4%	35.3%	29.1%	15.3%	44.4%
Greenwich	22.2%	27.5%	35.9%	14.4%	50.3%
Danbury	31.5%	31.1%	28.6%	8.8%	37.3%
East Hartford	43.3%	29.5%	22.1%	5.1%	27.2%
Bridgeport	49.0%	27.2%	18.7%	5.1%	23.8%
New London	41.1%	31.5%	22.2%	5.3%	27.5%
New Britain	56.8%	24.6%	14.0%	4.6%	18.7%
Windham	50.4%	28.8%	16.3%	4.5%	20.8%

125. Based on data maintained by the department, the following table sets forth the performance levels of students who did not qualify for free or reduced lunch on the 2015 Smarter Balanced Mathematics Assessment for the listed districts.

District	% Level1	% Level2	% Level3	% Level4	% Level3+
Darien	7.0%	16.4%	31.4%	45.2%	76.6%
New Canaan	7.4%	18.5%	28.6%	45.5%	74.1%
Ridgefield	9.0%	24.2%	32.5%	34.4%	66.8%
Weston	7.4%	21.7%	32.2%	38.6%	70.8%
Westport	7.8%	17.9%	29.1%	45.3%	74.3%
Wilton	13.3%	29.1%	31.4%	26.1%	57.5%
Greenwich	10.2%	19.0%	29.2%	41.6%	70.8%

District	% Level1	% Level2	% Level3	% Level4	% Level3+
Bethel	19.5%	35.2%	27.7%	17.6%	45.3%
Danbury	26.9%	31.0%	26.9%	15.2%	42.1%
East Hartford	41.8%	33.1%	16.9%	8.2%	25.1%
Bridgeport	*	*	*	*	*
New Britain	41.3%	27.7%	21.2%	9.9%	31.0%
New London	38.6%	30.3%	20.1%	11.0%	31.1%
Windham	33.4%	29.9%	22.6%	14.0%	36.6%

126. Based on data maintained by the department, the following table sets forth the performance levels of students who qualified for free or reduced lunch on the 2015 Smarter Balanced Mathematics Assessment for the listed districts.

District	% Level1	% Level2	% Level3	% Level4	% Level3+
Darien	27.7%	29.8%	25.5%	17.0%	42.6%
New Canaan	*	*	*	*	*
Ridgefield	37.3%	20.3%	37.3%	5.1%	42.4%
Weston	37.8%	18.9%	32.4%	10.8%	43.2%
Westport	39.3%	27.1%	19.6%	14.0%	33.6%
Wilton	33.3%	30.0%	20.0%	16.7%	36.7%
Greenwich	39.5%	36.1%	15.8%	8.6%	24.4%
Bethel	42.9%	33.1%	19.3%	4.7%	24.0%
Danbury	44.7%	36.0%	15.4%	3.9%	19.3%
East Hartford	59.9%	27.0%	11.2%	1.9%	13.2%
Bridgeport	67.4%	23.6%	7.3%	1.8%	9.1%
New Britain	65.6%	23.3%	8.4%	2.6%	11.0%
New London	54.5%	29.4%	12.7%	3.4%	16.1%
Windham	59.1%	27.6%	10.0%	3.2%	13.3%

127. While over 95% of kindergartners in Connecticut's wealthiest districts have attended pre-K, the percentages of those kindergarteners in Connecticut's lower-wealth districts who attended pre-K are generally significantly lower (in the 50-70% range).

128. Bridgeport, Danbury, East Hartford, New Britain, New London, and Windham educate significantly above-average percentages of students who live in poverty as measured by eligibility for free or reduced price lunch (FRPL), as reflected by the

following table setting forth the percentage of students who qualified for lunch subsidies in each district.

District	2012-13 % eligible FRPL	2013-14 % eligible FRPL	2014-15 % eligible FRPL
Bridgeport	100.0%	99.9%	100.0%
Danbury	51.5%	46.2%	55.7%
East Hartford	60.9%	63.8%	64.6%
New Britain	81.0%	80.0%	82.2%
New London	78.8%	70.6%	77.5%
Windham	76.1%	76.5%	78.4%
State	36.7%	37.1%	37.7%

129. Poorer school districts tend to have more inexperienced teachers and principals than rich ones.

130. As Dr. Jennifer Rice King testified, students in districts with higher concentrations of poverty also had access to teachers that failed the PRAXIS I and PRAXIS II tests - state certification tests that focus on teachers' general knowledge, content knowledge, and pedagogy - at higher rates than districts with lower concentrations of poverty.

131. Schools that have higher concentrations of poverty have a more difficult time recruiting and retaining teachers.

132. Wage premiums may be required to attract teachers to high poverty and high minority school districts.

133. Data from Connecticut's 2015 equity plan shows that educators leave high-poverty districts at higher rates than low-poverty districts.

134. High-poverty, low-wealth schools have a more difficult time recruiting teachers to shortage areas.

135. As reflected in the table below, schools in low-income, high-poverty districts – despite demonstrably greater needs – have significantly fewer guidance counselors per student.

(A) District	(B) High School	(C) Enrollment 2012-2013	(D) Full Time Equivalent Guidance Counselors 2012-13	(C)/(D) Students Per Guidance Counselor 2012-13
Darien	Darien HS	1329	7.2	184.6
New Canaan	New Canaan HS	1275	7.6	167.8
Ridgefield	Ridgefield HS	1759	8.6	204.5
Westport	Staples HS	1879	10.5	179.0
Weston	Weston HS	777	5	155.4
Wilton	Wilton HS	1309	7	187.0
Greenwich	Greenwich HS	2678	18	148.8
Bethel	Bethel HS	959	3.9	245.9
Danbury	Danbury HS	2887	10.6	272.4
East Hartford	East Hartford	1641	8	205.1
Bridgeport	Bassick HS	1177	4	294.3
Bridgeport	Central HS	2140	8	267.5
Bridgeport	Harding HS	1297	5	259.4
New Britain	New Britain HS	2530	12	210.8
New London	New London HS	933	3	311.0
Windham	Windham HS	673	3	224.3

The performance of Connecticut's poor student versus poor students in other states on standardized tests

136. Based on 2013 NAEP math data, the following table sets forth Connecticut's average scale score for FRPL students, the corresponding national public average for FRPL students, and whether Connecticut's average for FRPL students is statistically significantly different from the national public average for FRPL students at a significance level of 0.05.

Grade	Connecticut Average FRPL Math Scale Score	National Public Average FRPL Math Scale Score	Significantly Different from National Average?

Grade	Connecticut Average FRPL Math Scale Score	National Public Average FRPL Math Scale Score	Significantly Different from National Average?
4	224.62	230.20	Yes
8	262.76	269.96	Yes

137. Based on 2013 NAEP reading data, the following table sets forth Connecticut's average scale score for FRPL students, the corresponding national public average for FRPL students, and whether Connecticut's average for FRPL students is significantly different from the national public average for FRPL students at a significance level of 0.05.

Grade	Connecticut Average FRPL Reading Scale Score	National Public Average FRPL Reading Scale Score	Significantly Different from National Average?
4	209.80	207.42	No
8	255.75	253.94	No

138. Based on 2013 NAEP math data, the following table sets forth Connecticut's average scale score for Hispanic students, the corresponding national public average for Hispanic students, and whether Connecticut's average for Hispanic students is significantly different from the national public average for Hispanic students at a significance level of 0.05.

Grade	Connecticut Average Hispanic Math Scale Score	National Public Average Hispanic Math Scale Score	Significantly Different from National Average?
4	224.03	230.41	Yes
8	257.84	271.02	Yes

139. Based on 2013 NAEP reading data, the following table sets forth Connecticut's average scale score for Hispanic students, the corresponding national public average for Hispanic students, and whether Connecticut's average for Hispanic students is significantly different from the national public average for Hispanic students at a significance level of 0.05.

Grade	Connecticut Average Hispanic Reading Scale Score	National Public Average Hispanic Reading Scale Score	Significantly Different from National Average?
4	209.39	206.51	No
8	255.95	254.65	No

140. Based on 2013 NAEP math data, the following table sets forth Connecticut's average scale score for black students, the corresponding national public average for black students, and whether Connecticut's average for black students is significantly different from the national public average for black students at a significance level of 0.05.

Grade	Connecticut Average Black Math Scale Score	National Public Average Black Math Scale Score	Significantly Different from National Average?
4	219.06	224.46	Yes
8	260.43	262.73	No

141. Based on 2013 NAEP reading data, the following table sets forth Connecticut's average scale score for black students, the corresponding national public average for black students, and whether Connecticut's average for black students is significantly different from the national public average for black students at a significance level of 0.05.

Grade	Connecticut Average Black Reading Scale Score	National Public Average Black Reading Scale Score	Significantly Different from National Average?
4	207.82	205.13	No
8	256.36	249.57	No

142. The dropout rates of New England member states by economic status, as reported by the New England Secondary School Consortium's Common Data Project are set forth in the table below.

State	2012 Dropout Rate	Difference	2013 Dropout Rate	Difference
Connecticut				
Economically Disadvantaged Students	19.7%	15.7%	18.4%	15.2%
Non-ED Students	4.0%		3.2%	
Maine				
Economically Disadvantaged Students	17.0%	12.5%	15.5%	12.2%
Non-ED Students	4.5%		3.3%	
New Hampshire				
Economically Disadvantaged Students	11.1%	7.5%	10.6%	7.4%
Non-ED Students	3.6%		3.2%	
Rhode Island				
Economically Disadvantaged Students	14.5%	11.2%	12.3%	9.8%
Non-ED Students	3.3%		2.5%	
Vermont				
Economically	16.8%	12.8%	18%	14.5%

State	2012 Dropout Rate	Difference	2013 Dropout Rate	Difference
Disadvantaged Students				
Non-ED Students	4.0%		3.5%	
NESSC (Median range)				
Economically Disadvantaged Students	16.8%	13.2%	15.5%	12.3%
Non-ED Students	3.6%		3.2%	

143. Based on 2015 NAEP math data, the following table sets forth Connecticut's average scale score for FRPL students, the corresponding national public average for FRPL students, and whether Connecticut's average for FRPL students was statistically significantly different from the national public average for FRPL students at a significance level of 0.05.

Grade	Connecticut Average FRPL Math Scale Score	National Public Average FRPL Math Scale Score	Significantly Different from National Average?
4	223	229	Yes
8	261	268	Yes

144. Based on 2015 NAEP math data for Grade 4 FRPL students, and using a significance level of 0.05, 40 jurisdictions' average scale scores for FRPL Grade 4 math were higher than Connecticut's as a matter of statistical significance, 10 jurisdictions' average FRPL Grade 4 scale scores were not different from Connecticut's as a matter of statistical significance, and 0 jurisdictions' average FRPL Grade 4 scale scores were lower than Connecticut's as a matter of statistical significance.

145. Based on 2015 NAEP math data for Grade 4 FRPL students, and using a significance level of 0.05, the 40 jurisdictions whose average scale scores for FRPL Grade 4 math were significantly higher than Connecticut's as a matter of statistical significance were Indiana, Wyoming, New Hampshire, Massachusetts, Florida,

Texas, Minnesota, North Carolina, Kentucky, Virginia, Maine, Oklahoma, Tennessee, North Dakota, Washington (state), Vermont, Nebraska, Montana, Iowa, Kansas, Utah, New Jersey, West Virginia, Oregon, Idaho, Ohio, Arkansas, Missouri, Delaware, Pennsylvania, Wisconsin, South Dakota, Hawaii, South Carolina, Mississippi, Arizona, New York, Louisiana, Colorado, and Georgia.

146. Based on 2015 NAEP math data for Grade 4 FRPL students, the following jurisdictions had the five lowest average scale scores for FRPL students as measured by absolute scale score averages rather than statistical significance: Connecticut (223); Michigan (223), Alabama (223), District of Columbia (222); and California (221).

147. Based on 2015 NAEP math data for Grade 8 FRPL students, and using a significance level of 0.05, 32 jurisdictions' average scale scores for FRPL Grade 8 math were significantly higher than Connecticut's as a matter of statistical significance, 16 jurisdictions' average scale scores for FRPL Grade 8 math were not different from Connecticut as a matter of statistical significance, and 2 jurisdictions' average scale scores for FRPL Grade 8 math were significantly lower than Connecticut's average scale scores as a matter of statistical significance.

148. Based on 2015 NAEP math data for Grade 8 FRPL students, and using a significance level of 0.05, the 32 jurisdictions whose average scale scores for FRPL Grade 8 math were significantly higher than Connecticut's as a matter of statistical significance were Massachusetts, Vermont, Montana, New Hampshire, Minnesota, Indiana, Texas, Wyoming, Arizona, Maine, Washington, Idaho, Kansas, Oregon, North Dakota, New York, Utah, South Dakota, Nebraska, Iowa, New Jersey, Ohio, Virginia, Hawaii, Illinois, Wisconsin, Colorado, North Carolina, Kentucky, Georgia, Delaware, and Rhode Island.

149. Based on 2015 NAEP math data for Grade 8 FRPL students, the following jurisdictions had the lowest average scale scores for FRPL students as measured by absolute scale score averages rather than statistical significance: Connecticut (261); Louisiana (260); Alabama (254), and the District of Columbia (254).

3. High School Graduation Facts

150. State law guides local districts in establishing their high school graduation policies. General Statutes § 10-223a (b) provides in relevant part that "each local and regional board of education shall specify the basic skills necessary for graduation . . . and include a process to assess a student's level of competency in such skills. The assessment criteria shall include, but not be exclusively based on, the results of the mastery examination, in section 10-14n, for students in grade ten or eleven. Each local and regional board of education shall identify a course of study for those students who have not successfully completed the assessment criteria to assist such students to reach a satisfactory level of competency prior to graduation." General

Statutes § 10-223a (b).

151. General Statutes § 10-14n provides in relevant part that the "mastery examination" means "an examination or examinations, approved by the State Board of Education, that measure essential and grade-appropriate skills in reading, writing, mathematics or science." General Statutes § 10-14n.

152. General Statutes § 10-14n (e) provides that "No public school may require achievement of a satisfactory score on a mastery examination, or any subsequent retest on a component of such examination as the sole criterion of promotion or graduation." Thus, satisfactory completion of the mastery examination is part of, but not solely, what a local district must consider in the construction of its local graduation requirements.

153. The current mastery examination referenced in sections 10-223a and 10-14n is the SAT.

154. Neither §§ 10-223a nor 10-14n provide for a minimal required score on the mastery examination in order for a student to graduate. The legislation provides that there will be a mastery examination, and that the board adopts the particular examination, but that it is up to the local districts to set a minimum score on the mastery examination in order for a student to graduate.

155. Prior to July 1, 2013, the mastery examination for high school was the CAPT, administered in grade 10. For the 2013-14 and 2014-15 school years, the high school level mastery examination for reading, writing and mathematics was the SBAC, administered in grade 11, and the CAPT for science, administered in grade 10.

156. In the 2013-14 school year, the SBAC assessment was given as a field test only, so results were not available. Therefore, the baseline year for the SBAC assessment is 2014-15. In 2015-16, the high school level mastery examination for reading, writing and mathematics was changed from the SBAC to the SAT, administered in grade 11, and was again the CAPT for science, administered in grade 10.

157. The department has provided model high school graduation policies to districts that it distributed to all superintendents in the state and makes publicly available on its website. The Connecticut Association of Boards of Education (CABE), a CCJEF member, also develops model policies for districts. The department has worked directly with CABE to develop model policies for boards of education in the area of local graduation requirements.

158. In accordance with § 10-223a (b), the department has set up achievement levels on the mastery examinations that can be used by local districts. For example, local districts decided whether "a satisfactory level of basic skills competency" on the

CAPT test was either at goal or proficiency, based on guidance from the department's achievement level descriptors. Under the SBAC test, the desired achievement level was level 3. The achievement level descriptor for grade 11 stated that "students performing at [level 3] are on track for likely success in rigorous high school coursework and entry level, credit-bearing college coursework or career training." Through such descriptors, the department conveys its expected level of performance to all districts. Achievement levels on the redesigned SAT, which was used for the first time in 2015-16, have not yet been established. Setting these standards first requires review and use of the SAT results from 2015-16. Once that occurs, the SAT will also become part of the Next Generation Accountability System.

159. Under § 10-223a (b), where a student does not meet whatever satisfactory level of competency on a mastery examination a school district chooses to adopt, other ways of demonstrating competency prior to graduation can be used. For example, in New Britain during Sharon Locke's tenure as Chief Academic Officer, ending in 2013-14, if a student scored basic or below basic on the CAPT test, that student could take an alternative assessment that New Britain created in-district. Or if a student had an individualized education plan (IEP), that student could do a portfolio presentation or demonstrate proficiency in some other way. New Britain would offer intervention classes for students below proficient at high school level. Students would also continue to take the in-house performance measure until they demonstrated mastery. The in-house test used the constructs of the CAPT assessment. Students could also demonstrate mastery on the SAT test. Similarly, in East Hartford, if a student did not reach proficiency on the CAPT, he/she would take an additional class and could earn proficiency through successful completion of that class.

160. General Statutes §§ 10-221a (a)-(e) sets high school graduation requirements related to the completion of credits. For example, §§ 10-221a (b) and (c) set the requirements for credit completion for classes graduating from 2004 to 2020, and 2021 and thereafter, respectively. In 2021, the graduation standards will increase from 20 to 25 credits, with more specificity as to the composition of those credits.

161. While the current minimum requirement is 20 credits, some districts have a tiered credit system. In Windham, for example, students need to complete at a minimum 21 credits to graduate. Students can also complete 25 credits to graduate with distinction.

162. General Statutes § 10-221a (d) provides that "Commencing with classes graduating in 2021, and for each graduating class thereafter, local and regional boards of education shall provide adequate student support and remedial services for students beginning in grade seven. Such student support and remedial services shall provide alternate means for a student to complete any of the high school graduation requirements or end of the school year examinations described in subsection (c) of this section, if such student is unable to satisfactorily complete any of the required courses or exams. Such student support and remedial services shall include, but not

be limited to, (1) allowing students to retake courses in summer school or through an on-line course; (2) allowing students to enroll in a class offered at a constituent unit of the state system of higher education, as defined in section 10a-1, pursuant to subdivision (4) of subsection (g) of this section; (3) allowing students who received a failing score, as determined by the Commissioner of Education, on an end of the school year exam to take an alternate form of the exam; and (4) allowing those students whose individualized education programs state that such students are eligible for an alternate assessment to demonstrate competency on any of the five core courses through success on such alternate assessment."

163. In 2013, legislation was passed that allows school districts to move toward a "mastery-based diploma," where students can accumulate credits based on demonstrations of competencies rather than on the number of hours that they spend in class. General Statutes § 10-221a (f) provides in relevant part that "Determination of eligible credits shall be at the discretion of the local or regional board of education, provided the primary focus of the curriculum of eligible credits corresponds directly to the subject matter of the specified course requirements. . . . For purposes of this section, a credit shall consist of not less than the equivalent of a forty-minute class period for each school day of a school year except for a credit or part of a credit toward high school graduation earned (1) at an institution accredited by the Board of Regents for Higher Education or Office of Higher Education or regionally accredited, (2) through on-line coursework that is in accordance with a policy adopted pursuant to subsection (g) of this section, or (3) through a demonstration of mastery based on competency and performance standards, in accordance with guidelines adopted by the State Board of Education."

164. Under General Statutes § 10-221a (f), in June, 2015, the Connecticut State Board of Education (the board) adopted a set of guidelines for school districts that are permissively moving toward a mastery-based credentialing system. Currently there are about twenty high schools in Connecticut that utilize mastery-based credentialing, including schools in New Haven (including a Commissioner's Network school) and Windsor Locks, both Alliance Districts.

165. The board guidelines on mastery-based learning are designed to support local decisions regarding policy, practice and community engagement. The guidelines are developed so that student expectations for mastery-based learning align with state content standards. They also include provisions for multiple pathways for learning and local accountability for the implementation of equitable learning for all students. Under the guidelines, students must demonstrate mastery in order to advance. The intent is to create increased flexibility for students, teachers, schools, districts and their communities to design and individualize learning in alignment with state content standards and frameworks. The standards are objective in each content area. Additionally, the department will develop a series of resources for local use and distribute these resources in multiple ways including using a website. The department also has a staff member dedicated to mastery-based learning.

166. For a state-issued high school diploma, the department uses an objective measure, *i.e.*, the General Educational Development (GED) exam and its objectively established passing standards, to determine the student eligibility for a high school diploma.

167. In 2010, the board adopted the Common Core State Standards (CCSS) in English Language Arts and Mathematics. In 2015, the board adopted the Next Generation Science Standards (NGSS). As a result, the state has (1) set more rigorous curricular standards focused on college and career readiness (Common Core State Standards and Next Generation Science Standards), (2) aligned mastery examinations to those more rigorous standards (SBAC, redesigned SAT, and CAPT in science), and (3) set or will be setting (in the summer of 2016) achievement level goals for those examinations (level 3 for SBAC, proficiency or goal for CAPT, and SAT levels to be set in summer 2016). The state has also provided substantial support and guidance to districts, and devoted considerable financial resources to assist districts in implementing the new standards and tests.

168. Like the old standards and tests, the new standards and tests provide information the state uses to focus additional resources in school districts. The standards and tests do not determine student graduation or promotion or currently have any required role in teacher evaluation.

169. General Statutes § 10-223g requires school districts with dropout rates of 8% or more establish online credit recovery programs and also requires each school in the district to designate an online credit recovery coordinator.

170. No one in the department has responsibility for evaluating the statutorily required online credit-recovery programs.

171. The increase in online credit-recovery courses allows students who are behind on credits to catch up and graduate through programs that are not as rigorous and do not have the same standards as traditional coursework.

172. As department commissioner Dianna Wentzell and deputy commissioner Ellen Cohn testified, one reason Connecticut moved in 2010 to reform academic standards was concern that high school graduates were not prepared for adult life after high school.

173. Contrasts between very low SAT college and career ready scores and high graduation rates exist in poor communities across the state:

Municipality	Most recent graduation rate %	SAT college & career ready %	Graduating but not ready %
Bridgeport	71.5%	10%	61.5%
Danbury	78.1%	34%	44.1%
East Hartford	78.3%	20%	58.3%
Hartford	71.5%	8%	63.5%
New Britain	63.6%	25%	38.6%
New Haven	75.5%	11%	64.5%
New London	71.1%	16%	55.1%
Waterbury	67.9%	15%	52.9%
Windham	81.7%	34%	47.7%

174. While there is some gap in most communities, it is pretty small in Connecticut's wealthier towns:

Municipality	Most recent graduation rate %	SAT college & career ready %	Graduating but not ready %
Darien	96.7%	86%	10.7%
New Canaan	98.4%	83%	15.4%
Ridgefield	97.6%	78%	19.6%
Weston	97.2%	83%	14.2%
Westport	97.8%	84%	13.8%
Wilton	97%	81%	16%
Greenwich	95.1%	69%	26.1%

175. According to the state's statistics, more than 70% of impoverished students in the state's public higher education system and 70% of all Connecticut community college students must be taught basic literacy and numeracy skills. Public Act 14-217, § 209 (b) now requires these schools to embed remedial work in credit-bearing courses rather than in stand-alone remedial courses.

176. As the state's chief education performance officer, Ajit Gopalakrishnan, testified, the higher education remediation rates show that the state's high schools are graduating students unprepared for higher education.

177. In 2014, the statewide graduation rate increased 1.5 points to 87.0 percent-up for a total 5.2 points since 2010.

178. In 2014, black, Hispanic, and FRPL students continued to outpace the statewide average yearly increase in graduation rates at 2.9 points, 3.8 points, and 3.8 points, respectively. Over the last four years, graduation rates increased by nearly 10 points for black students, by 10 points for Hispanic students, and by 13.2 points for low-income students.

179. The Educational Reform Districts, a subset of the Alliance Districts constituting the 10 lowest performing in the state, showed a 2.5-point gain as compared with 2013. New Haven Public Schools, an educational reform district, increased 13 points since 2010 to a 75.5 percent graduation rate in 2014.

180. The graduation rate gap between black students and white students decreased to a 13.6- point gap-down from 20 points in 2010. Overall, the gap has decreased 6.4 points since 2010. That's a gap closure of 31.8 percent.

181. The graduation rate gap between Hispanic students and white students decreased to an 18.3-point gap-down from 24.7 points in 2010. Overall, the gap decreased 6.4 points since 2010. That's a gap closure of 26.1 percent.

182. Using FRPL eligibility as an indicator of family wealth, the graduation rate gap between low-income students and their more affluent peers decreased to a 17.9-point gap-down from 25.7 points in 2010. Overall, the gap decreased by 7.8 points since 2010. That's a gap closure of 30.2 percent.

183. Rising graduation rates may not reflect that more students are prepared academically at the time of graduation or have met the appropriate standards for graduation.

184. From 2004 through 2010, 41% of high school graduates in Connecticut completed a postsecondary degree.

185. Commissioner Wentzell admitted that the need for postsecondary school remediation classes is a concern because it shows that some Connecticut public school graduates are not college and career ready.

186. Department Chief Performance Officer Gopalakrishnan admitted that the data shows that the state is graduating high school students unprepared for higher education.

187. In 2014, the Preschool Through Grade Twenty WorkForce Information Network (P20 WIN) evaluated postsecondary outcomes achieved by the high school graduation cohort of 2010 in Connecticut's State University and Community College systems.

188. P20WIN found that 48% of the students from the 2010 graduating cohort who enrolled in the State's University and Community College systems were enrolled in remedial coursework. The numbers of students with some remediation were much higher for students who were part of a subgroup: 77% for ELs; 74% for students with disabilities; 71% for students eligible for free lunch; and 64% for students eligible for reduced lunch.

189. Department Commissioner Wentzell admitted that close to 70 percent of Connecticut public school graduates enrolled in community colleges require remediation in reading or math.

190. The High School Graduation Task Force, of which Commissioner Wentzell was a

member, concluded "that the 2021 graduation requirements are in urgent need of a major overhaul in order to align well with the objective of every student meeting the [the board's] Standards."

191. The Report of the High School Graduation Task Force states that the 2021 graduation requirements "must clearly specify what have come to be known as 21st Century Skills: skills students must acquire in order to be successful from graduation after high school whether they pursue further academic education, education for a specific career or enter the world of work." It called for new standards to have "rigor" and "alignment." It spoke mostly in generalities, and while it said "mastery" is more important than "seat time," it suggested *weakening* year-end mastery tests expected to acquire force in 2020. The report never suggested any way students should be required to show they have mastered high school material. The report said, "the task force wishes to make it very clear that it is not denigrating the importance of acquiring academic knowledge and skills . . . . ."

192. The state dedicated $8M in 2012-13 and $6M each subsequent year for implementation of the Common Core State Standards (CCSS). That investment included professional development, the CCSS website, and direct funding to districts for implementing CCSS in their schools. Districts are also using Alliance District funding for CCSS implementation. The state has also provided substantial funding in technology grants to help districts align their technology to the CCSS, SBAC and redesigned SAT.

193. The department also provides professional development to districts for implementation of the Next Generation Science Standards. Regional Educational Service Centers (RESCs) also provide professional development for CCSS curriculum development that has informed the work of districts, including Danbury and Windham. Teachers in Alliance Districts can attend the department's CCSS trainings for free. Alliance District funding has also been used to purchase supplies, instructional materials and technology aligned to the CCSS.

194. The department has a fully dedicated staff member for NGSS assessments and another for NGSS implementation. The department has also contracted with the CT Science Center to develop professional development to train teachers, sample curriculum units and lessons, and perform tasks.

195. The department also provides supports to districts regarding standardized assessment testing and technology training for tests such as the SBAC and SAT.

196. The SBAC and newly redesigned SAT tests are designed to align with the more rigorous CCSS.

197. As part of establishing the SAT as the mastery examination for 11th graders, all

students are afforded free access to the examination and can benefit from the information and supports that accompany the examination which encourage students to think about college. The state also offers free SAT preparation classes for students through a partnership with Khan Academy.

198. The state also pays for the universal administration of the PSAT in the Alliance Districts. The PSAT offers predictive information relative to AP potential. The department sends letters to individual students who achieve a certain score on the PSAT encouraging them to ask their schools and districts about the availability of AP courses.

199. Connecticut's Next Generation Accountability System (NextGen system) publishes Information on school performance and is an indicator of whether students have been served well by their district. It helps inform the state about the need to support or intervene in local school districts.

200. The NextGen system and its supports are a way in which the state provides information related to whether the state is graduating students who are prepared for college or career. The system gives weight to high school graduation rates but weighs mastery related factors significantly higher.

201. The NextGen system looks at graduation in two ways -- one is the 4-year rate; the other is the 6-year rate for high needs students. Both the 4- and 6-year rates are weighted equally. The 4-year graduation rate (indicator 8) is weighted at 100, which is only 8% of the total index for a given school or district. The 6-year graduation rate for high needs students (indicator 9) is also weighted at 100, which encourages districts to retain and reengage high needs students to ensure that they are ready academically before graduating. Despite pushback from the United States Department of Education (USDOE), the department fought hard to include the 6-year graduation rate in the NextGen system, and listened to feedback from superintendents, such as Dr. Sal Pascarella in Danbury, who wanted the 6-year rate to be part of the system because high needs students such as English learners might need more time to reach grade level.

202. Under the NextGen system, if a district's 4-year graduation rate is, for example, 70%, the district does not get 0 points for indicator 8. Instead, it would get 74.46 out of 100 points (94 is the state's 4-year graduation rate target).

203. In addition to the graduation rates themselves, the NextGen system has other indicators that emphasize academic readiness based on test-based measures; this includes the performance index for state mastery examinations (indicators 1 and 2), as well as performance on SAT/ACT/AP/IB (International Baccalaureate) exams and workplace experience (indicators 5 and 6). Indicators 5 and 6, 50 points each in the index, are for preparation for postsecondary and career readiness -- coursework and exams, respectively. So, districts are rewarded for exposing students to college and

career coursework and exams. Indicator 5, which is an opportunity access indicator, includes coursework such as AP, IB, dual enrollment coursework, career and technology education (CTE) coursework, and workplace experience "courses." Indicator 6 is for students achieving college and career readiness benchmark in assessments including SBAC 11th grade, SAT, ACT, AP and IB.

204. Additionally, Indicator 7 in the NextGen system awards points to schools and districts for the percentage of 9th grade students earning at least 5 full year credits in the year and no more than one failing grade in English, math, science or social studies.

205. The department is unaware of any school in CT where none of the students are at grade level. Under the NextGen system's recent index results, several high needs groups in focus district schools are outperforming the statewide high needs group average in one or more subjects, including 10 schools in Bridgeport, 6 schools in New Britain, 4 schools in East Hartford, and 2 schools in New London.

206. While graduation rates have increased, the state has not lowered its graduation standards. The state has never had any objective, mandatory standard and does not now.

207. Pressure to give out more high school diplomas has come from within school districts and within the culture generally, only part of that pressure comes from the influence of state and federal government. In the wake of this pressure, the state's system allows local school districts to give in to it by adopting standards loose enough to permit unready students to graduate.

208. Bridgeport superintendent Fran Rabinowitz and Windham superintendent Patricia Garcia admitted that despite their resistance this pressure has left their schools graduating students who should not be graduating. When asked by the court: "Could a functionally illiterate person get a high school degree from Bridgeport?" without hesitation, Rabinowtiz answered "Yes." She said she hoped it didn't happen often and couldn't say if it did. Both Rabinowitz and Garcia work to see that students are ready to graduate, and Superintendent Rabinowitz held back some students she believed were not using online credit recovery properly.

209. East Hartford High School's principal said his school is graduating more and better educated students today than it was ten years ago.

210. Graduation rates are up at all of Connecticut's troubled school districts but CAPT, PSAT, SAT, and secondary school remediation rates unequivocally reflect that these schools are graduating large numbers of students who are not college or career ready.

211. Most of these schools are making some forms of progress lowering absenteeism decreasing suspension rates and making in some cases modest increases in tests scores. These events don't suggest that the growing gaps between test scores and

graduation rates are going to heal themselves. These gaps are growing as test scores in troubled schools hover at very low points, worsening in some places as graduation rates continue to climb.

212. To work on compliance with new graduation requirements, Bridgeport will be establishing a high school graduation committee, comprised of Aresta Johnson, Assistant Superintendent for Secondary Schools, the district's director of guidance, a principal in the district, and other administrators, counselors and teachers in the district.

213. In its Alliance plan, Bridgeport has added additional supports, including, but not limited to, literacy and math coaches to support scientific research-based interventions (SRBI) by providing embedded professional development to teachers to improve instruction and differentiation for all students, as well as interventionists, intervention and enhancement at the elementary level, and attendance intervention officers at the high school. Bridgeport high schools have literacy interventionists available to students. Bridgeport also has literacy programs in reading, such as myOn, Wilson Just Words, and American Reading Company, and in math, such as Symphony Math. Bridgeport has also received SRBI training through the State Personnel Development Grant (SPDG), Positive Behavioral Interventions and Supports (PBIS) training through the School Climate Transformation Grant (SCTG), and additional support through the Safe Schools and Health Student Grant (SSHS), such as well-managed classroom training, which trains teachers in better responding to the social and emotional needs of children, and the hiring of three additional social workers. The well-managed classroom training is also provided to New Britain through the SSHS grant.

214. Bridgeport also uses the Ruler Program, which provides training to teachers and administrators in social and emotional support for students. This program uses private funding as well as funding through the Safe Schools and Health Students Grant, and is relatively inexpensive. As a result of this training, Bridgeport has seen attendance improving and both chronic absenteeism and out-of-school suspensions decreasing.

215. In Bridgeport, based on results from interim assessments, students are making incremental positive changes in test scores in reading and math, and showing growth in behavioral components, such as chronic absenteeism and both in- and out-of-school suspensions.

216. More recently, Bridgeport elementary students have made academic progress on Academic Improvement Measurement System Web (AIMSWeb) assessments, which is on the approved list of early reading screening tests that Priority School Districts are required to administer in grades K-3. The test reflects whether a student is on grade level for literacy and math. The AIMSWeb results show that from the winter of 2015 to the winter of 2016, across the board, for grades 1-9, the number of students scoring below the 25th percentile declined for reading fluency, comprehension and

math. The percentage of students scoring in the 50th and 75th percentiles grew. In addition to comparing scores one year to the next, the district also looked at cohort scores over time, and found in almost all cases students did better in 2016 than in 2015. Superintendent Rabinowitz said that these gains were because of a heavy emphasis on reading and math. She added, "what we can say is growth is taking place across the grades," and that "it makes sense that if students are better readers, they should perform better on other assessments that require reading."

217. Five years ago, Danbury Public Schools eliminated all "low track" courses for high school students, and instead integrated classes. As a result, there is more diversity in classes, and gains have been realized in having advanced students in the same class as struggling students for role modeling and mentoring. In Pascarella's view, these students now feel part of the culture and climate of the school by having access to all programs. If students are struggling academically, they are provided special support, which has been aided by the use of grants. Instruction is now differentiated in order to integrate the different tiers of students in the classroom. The district uses professional development to train teachers to differentiate instruction.

218. Danbury Public Schools claim they do not "socially promote," *i.e.*, do not advance students who do not earn the required credits. The EXCEL program in Danbury offers college preparation to lower income and future first generation college students. Middle school students move up to ConnCAP/Upward Bound at the high school level. Some student success has been proven in the program's retention rate and rate of attendance at four-year colleges. Alternative schools provide credit recovery options for students. See General Statutes § 10-221a (d), (f). For example, New Britain's Satellite Careers Academy is an alternative school located in a separate building from the high school that assists overaged, undercredited students to graduate.

219. High school graduates who may not have attained college level literacy may be required to take a remedial course upon entering college. This is a national phenomenon, and remediation rates tend to be higher at community colleges than at state universities.

220. In response to the remediation issue, the legislature passed Public Act 12-40, amended by Public Act 14-217, §209. This law shifted the state from a developmental remediation to a model of embedded transitional instruction, where students will receive their remedial education either embedded in college level classes, through an intensive remedial course, or via transitional programs associated with the community college structure. It also requires the Board of Regents to examine the effectiveness of the remedial coursework and how students are getting identified for the remedial coursework.

4. Primary School Facts

221. Connecticut's Office of Early Childhood (OEC) is one of only four cabinet-level state agencies in the country, including Massachusetts, Washington, and Georgia, which focus exclusively on early childhood education.

222. OEC is responsible for the delivery of services and programs that were formerly handled by five state agencies for children birth to age 5. These programs and services now reside in one of its four divisions of Early Care and Education, Licensing, Family Support, and Quality Improvement.

223. OEC has a budget of $350 million.

224. Early childhood education for 3- and 4-year olds (also known as pre-kindergarten, pre-K, or preschool) is an important component of providing adequate and equitable educational opportunities.

225. Early educational experiences in the first five years of life set the foundation for learning through the rest of a child's life. Commissioner Dr. Myra Jones-Taylor testified that the earliest years of childhood are the most important in setting children on a solid path.

226. Gaps in academic performance between groups of students based on income and race – known as achievement gaps – are strongly associated with gaps in early learning experiences and early preparation.

227. Dr. Robert Villanova, a respected former Farmington school superintendent, testified that the effects of poverty are apparent in preschool screenings and kindergarten orientation, and that students in higher-poverty districts have more students coming in with deficits that make success in the early grades challenging.

228. Dr. Eric Hanushek of Stanford University testified that there is considerable information to support the conclusion that children from disadvantaged backgrounds come to school less prepared than those from more advantaged backgrounds.

229. An analysis of results for the Kindergarten Entrance Inventory assessment by district reference groups (DRG) conducted by Plaintiffs' expert Dr. Steven Barnett showed that children in the lower socio-economic DRGs are significantly more likely to be poorly prepared at kindergarten entry than children from higher socio-economic DRGs.

230. Achievement gaps based on income and race emerge in early childhood, and increase as children go from ages three to five. Low-income children are exposed to far less language in terms of both number of words and breadth of vocabulary. This leads to gaps in vocabulary that are evident throughout the early years but

particularly by age five, as well as gaps in literacy skills, mathematics knowledge and skill, social skills, and emotional self-regulation.

231. These achievement gaps persist through subsequent elementary and secondary education. Children who begin behind when they reach kindergarten often remain behind their peers as they continue in school, even if they make progress year-over-year.

232. It is undisputed that high-quality preschool has been shown to have a large effect on closing these achievement gaps, with a large impact on the gaps at kindergarten entry and a continuing impact in later grades.

233. The achievement gap is an effect of a gap in opportunities between students in poverty and other students. Exposure to high-quality preschool experiences is a key policy to reduce that gap in opportunities, reduce the gap in achievement, and ameliorate the challenges that poverty presents for children.

234. Because they have less exposure to language, books, and other resources, children in poverty typically come to school with significant language deficits. Remedying the gap in exposure between students in poverty and other students involves preschool exposure and early interventions with students in need.

235. The department's Position Statement on Early Childhood Education states that "in order to close Connecticut's achievement gap, state- and publicly-supported early childhood programs must join forces to meet the needs of our youngest learners. All early childhood stakeholders must address the achievement gap early in order to maximize success for all students."

236. Commissioner Jones-Taylor testified that she agreed with the board's position statement, and that high-quality preschool is an important component of closing the achievement gap.

237. In 2013, Governor Dannel Malloy wrote to the federal government as part of Connecticut's unsuccessful application for Race to the Top Early Learning Challenge funding that "Connecticut's reality remains that one in four children enters Kindergarten without the skills, knowledge, and behaviors, needed to succeed — reducing their chances of reaching their educational potential and contributing to the worst achievement gap of any state in the country."

238. To the extent that low-income families cannot access a high-quality preschool program, that leads to an opportunity gap between children who have access to high-quality preschool and those who do not.

239. Dr. Robert Villanova agreed that a major part of preparing students to be college and career ready would be to begin in the early years and prepare students to enter kindergarten with the advantages that a preschool experience provides.

240. State experts Dr. Eric Hanushek and Dr. Richard Seder both agreed that the research shows positive benefits from preschool for low-income or minority students.

241. Hanushek agreed that preschool would rank highly among efforts to improve student performance, and that it would "make sense" to have more preschool programs for students in poverty.

242. All children benefit from a high-quality preschool experience, but there are particularly strong benefits for at-risk children such as children in poverty and English Learners.

243. Commissioner Jones-Taylor agreed that preschool is beneficial for all students.

244. High-quality preschool develops children's executive functions, which include skills like short-term memory, ability to pay attention, and ability to control emotions. These skills help to develop children's ability to learn.

245. Commissioner Jones-Taylor testified that children who attend preschool have richer language acquisition and are better able to self-regulate emotionally.

246. Children who attend high-quality preschool programs benefit academically, socio-emotionally, and physically. Benefits from a high-quality preschool program include student familiarity with letters, sounds and numbers; understanding how to write a message; understanding how to interact with non-family adults; understanding how to use language to resolve conflict; and developing large and fine motor skills.

247. There are significant differences in kindergarten readiness between children who have attended preschool and those who have not. Children who have attended preschool are more ready to access the kindergarten curriculum and are less in need of additional instruction to catch them up right from the beginning.

248. Children who enter kindergarten without having had a preschool experience often lack basic skills to function in a classroom, basic academic skills, and basic socio-emotional skills. This creates a tremendous challenge for kindergarten teachers to meet the needs of these students as well as the needs of their other students, and has a negative impact on the education for all students.

249. High-quality preschool has the effect of lowering rates of identification for special education services and lowering the rates of students being retained (held back) for one or more grades.

250. Effective preschool programs have been shown to produce a number of long-term gains, including increased achievement test scores, decreased need for special education and grade repetition, decreased behavioral problems, higher graduation and employment rates, higher lifetime earnings, reductions in involvement with the

criminal justice system, reductions in the probability of being on welfare, and improved health measures.

251. Commissioner Jones-Taylor agreed that high-quality preschool has long-term benefits, including lower rates of dependence on social services later in life, lower rates of drug addiction, lower rates of teen parenthood, and a higher likelihood of owning their own home. For society, having children attend high-quality preschool is a very good thing.

252. Characteristics of high-quality preschool programs include high-quality teachers who are knowledgeable and have the disposition to work with young children, strong leadership and supervision, continual professional development for teachers and assistant teachers, a strong developmentally appropriate curriculum, and reasonably small classes, in addition to basic health and safety of appropriate facilities.

253. High-quality programs will include the components based upon the state standards for the development of young children, which are standards for what children should know and can do prior to entering kindergarten. Those standards are important so that children arrive at kindergarten able to meet the requirements of the kindergarten standards.

254. Research has shown that two years of preschool (i.e., for ages three and four) provides greater benefits than a single year at age four.

255. Connecticut does not have in place a quality rating and improvement system (QRIS), which is a system to assist with improving the quality of programs and ultimately assessing and rating program quality. Connecticut is one of a handful of states that does not have such a system in place. Connecticut is in the process of developing and implementing the quality improvement aspect of such a system, with the rating system to come at a later (as yet unspecified) time.

256. Currently, the OEC does not itself evaluate the quality of preschool programs, but uses accreditation by the NAEYC as a proxy for quality.

257. Connecticut has engaged a national expert, Ann Mitchell, to conduct a cost-of-quality study, using a tool developed by Augenblick, Palaich & Associates and Ms. Mitchell. This is a cost study to determine, based on various inputs, what the actual cost of providing high-quality preschool is. The intention is to use this cost study to devise a standardized reimbursement rate.

258. The cost-of-quality study was not completed at the time of Commissioner Jones-Taylor's testimony, but was due to OEC by June 30, 2016.

259. Teacher compensation is a major factor in the quality of preschool programs. If teacher compensation is a community-based program is substantially lower than comparable positions in public schools, the community programs are likelier to have

difficulty retaining teachers and therefore to have a greater number of inexperienced teachers.

260. Commissioner Jones-Taylor testified that preschool teachers are an underpaid profession, particularly for teachers who have bachelor's degrees.

261. The average teacher salary for preschool teachers in School Readiness non-public school settings is $33,939, compared to $53,045 for preschool teachers in School Readiness public schools, and $71,709 for public school elementary teachers.

262. Commissioner Jones-Taylor supports requiring preschool teachers to have bachelor's degrees. She said that preschool teachers with bachelor's degrees are not necessarily better than those without them but she believed that requiring these degrees would increase respect for the work and increase pay for the teachers.

263. Connecticut has legislation that requires that half of all teachers in state-funded programs have a bachelor's degree by 2017, and all teachers in state-funded programs must have a bachelor's degree by 2020. Those deadlines have been pushed back by the legislature several times.

264. Commissioner Jones-Taylor testified that it is a challenge to attract and retain preschool teachers currently because salaries are not necessarily rising at the same pace as the requirements.

265. Connecticut's primary state funding for preschool is through the School Readiness grant program. The school readiness program is a grant program which provides funding for spaces in approved programs for eligible children in selected districts (both priority and competitive School Readiness districts).

266. School Readiness is a mixed delivery model, which means that funding can be provided for slots in community-based settings as well as public school-based settings.

267. Parents pay fees for children in School Readiness slots according to a sliding scale set by the state.

268. A smaller number of children are served through other programs, including state and federal Head Start, state and federal daycare, the Federal Preschool Development Grant, and the State Smart Start program.

269. With the exception of small numbers of students who are enrolled at school districts' costs, preschool is not counted as part of the ECS formula and state funding is not provided through the formula for preschool education.

270. School Readiness reimbursement rates are set by statute and vary depending on the type of program (full-day, school-day, party-day, or extended-day). Currently the rates are $8,924 for full-day, $6,000 for school day, $4,500 for part day, and

$2,722 for extended day.

271. The reimbursement rates are not intended to cover the full cost of providing preschool. This causes a concern for providers, and causes some providers to leave the School Readiness program and go to a fully parent-paid model.

272. As the credential requirements increase for preschool teachers, the OEC expectation is that reimbursement rates would need to rise to support increased teacher compensation. However, while there is legislation increasing the credential requirements, there is currently no legislation describing a compensation schedule or providing additional funding to support those necessary increases in reimbursement and salary.

273. New Britain could only offer part-day/part-year programs, rather than school-day/school-year programs, because of the state's reimbursement scheme. The reimbursement rates were not sufficient to support funding a school-year/school-day program.

274. A school-day/school-year program would be more beneficial for students than the part-day/part-year program.

275. After reviewing Connecticut's state-funded preschool system, plaintiffs' expert Steven Barnett recommended that Connecticut raise its standards for preschool teacher qualifications and provide appropriate compensation, meaning compensation at least comparable to people with the same qualifications in the K-12 system; reduce class size to a maximum class size of 15 from the current maximum of 20; put in place a continuous improvement system; identify barriers that may be limiting participation; and follow up with attention to the quality of education in later grades.

276. The most effective form of providing state support for preschool is to provide it to entire communities that have high-needs, rather than only students in poverty or other high-needs children within the communities. The reasons are because families may or may not move in and out of what the cutoff would be to receive support, and also because there are peer effects of having children learn from one another which are stronger when mixed groups of children attend preschool together.

277. Commissioner Jones-Taylor agreed that peer effects do exist in that children in socio-economically mixed settings perform better than children in separate settings. However, because of limited resources Connecticut has elected to pursue a model of universal access rather than universal preschool. Universal preschool is a model where any child in the state would receive state support to go to preschool, while universal access is a model where state funding only goes to support families who could not otherwise afford preschool.

278. Universal access would involve making affordable, accessible slots available for all children who need them throughout the state.

279. Connecticut does not have universal access currently because there are not enough affordable slots in programs for all children who need them. Even just considering children in poverty in high-poverty communities, there are children who do not have access.

280. According to the OEC: "A great number of children in Connecticut do not participate in preschool programs because: (1) there is not enough funding to establish spaces for all eligible children who need services; (2) market rate program tuitions are more than many low-income working families can afford; and (3) there is a lack of open preschool spaces in most communities."

281. The OEC has set as an objective of its first-ever strategic plan to provide universal access to high-quality preschool for 3- and 4-year olds statewide by 2020.

282. The objective of achieving universal access as outlined in the OEC strategic plan is aspirational because there is no specific plan in place to move towards universal access and any such plan would be dependent on whether funding is made available to provide the slots.

283. The number of spaces made available through the School Readiness program is dependent on the legislative appropriation for the program.

284. The amount of money allocated by the legislature is not determined based on the number of slots that are needed.

285. If more funding is made available for the School Readiness program, then OEC can provide more slots through the program.

286. Currently, there is not enough funding available to establish spaces for all eligible children who need services.

287. Universal access has been a goal of the state since at least 2006. The department's 2006-2011 Five-Year Comprehensive Plan for Education, adopted by the board, included universal access as its first priority.

288. The board's Five-Year Comprehensive Plan for Education states that "[t]o close the large and unacceptable gaps in achievement [in Connecticut] . . . . [a]ll students must receive a high-quality preschool education."

289. According to the board, "[t]he wide disparity in access to and the availability of high-quality preschool education is a major contributor to [the] achievement gap" between Connecticut's poorest students and their wealthier counterparts.

290. According to the board, in addition to insufficient access, "in both state- and privately supported preschool programs, a large disparity exists in preschool teachers' credentials, knowledge, and skills . . . . contribut[ing] significantly to the

uneven preparation of young children and the resulting achievement gap."

291. The Achievement Gap Task Force, a legislative task force, recommended phasing in a system to provide School Readiness to all eligible children in its 2011 Report, and recommended providing full-day/full-year high-quality preschool for all low-income children in its 2014 Master Plan to Eliminate the Achievement Gap.

292. In 2014, the Governor announced a plan to add School Readiness slots to move Connecticut to universal access by fiscal year 2019 by adding 1,020 additional School Readiness slots in fiscal year 2015, 1,020 slots in fiscal year 2016, 1,021 slots in fiscal year 2017, 475 slots in fiscal year 2018, and 474 slots in fiscal year 2019.

293. The Governor's plan lasted for a single year – there were 1,020 slots added in fiscal year 2015, but no funding allocated for additional slots for fiscal years 2016 and 2017.

294. For the 2015 expansion in slots, there were more applications for slots than slots available. The OEC developed a tiered system to evaluate programs to allocate the limited resources. Preschool programs had the capacity to expand further and make additional slots available if there had been funding available to do so.

295. For the 2015 slot allocation, Bridgeport received 30% of its requested spaces, Danbury received 33%, East Hartford received 50%, New Britain received 42%, New London received 100%, and Windham received 38%.

296. Commissioner Jones-Taylor testified that the OEC is currently conducting an analysis of the unmet need for preschool in Connecticut statewide, but it does not have the results yet.

297. The OEC (and earlier, the department) has previously submitted reports to the legislature containing estimates of unmet needs for preschool in the School Readiness communities, with the most recent report submitted in 2014.

298. Both the Commissioner of the OEC and the OEC staff member who wrote the 2014 report and the prior reports testified that they believe those reports underestimate the total unmet need in the state.

299. The OEC report is based on "the estimated capacity to serve 3- and 4-year-old children across licensed center-based programs, public schools, parochial schools, charter schools and magnet schools" – not the number of children actually being served.

300. The OEC report does not accurately measure the capacity for high-quality preschool in the priority and competitive school districts because it assumes that all slots in licensed center-based programs, public schools, parochial schools, charter schools and magnet schools are high-quality, which is not necessarily the case. Therefore, the report underestimates the actual need for high-quality preschool slots

in the priority and competitive school districts.

301. According to the OEC's 2014 unmet need report, which is the most recent OEC estimation of unmet School Readiness need, there is an estimated unmet need of approximately 8,946 children in the School Readiness priority and competitive districts, which include the focus districts.

302. The OEC unmet need report used an 80% participation rate to determine unmet need, meaning the report assumed that of children not being served by a preschool program, only 80% would choose to attend a program if one were available and affordable. A higher participation rate would result in a larger estimate of unmet need.

303. In 2013, the Connecticut Health and Educational Facilities Authority (CHEFA) estimated the unmet need for subsidized preschool slots in Connecticut statewide. The CHEFA report estimated a need for 17,060 slots statewide.

304. CHEFA also conducted a determination of unmet need in 2014 related to the Smart Start program, which estimated an unmet need of 11,875 for children who are under 75% of the state median income (a standard proxy for children in poverty).

305. Commissioner Jones-Taylor testified that aside from the OEC report on School Readiness need and the two CHEFA reports, she is unaware of other estimates of unmet need for preschool.

306. Because of the lack of state funding for affordable, accessible slots, the focus districts could not provide access to high-quality preschool for all children who need it. Cost of programs, availability of open slots, and transportation are all obstacles preventing children from attending preschool programs.

307. Commissioner Jones-Taylor agreed that the children who are not receiving preschool the most are low-income children, and that there are barriers to enrolling low-income children into preschool including the cost of the programs and transportation.

308. The following table reflects the percentage of kindergartners who had any preschool experience in the focus districts, the districts in DRG A, and statewide for the last three years, as collected and reported by the department:

DISTRICT NAME	2012-13	2013-14	2014-15
New Canaan School District	99.4	90.4	100.0

DISTRICT NAME	2012-13	2013-14	2014-15
Darien School District	94.1	98.7	99.7
Weston School District	98.3	100.0	99.3
Wilton School District	98.5	96.3	98.9
Westport School District	94.8	99.2	97.7
Greenwich School District	94.5	95.8	91.9
Ridgefield School District	89.4	91.6	91.6
New Britain School District	74.1	66.6	80.8
State Average	**79.3**	**79.2**	**79.2**
Windham School District	79.7	76.9	77.5
Danbury School District	75.8	72.3	74.5
New London School District	66.2	55.9	73.0
Bethel School District	91.8	76.5	65.1
Bridgeport School District	62.5	65.9	64.5
East Hartford School District	59.2	50.4	53.9

309. In terms of the percentage of low-income children enrolled in preschool,

Connecticut is the highest ranking state in the country, and Connecticut has the highest percentage of any state of non–low-income children enrolled in preschool.

310. In 2014, Connecticut was ranked 3rd in the nation in state per pupil spending for pre-K which includes the childcare subsidy and parent fee.

311. In 2015, Connecticut was ranked 5th in the nation in state per pupil spending with the recognition of its Child Day Care Contracts as one of its state funded programs by the National Institute for Early Education Research (NIEER) and inclusion in the 2015 NIEER Yearbook. The lower ranking is because of the different funding sources for the Child Day Care Contracts compared to the School Readiness grant in that the Child Day Care Contracts do not receive all the same funding sources of the School Readiness Program such as quality enhancement grants. The funding sources of both grants taken together and divided by 2 result in the lower ranking.

312. With the inclusion of the Connecticut's Child Day Care Contracts in the 2015 NIEER Yearbook, Connecticut's access ranking for 4 year olds has risen from 29 in the 2014 NIEER Yearbook to 23 in the NIEER 2015 Yearbook. The access ranking for 3 year olds has risen from 12 to 8.

313. Florida provides universal pre-K and is ranked 3rd in the nation with regard to access for pre-K 4 year olds but serves no 3 year olds.

314. Florida offers pre-K programs for three hours a day and Connecticut offers several different dosages to meet family needs, including full day/school day, and part day spaces. These include full day/full year spaces for ten hours a day, fifty weeks a year; school day/school year for six hours a day, five days a week, 180 days a year; part day spaces for 2 ½ hours a day, 5 days a week, 180 days a year and extended day programs.

315. Florida offers universal pre-K and spent $2,238 per child in 2014 and $2,304 per child in 2015.

316. Among Connecticut's state-funded pre-K programs are the Child Day Contracts which are the oldest, created in the 1960s as part of President Lyndon Johnson's war on poverty, for which the state pays 54 % of the total allocation in the amount of $10,473,088 and serves 1,482 children. The program can only enroll children of families whose income falls below 75% of the State Median Income.

317. Connecticut's Child Day Care Contracts have been recognized by NIEER of which Plaintiffs' expert witness, Dr. W. Stephen Barnett, is the Director, for inclusion in its 2015 Yearbook as one of Connecticut's state funded pre-K programs, thereby increasing the number served by Connecticut's state-funded pre-K.

318. The NIEER Yearbook is a report based on a survey of state-funded pre-school programs whose purpose is to provide comparable information across the states on state reported spending, enrollment information, the extent to which programs meet

a set of 10 benchmarks for state policies relating to quality. The benchmarks include teacher qualifications, early learning standards, class size, teacher/student ratio, and professional development.

319. Among Connecticut's state funded pre-K programs are the School Readiness Program which provides high quality pre-K to children in the 19 Priority School Districts, the highest poverty communities and the Competitive School Districts which also show signs of poverty. The program is a mixed delivery model that seeks to provide parents with choices in providing spaces in both public schools, for profit and non-profit (community) early childhood programs, Head Start and state funded day care programs. The programs serve over 12,000 children annually through state funding totaling $93.8 million.

320. Local School Readiness Councils in each school district are responsible for making recommendations to OEC regarding application/proposals from interested providers for pre-K spaces based on a preliminary funding allocation amount provided by OEC that is determined by a legislative formula. The providers are from a variety of settings including public schools, for profit and non-profit early childhood programs, Head Start and state funded day care programs. In the event the legislature authorizes an increase in School Readiness funding from the previous year, OEC reviews the applications/proposals with a view to funding spaces to which children can have immediate access, i.e., that are viable in terms of accreditation and actual physical space.

321. The School Readiness Councils are co-chaired by the Superintendent in each district and the Mayor. A liaison acts as the staff to the Council.

322. OEC provides assistance to the School Readiness Councils through monthly liaison meetings to discuss challenges faced by the communities in filling spaces as well as share forms among liaisons and allow liaisons to provide input into the design of funding proposals and the state's general policies.

323. The residency requirement for School Readiness Programs was removed recently by legislation.

324. Because of administrative failures, Bridgeport recently lost 19 approved preschool slots because they were unfilled. The slots were needed and were left unfilled because of local errors about where the slots were available along with transportation and public awareness failures.

325. Over the past six fiscal years, the funding for School Readiness grant steadily increased from $70 million for the Priority Districts and $5 million for the Competitive Districts in 2010 to $83 million for the Priority Districts and $11 million for the Competitive Districts in 2016, serving 12,263 children.

326. Quality Enhancement Grants are supplemental grants that are available to school

readiness municipalities to improve the quality and comprehensiveness of school readiness programs. The grants are awarded annually by OEC upon application by Local School Readiness Councils. More than $1.1 million of quality enhancement grants were awarded for FY16. They can be used, among other items, to help providers to obtain accreditation, provide training for directors and administrators, purchase educational equipment, provide comprehensive services, such as enhanced access to health care, parent education, literacy and parent involvement, community and home outreach programs as well as provide scholarships to advance academic degree attainment.

327. Connecticut's state funded pre-K programs also include the State Head Start supplement of $5.6 million to enhance the federal Head Start Program which promotes the school readiness of children from low income families by supporting the comprehensive development of children from birth to age 5. The state funds are used to either extend the day of a Head Start program or extend the year of a Head Start program for the 6,691 children served by the federal Head Start program.

328. Among the requirements for School Readiness programs and all state funded programs is accreditation by NAEYC or Head Start approval.

329. NAEYC accreditation is respected among accrediting bodies in terms of being the most rigorous and having the highest standards for child outcomes.

330. Plaintiff's witness Barnett considers NAEYC accreditation to be higher than other accreditations.

331. Barnett considers accreditation to be a valuable process for pre-K to go through.

332. Barnett views NAEYC accreditation as one route to higher quality.

333. Connecticut ranks third in the country in the number of pre-K programs accredited by the NAEYC, a widely respected preschool credentialing organization, after the more populous states of Massachusetts and California.

334. The State provides parents access to information on program location as well as licensing and accreditation status through its website and a call center staffed by over 100 staff by calling Childcare 211, the state Childcare and Resource Referral phone line, run by United Way of Connecticut. In addition, parents can obtain further information on NAEYC accreditation status through the link on the OEC website to the NAEYC website.

335. Beyond the phase-in requirement, OEC has provided support for meeting preschool staff education requirements through investing $2.6 million in individual scholarships for preschool teachers since 2013 and specifically $1million for FY16, a 50% increase from FY15.

336. OEC has also developed the Early Childhood Teacher Credential (ECTC) as an

alternative to the BA degree to meet the staff education qualifications and develop a pipeline of teachers that meet high standards of teacher preparation and early care settings. Eight colleges have been approved to offer the ECTC.

337. To date, 288 ECTCs have been approved.

338. Among the other requirements for state funded programs are class sizes not exceeding 20 although OEC recommends class size not to exceed 18 and a teacher/child ratio of 1 to 9. In addition, 9 hours of professional development are required a year.

339. Access to pre-K for low-income children has been expanded in the public schools through the Smart Start program with the addition of 581 slots in public schools for the 2015/2016 school year and the same for the upcoming 2016/2017 school year. Boards of education must demonstrate an unmet need for low-income children and allocate at least 60% of the slots to children of families who are at or below 75% of the state median income, or 50% of the slots to children who are eligible for free and reduced price lunches. This program provides a grant to school districts for a portion of operating costs; up to 75,000 per classroom which equates to $5,000 per child for 15 children awarded annually for up to 10 years, and capital improvements; up to $300,000 as a one- time award for up to four classrooms following the same formula. The program was intentionally designed by the Legislature to incentivize public schools to provide pre-K by not covering the full operating costs with the expectation that the District pay for the differential.

340. There have been 2 cohorts of funding for the Smart Start program awarded to 18 districts totaling $1,923,350 for operations and $1,587,955 for capital improvements for the FY 16 and $899,073 for operations and $1,218,405 for capital improvements for the FY 17.

341. The amount that a district has to cover under the Smart Start program is based on the difference between the amount of reimbursement for a school day/school year space in the School Readiness Program, $6,000 per child, and the amount received under the grant, $5,000 per child, the district then covering $1,000 per child and any other costs to run the program above and beyond the $1,000 difference in reimbursement between the School Readiness and Smart Start funding.

342. Additional funds for Smart Start are available for FY 17. OEC has done outreach to encourage public schools to apply.

343. The locations of the various state funded pre-K programs are evenly split throughout the state; 85 towns having a state-funded site and the other 84 towns having none.

344. Access to pre-K has also been expanded through the federal Pre-School Development Grant (PDG). The grant was awarded to Connecticut, as one of 18 states, in December 2014 in the amount of $10,844,079 for the first of the 4 year,

47.5 million grant. The purpose of the grant is to expand and improve high quality pre-K spaces for four year olds whose families earn under 200% of the federal poverty line. It includes comprehensive services, including dental, health, nutrition screening, and mental health services as well as rigorous professional development that might be expanded to School Readiness providers and Child Daycare contract providers. OEC is seeking funding for the next year of the PDG, having been briefed by the department in Washington, D.C. that the first year recipients will have priority for the second year.

345. The first year of the PDG grant for FY 16 funded 712 spaces and includes both expansion (new) (428) and improvement spaces (for a longer period of time) (248). In order to honor Connecticut's mixed delivery system, the recipients included 19 public schools and 19 community-based provider sites (including 10 Head Start provider sites), offering either school/day school year or full day/full year spaces.

346. Since the PDG grant is limited to four year olds, the state supplemented the grant through quality enhancement funds in the amount of $456,411 to provide 112 spaces for three year olds to ensure diversity of age.

347. In an effort to address Bridgeport's unmet need, Bridgeport was the only Priority District allowed to apply for the PDG. Otherwise, the recipients were the Competitive School Districts which typically do not receive the slots they need.

348. Bridgeport received funding for 270 spaces and 18 classrooms though the first year of the PDG grant for a total of $4,008,350.

349. Bridgeport also received $215,259 in quality enhancement funds through the PDG grant for FY 16 to support spaces and comprehensive services for ineligible children under the grant because of their age and income requirements.

350. Minor Capital Improvement Grants are available for individual state funded programs to improve existing facilities, including security systems, playgrounds improvements, HVAC systems, roofs, windows, sinks etc.

351. Minor Capital Improvement Bond Funds were awarded in three cohorts in 2013, 2014 and 2015 in the amounts of $5,601,232, $2,475,396, and $7,454,986 respectively for a total of $15.7 million.

352. Of those bond funds, Bridgeport received $1,093,279, $497,170 and $679,995 respectively for the three years for a total of $2,270,444. New Britain received $272,000, $70,000, and 190,000 respectively for the three years for a total of $532,000. New London received $292,000, $54,494, and $178,510 respectively for the three years for a total of $525,004. Danbury received $50,000, $41,885 and $318,742 respectively for the three years for a total of $410,627. Plainfield received $81,902 for the third year.

353. The School Facilities Construction Grant Program provides a 5% increase in the reimbursement rates to any district or regional school district for any new building or expansion of an existing building for an elementary school that includes space for an early childhood program for the portion of the building where the program is located.

354. The School Facilities Construction Grant Program provides a 10% increase in the reimbursement rates to any district or regional school district for full day kindergarten programs and full day preschool programs for the portion of the building where the program is located.

355. In fiscal year 2016 roughly $2.1 million in School Readiness funds, $1.8 million in CDCs funds and $400,000 in federal Preschool Development Grant were not spent.

356. To keep slots filled, local School Readiness Councils must be proactive given that they know their allotment every July and need to have good connections and relationships in the community with the providers to communicate with parents to fill the Pre-K spaces.

357. The same issue applies in preschool expansion years which require planning time between May when the expansion proposal is announced and July when the budget is passed.

358. To address the issue of unspent funds, OEC contacts local School Readiness Councils in October following the availability of School Readiness funds in July to determine chronically unfilled slots. The Councils are asked to come up with a plan to fill the spots quickly. If the spots are not filled by November, the spots are redistributed to other communities that have a need and the capacity to fill them.

359. Bridgeport is one of three districts that historically have unspent funds. The other 2 districts are Hartford and Waterbury. For FY 15, Bridgeport and Waterbury each had over a half million dollars of unspent funds while Hartford had over $1 million. As of February 2016 before the final tally of unspent funds in May 2016 for FY 16, Bridgeport and Waterbury each had over $430,000 of unspent funds and Hartford had $650,579.

360. For FY 15, the following are the amounts of unspent funds for Danbury- $170,600, East Hartford-116,800, New Britain-$3,613, New London-$97,560, and Windham-$94,280. The following are the amount of unspent funds for FY 16 as of February 2016 before the final tally of unspent funds in May 2016: Danbury-$39,984, East Hartford-$40,901, New Britain-$14,793, New London-$23,349, and Windham-$68,171.

361. New Britain maxed out the number of its preschool providers receiving School Readiness funding through a cooperative venture between community providers and the board By the 2011/12 school year, every preschool provider in New Britain was recipients of the School Readiness grant except for the parochial schools and the

cooperative nursery school. Shortly, thereafter, one of the parochial schools became a recipient of School Readiness funding.

362. Among OEC initiatives is one to improve the child care licensing system to ensure basic health and safety as the foundation to early care and education. This initiative included the drafting of a standardized procedure manual and the hiring of 17 new licensing staff to conduct annual inspections of child care programs.

363. Among OEC initiatives is the development of an integrated home visiting system and a universal screening for development delays.

364. Among OEC initiatives is the development of an early childhood data system, the Early Childhood Information System (ECIS) to provide data on how children from birth to age five are being served or the constellation of state services children are receiving whether through early intervention, home visiting services, pre-K etc. It will provide an unduplicated count of children who are receiving services through the assignment of a state assigned student identification number (SASID) number that a child will have through grade 12. Among the benefits specific to pre-K is the tracking of program funding to determine how programs fund slots through parent fee or subsidy. Together with the new unmet need report, it will allow for integrating the pre-K services to target the need.

365. Among OEC initiatives is the development of the Early Learning and Development Standards of what children should know and be able to do from birth to age five. Curriculum will be tied to these standards.

366. As part of a seven state consortium through a $4.9 million grant, OEC has developed a new Kindergarten Entrance Inventory (KEI) based on an informative assessment for Kindergarten children that will be administered by the department.

367. The Pre-K-Grade 3 Leadership Program is a yearlong program developed jointly by OEC and the University of Connecticut NEAG School of Education to train administrators, including principals and superintendents, as well as lead teachers, community provider directors, special education providers on curriculum and instruction, assessment and evaluation for early child development from pre-K through Grade 3. The program is funded by OEC in the amount of $320,000 for two cohorts, Cohort 1, July 2015-May 2016 having ended and Cohort II, July 2016-May 2017, presently taking place. OEC offers grants of $1500 per participant to defray the tuition cost. Districts across the state have participated, including the Plaintiffs' focus districts, specifically the Preschool Coordinator, School Readiness Coordinator, and Instructional Kindergarten Coach for New Britain, the Director of Early Childhood and the Executive Director of Elementary Education for Bridgeport, the Assistant Superintendent and a principal for East Hartford.

368. Of the 169 School districts in Connecticut, 143 Districts offer full day kindergarten. In addition, 13 charter schools and 14 magnet schools offer full day kindergarten.

369. The percentage of children enrolled in full-day kindergarten in Connecticut has increased in the past 4 years to 94.2% for the 2014/15 school year.

5. Teacher Compensation and Evaluation

370. In 2012, with the department's blessing in collaboration with the Performance Evaluation Advisory Council (PEAC), the board adopted the Connecticut Guidelines for Educator Evaluation.

371. "The primary goal of the educator evaluation and support system is to strengthen individual and collective practices so as to increase student learning and development." The system does not achieve this goal.

372. The guidelines require that in all cases the primary evaluator for a teacher be certified as an administrator.

373. Connecticut's System for Educator Evaluation and Development (SEED) is the state's model for teacher evaluation which serves as "a model evaluation and support system that is aligned to the Connecticut Guidelines for Educator Evaluation."

374. If a Connecticut public school district does not use the SEED model, it must use a department approved evaluation plan aligned to the Connecticut Guidelines for Educator Evaluation.

375. The SEED model was implemented in Connecticut public school districts by the 2014-15 school year.

376. The SEED model, and any department approved district evaluation system aligned to the Guidelines for Educator Evaluation, includes four components: (1) student growth and development, (2) teacher performance and practice, (3) parent feedback and (4) whole-school student learning indicators or student feedback.

377. Scores from each of the four components are combined to produce a summative performance rating designation of (1) exemplary, (2) proficient, (3) developing or (4) below standard.

378. The exemplary performance level is defined as substantially exceeding indicators of performance.

379. The proficient performance level is defined as meeting indicators of performance.

380. The developing performance level is defined as meeting some indicators of performance but not others.

381. The below standard performance level is defined as not meeting indicators of performance.

382. A majority of an educator's evaluation is based on subjective components.

383. The state's standard as represented in the PEAC adopted guidelines is virtually empty since it allows schools essentially to construct the same entirely subjective system that has produced results showing almost no room from improvement in Connecticut teachers.

384. Under the guidelines, half of the evaluation is supposed to be on teacher practices and skills. This half is subjective and is akin to the traditional system where ultimately a principal watches a teacher at work and files an evaluation. The remaining 10% of the first half is an equally subjective but highly limited role for parent or peer evaluation surveys.

385. The evaluation's second half is designed to address the federal requirements about connecting teacher performance evaluations with student learning. It says its focus is "student outcome indicators." Measures of student achievement were supposed to make up 22.5% of a teacher's evaluation. One half of this—a mere 11.25% of a teacher's evaluation —was to be linked to growth rates in the state's carefully wrought system of student testing.

386. The other 11.25% addressing "outcome indicators" is illusory. First, the state allows schools to use any "standard indicator" or any "non-standardized indicator." Second, the teacher has to agree to use it at all and then the teacher and the evaluator have to agree what weight to give a standardized indicator and what weight to give the "non-standardized indictor." The only guidance about what this means is that it's supposed to be "fair, reliable, valid and useful" or at least be so "to the greatest extent possible." It doesn't really *require* anything at all.

387. After adopting the standard, the department granted nearly two dozen waivers to school systems that do not want to follow the guidelines. In 2014, the state eliminated the 11.25% that was supposed to be based on the state's official test scores, citing the advent of the new SBAC testing system as a justification. The suggestion is that it will be imposed later. The remainder of the student outcome indicators—5%-- can optionally be student input or "whole-school student learning indicators."

388. As noted by defendants' expert witness Dr. Eric Hanushek, local control over educator evaluations is ineffective because nationally 97% of teachers are rated as being perfect, which is not accurate.

389. Connecticut Educator Evaluation Data for 2014-15 indicates that 98% of teachers evaluated received summative performance ratings of exemplary or proficient.

390. Superintendent Rabinowitz was deeply dissatisfied with the current teacher evaluation system and how it deals with growth in test scores particularly the fact that the growth rates have to be agreed on by the teacher and can be changed in the middle of the year. She blamed this flaw for yielding what she believed were dishonest and, therefore useless, evaluations for Bridgeport teachers. She believes the evaluation system together with the rules governing the hiring and firing of teachers keep her from weeding out bad teachers and promoting good ones.

391. The quality of teachers is the single most important school-related factor affecting student achievement.

392. The hiring and retention of teachers for a particular district or school is dependent on a number of factors, including quality of leadership, working conditions, student demographics, and salary.

393. The comparative financial attraction of other occupations in business, science and engineering has made it harder to attract teachers in math and science.

394. Potential entrants to the teaching profession – especially women – have relatively better economic options in other fields today than in past generations.

395. Teachers are attracted to districts based on community connections, school leadership and working conditions. Pay is significant, but it is not the highest factor. This leads many away from high-poverty with lower-achieving students.

396. In order to address this preference, schools and districts with higher poverty, higher numbers of minority students, lower-achieving students, and more difficult working conditions would significantly improve their attraction by paying a wage premium in terms of higher salaries in order to attract and retain teachers.

397. As plaintiffs' fact witness, Windham's Superintendent Dr. Garcia, testified, low

salary scale in Windham poses a challenge in attracting qualified teaching staff and contributes to teacher turnover in Windham Public Schools.

398. As plaintiffs' expert witness, Interim Superintendent Rabinowitz, testified, low salary scale and difficult working conditions in Bridgeport pose a challenge to attracting and retaining quality teachers in Bridgeport Public Schools.

399. Defendants' expert witness, Dr. Villanova, agreed that districts facing challenging circumstances should have ways to encourage teachers and leaders, one of which should be compensation.

400. Defendants' expert witness, Dr. Michael Podgursky, agreed that because teachers in Connecticut are subject to collective bargaining agreements that do not permit salary reductions, the principal alternative means to lower labor costs is by reducing staff.

401. According to data maintained and reported by the department , the average salaries for superintendents, principals, general education teachers, and special education teachers for the year 2012-13 are set forth in the following table. Special Education Teacher average salaries represent the average salaries for staff whose *first assignment* was Special Education Grades 1-12.

District	Superintendent	Principal	General Education Teacher	Special Education Teacher
Darien	$237,000.00	$164,609.57	$75,990.30	$75,755.97
New Canaan	$243,572.00	$163,483.60	$79,662.70	$79,458.45
Ridgefield	$279,560.00	$150,475.63	$77,510.11	$73,557.91
Weston	$236,060.00	$159,885.00	$81,453.70	$87,324.91
Westport	$287,899.00	$146,529.75	$78,447.42	$83,820.12
Wilton	$218,587.00	$150,537.25	$84,140.55	$91,991.96
Greenwich	$235,000.00	$155,630.50	$86,721.74	$86,041.90
Bethel	$165,000.00	$137,281.80	$65,158.46	$70,189.30
Danbury	$204,614.00	$126,201.88	$70,813.56	$74,081.59
East Hartford	$160,093.00	$122,993.31	$70,578.40	$73,915.75
Bridgeport	$234,000.00	$133,130.94	$64,103.01	$67,582.98

District	Superintendent	Principal	General Education Teacher	Special Education Teacher
New Britain	$193,999.00	$127,962.47	$78,534.54	$79,663.27
New London	$156,470.00	$122,843.20	$61,782.33	$67,325.28
Windham	$154,000.00	$112,873.25	$58,846.75	$61,097.28
State	$150,668.71	$127,327.36	$68,786.74	$70,801.78

402. The state average for superintendents' salaries is skewed lower because of the inclusion of salaries for part time superintendents and low numbers that appear to be errors.

403. Based on 2011-12 data, the average adjusted teacher salary in highest poverty quartile schools is $63,960 compared to $71,119 in lowest poverty quartile schools. The average adjusted teacher salary in high minority quartile schools was $64,775 compared to $70,035 in low minority quartile schools.

404. Plaintiffs' expert witness, Interim Superintendent Rabinowitz, testified that the starting salary for a teacher in Bridgeport is $42,000, approximately $8,000 - $10,000 less than neighboring towns.

405. In the 2012-13 school year, Bridgeport's teacher salary was the lowest for any district in Fairfield County.

406. In the 2012-13 school year, the average elementary school teacher salary in Bridgeport was $64,250.39 compared to $71,957.45 in Darien, $74,704.46 in Fairfield, $75,931.76 in New Canaan, $77,229.81 in Westport, $77,535.5 in Ridgefield, and $88,737.19 in Greenwich.

407. In the 2012-13 school year, the average elementary school teacher salary in Windham was $57,485.36, compared to a State average of $67,944.37.

408. In the 2012-13 school year, the average elementary school teacher salary in New London was $57,028.14 compared to $66,059.24 in Groton and $80,811.47 in Waterford.

409. In spite of a severe recession in 2008, the average pay of Connecticut educators and administrators has risen consistently over the last decade and has kept pace with

national measures of inflation and wage growth.

410. Connecticut ranked third in the country in terms of teacher salary in 2012-13.

411. Connecticut ranked 7th in the country in terms of salaries for teachers with a Bachelor's degree and 5th in the country in terms of salaries for teachers with a Master's degree and 20 or more years' experience in 2011-12.

412. Teacher salaries are keeping up with non-teacher salaries in Connecticut better than in some other states.

413. Regarding average salaries in 2012-13 for general education teachers, three of the six focus districts (Danbury, East Hartford and New Britain) were above the state average.

414. New Britain's average salary for general education teachers in 2012-13 was about $4,000-$15,000 greater than each of its adjoining towns: New Britain ($78,535); Newington (74,489); Farmington (71,773); Berlin (69,067); Southington (65,570); Plainville (63,686).

415. Regarding average salaries in 2012-13 for special education teachers (grades 1-12), three of the six focus districts (Danbury, East Hartford and New Britain) were above the state average.

416. Regarding average salaries in 2012-13 for principals, two of the six focus districts (Bridgeport and New Britain) were above the state average. Because of the small numbers of principals in two of the other four focus districts, Windham and New London, average salaries in those districts may have shown greater variability.

417. Regarding average salaries in 2012-13 for superintendents, all six of the focus districts were above the state average. Bridgeport superintendent's salary was ninth in the state, above both New Haven and Hartford.

418. In 2012-13, the average general education teacher salary in Bridgeport was $64,103, compared to nearby New Haven County districts like Orange ($65,695), West Haven ($63,507), New Haven ($59,767), Derby ($59,298), and Ansonia ($55,331).

419. The best leaders are not necessarily the highest paid leaders.

420. In Bridgeport, teachers have had salary increases of about 2% each year for the last 2-3 years.

421. In Danbury, teachers received salary increases of approximately 1%, 1 ¼%, and 1.5% for each respective year in their current contract (2014-17). Administrators

received salary increases of 2.75%, 2.5%, and 2.5% for each of their 3 years, for a total of 7.5%. In both cases, the Danbury school board negotiated these raises.

422. In Danbury, as in most districts, about 80-82% of the district budget is comprised of personnel salary and benefits, with salaries alone in the 60-65% range.

423. New London teachers recently reached a 3-year collective bargaining agreement effective July 1, 2016, with 9% raises over the three years. New London Public Schools Superintendent Manuel Rivera said that the contract will help the district remain competitive and maintain high morale. The New London teachers union president said the union members' support for the contract was overwhelming.

424. In Windham, school personnel received increases in each of the three years of the collective bargaining agreement ending in 2016, including a 3.3% increase in 2015-16.

425. Nationally, benefits for school teachers compare favorably with those of private sector professionals.

426. In Connecticut, benefits as a share of salary for public school teachers is above the national average.

427. The retirement benefit rate for Connecticut teachers is far above the national rate for private sector professionals.

428. Under the Teacher Negotiation Act, General Statutes § 10-153a et seq. (TNA), local school boards are required to negotiate with the teachers' and administrators' union over the terms and conditions of employment, including salary and benefits. General Statutes § 10-153d (b). The TNA covers principals, assistant principals, and teachers. General Statutes § 10-153b. Superintendents are excluded from this provision. General Statutes § 10-153b (b). Superintendents, who have executive authority over the school system and responsibility for its supervision, maintain individual contracts with the local school boards. General Statutes § 10-157 (a).

429. The TNA defines the duty to negotiate in good faith as follows: "'[T]o negotiate in good faith is the performance of the mutual obligation of the board of education or its representatives or agents and the organization designated or elected as the exclusive representative for the appropriate unit to meet at reasonable times, including meetings appropriately related to the budget-making process, and to participate actively so as to indicate a present intention to reach agreement with respect to salaries, hours and other conditions of employment, or the negotiation of an agreement, or any question arising thereunder and the execution of a written contract incorporating any agreement reached if requested by either party, but such

obligation shall not compel either party to agree to a proposal or require the making of a concession." General Statutes § 10-153e (d).

430. Though local boards of education can act unilaterally in setting the school year or day, negotiations may be required. For example, unions retain the right to demand negotiations over the impact of any changes in the school day or year that affect their hours of employment. General Statutes § 10-153d (b).

431. The teachers in Connecticut, like teachers in most states, are paid according to salary schedules set forth in collective bargaining agreements negotiated by the school district and teachers' union, that base the pay of every teacher in the district on years of experience. As the state illustrated with a New London contract, the columns in the salary schedules will be years of education or professional graduate credits or BA, BA plus 15 credits, MA, and so on. These contracts almost never differentiate across the field by the type of teacher or subject area taught. The only differentiation is typically in terms of extra duties. For example, in Danbury, the teachers' contract provides that the district not be permitted to pay certain teachers more based on their area of teaching. For example, the district pays elementary gym teachers the same as bilingual teachers, even though there is no shortage of elementary gym teachers.

432. Connecticut ranks favorably nationally on student-teacher and student-staff ratios; both measures are well below those in most other states -- 9th lowest and 6th lowest in the nation, respectively.

433. Research varies as to the impact on student achievement of the number of students per teacher in a classroom. In fact, in one study that is relied on by those who argue that class size impacts student achievement, while the results showed some small improvements during kindergarten, the small classes did not continue to have an impact on achievement in the later grades of the experiment, even though that would have been expected if small classes had an impact across grades. Moreover, the reductions in class size were very large (moving from 23 to 15 students per class), making it an extraordinarily expensive policy. No comparable studies even exist for later grades.

434. What is usually more important is the skill level of the teacher, *i.e.*, how the teacher is planning for and instructing the class.

435. Regarding average class size in the 2014-15 school year, the department data on the average class sizes in grades K-8 statewide and in the focus districts showed that in general there are only small and inconsistent variations in class size in the focus districts as compared to the state average.

436. While there is some favorable information about student-teacher ratios in Connecticut, recent cuts in state funding are increasing some class sizes in

Bridgeport to 29 students.

437. There are many applicants for most open teaching positions in Connecticut. This is particularly true in elementary school and in areas other than math and science. Significantly fewer people apply for math, science, bilingual, and some special education positions. This decreases the chance of higher high quality teachers, particularly in poor communities which have working condition obstacles to overcome as well.

438. From 2012-13 to 2014-15, the Education Reform Districts added 4.3% in additional total certified positions, the remaining Alliance Districts added 2.6% in additional total certified positions, and all other local districts added 0% additional positions.

439. From 2012-13 to 2014-15, even though they increased their position counts, unlike the average of the remainder of districts, the Education Reform Districts filled 91% of their available positions by October 1, the remaining Alliance Districts filled 92.2% of their available positions by October 1, and all remaining local districts filled 94.3% of their available positions by October 1, so that all groups filled over 90% of their available positions by October 1.

440. Though the total number of certified positions statewide (excluding approved private special education programs) declined slightly (less than one half of one percent) from 53,484 in 2014-15 to 53,225 in 2015-16, some districts evidenced modest increases in certified positions. For example, in the 10 lowest performing Alliance Districts (i.e., the Education Reform Districts), the total number of certified positions increased by 1.6 percent (173 positions).

441. The number of vacancies that districts sought to staff prior to the start of the school year decreased from 5,145 in fall of 2014 to 4,836 in fall of 2015 - a 6 percent decline.

442. Financial incentives offered to support teaching in shortage areas or Priority School Districts include: federal loan forgiveness or deferral; state mortgage assistance by way of lower interest rates, consistent with General Statutes § 8-265pp; retired educators can teach in a shortage area or a Priority School District and not be limited to earning only 45% of their salary as is the customary rule; tuition assistance by allocating department Title III monies to reduce tuition costs and increase the number of candidates who enroll in the Alternate Route to Certification for Teachers of English Language Learners (ARCTELL) program administered by Area Cooperative Education Services (ACES); and department scholarships for students enrolled in educator preparation programs in specified shortage areas.

443. When substitute teachers are certified and have been in the same position more than forty days in a school year, they are "long term substitute[s]" under the certification regulations. Regs. Conn. State Agencies § 10-145d-400 (mm). Since they must be appropriately certified, they are members of the teachers' bargaining

unit. General Statutes § 10-153b (a).

444. The department may also issue durational shortage area permits (DSAP) upon the application of a school district when it is not possible to hire a teacher with appropriate certification for the position. Regs. Conn. State Agencies § 10-145d-421. To be eligible for a DSAP, an individual must have a bachelor's degree, must have passed Praxis I, must have completed at least twelve semester hours in the subject for which the permit will be issued, and must file an intent to be or actually be in a planned program leading to certification (if such a program is required). The regulations permit the department to reissue a DSAP up to two times provided that specified conditions are met. Regs. Conn. State Agencies § 10-145d-422. Persons holding a DSAP are included by statute in the teachers' bargaining unit. General Statutes § 10-153b (a). School boards are therefore required to negotiate with the teachers union over their terms and conditions of employment.

445. The Connecticut Leader Evaluation and Support Rubric 2015 is a standards-based tool, aligned with the Common Core of Leading, offered as an option for voluntary use as part of a district's evaluation and support plan when evaluating administrators.

446. The Connecticut Common Core of Teaching (CCT) Rubric for Effective Service Delivery 2015 is a standards-based voluntary tool, aligned with the CCT, offered as an option for use as part of a district's evaluation and support plan when evaluating educator support specialists, including but not limited to: school psychologists, speech and language pathologists, school social workers, school counselors, board certified behavior analysts, home school family liaison, instructional coaches, and transition coordinators.

447. The state believes districts and schools should provide professional learning opportunities for teachers based on the individual's needs identified through the evaluation process.

448. An important part of the evaluation of teachers is the courage of the principal to have difficult conversations with the teacher during the evaluation process. That skill is being taught for those who wish to take advantage of it through the LEAD CT program, a collaborative effort among educational stakeholders to guide school leaders. The state provides support to LEAD CT but it is not a state agency.

449. Beyond the optional use of SEED and its ineffective guidelines the state encourages schools to improve teacher evaluation but requires nothing of them. Different systems do different things. Some Alliance Districts have used their money to try to improve evaluations. In Bridgeport the superintendent personally scrutinizes the performance of non-tenured teachers.

450. Under General Statutes § 10-157 (a), local boards of education must evaluate the

performance of the superintendent annually in accordance with guidelines and criteria mutually determined and agreed to by such board and such superintendent.

451. Despite its repeated emphasis on the importance of leadership, the state requires nothing in particular in superintendents' evaluations. LEAD CT has developed a model evaluation for superintendents. This model is currently being used voluntarily by some districts in the state. Robert Villanova, the director of LEAD CT, criticizes the way superintendents are evaluated in the state. He reports that it is chaotic and often overtly political. He testified that most superintendent contracts are three years long and renewed each year. Political changes often sweep superintendents in or out. Most superintendents only stay in a district a few years and this regularly prevents continuity of and diminishes the quality of leadership he believes is critical to school systems.

452. When the state took over the New London and Windham schools as part of its special master program in those districts it used performance-based evaluations for superintendents.

453. Superintendent Nathan Quesnel is comfortable with the teacher retention rates in East Hartford. At East Hartford High School, Principal Matthew Ryan does not have to hire teachers because they do not leave very often to go teach elsewhere.

454. New teacher salaries in East Hartford are in the top third of all Hartford County districts.

455. In East Hartford out of roughly 1,500 teachers, only about 120 resigned last year (8%). Another 80 teachers retired (5%). Thus, about 1,380, or 87%, of teachers stayed in the district.

456. 99% of students in CT are taught by "highly qualified" teachers (fully certified to teach in that subject area) in the core subjects, with 99.5% in low poverty districts and 98% in high poverty districts.

6. Special Education Facts

457. Special education is controlled by the federal Individuals with Disabilities Act (IDEA) at 20 U.S.C. § 1400 *et. seq.* and General Statutes §10- 76a *et seq.* Students in it are sometimes called "SPED" students and sometimes "Students with Disabilities" or "SWD". IDEA's purpose under 20 U.S.C. § 1400(d)(1)(A) is "to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services to meet their unique needs and prepare them for further education, employment, and independent living." The law also requires that students learn in the least restricted environment (LRE) possible with an integrated regular classroom being the goal. As

experts for both sides explained, the IDEA mandates an "Individual Education Program" (IEP) be prepared following a "Planning and Placement Team" (PPT) meeting which includes school psychologists or counselors, parents and teachers. These PPT meetings and the associated evaluations decide whether a child is eligible for special education, and the IEP essentially dictates to the school system what it must spend.

458. Students with disabilities have a wide range of needs. Depending on their disability, they may require a one-to-one paraprofessional to help them with their basic needs, special arrangements for transportation, modifications to their educational program in an academic setting or other services and supports.

459. Total spending per pupil on students with disabilities is usually a significant multiple of per pupil expenditures on students without them.

460. In 2010-11, Connecticut public school districts reported spending $1.715 billion on special education, which breaks down to approximately $27,000 per special education student, compared to an average of $14,425 for a regular education student.

461. In Connecticut, every year $1.8 billion dollars is spent on special education from federal, state, and local money. Federal and state aid amount to only 15-20%.

462. Bridgeport Superintendent Rabinowitz testified that her district's special education spending in fiscal year 2014-15 was $75 million for which she got just $1.5 million from the federal government and $4.8 million from the state. Because she is compelled by law to spend whatever special education requires, she has less to spend on other children. At great expense—a single student's care can cost $100,000 or even approach $200,000—Bridgeport cares outside of the district schools for roughly 300 children that might be called multiply-disabled and incapable of being educated within the system. According to East Hartford Superintendent Quesnel, the only children getting increased spending in his district are those in special education. For years, zero increase budgets for his school system have left him constantly stripping resources from the student population as a whole to meet those things like special education over which he has no control.

463. Special education spending in poorer districts can create strain and incentives to withhold services.

464. Special education challenges can encourage individual schools to refer students to out-of-district services so the school doesn't have to deal with them. School districts have to bear most of the expense. They have an incentive to deal with the students within the districts.

465. Based on a study that looked at expenditures for special education, which was conducted around 2000, the expenditures associated with educating a special

education student was 2.7 to 3 times more than the expenditures associated with educating a general education student.

466. A large number of special education students in Bridgeport are sent out of the district because the district does not have the funding available to build the capacity within the district to meet the students' needs.

467. In Bridgeport, $3.6 million of the fiscal year 2015-16 $5.8 million budget deficit is because of increases in special education costs.

468. East Hartford High School lacks sufficient staffing for its special education students, with 14 special education teachers managing a caseload of 25-30 students and a single department head spread across schools.

469. No students who qualify for special education services at East Hartford High School reach grade level in reading by grade 12.

470. Special education students at Lincoln Elementary in New Britain are served in groups of 10 to 12 in order to meet mandated service hours at current staff levels, reducing the quality of the instruction of the students.

471. Because of shortages of special education teachers at New Britain High School Freshman Academy, large numbers of special education students, sometimes as many as 17 special education students in a class of up to 31 students, are all clustered together in classrooms so that services required by IEPs can be provided by the limited number of special education teachers, drastically increasing the challenges of meeting such diverse student needs.

472. Students at Bennie Dover Jackson Middle School in New London who are designated as both EL and special education could not receive services in both ESL and special education because of staffing constraints and scheduling limitations.

473. Daniel J. Reschly, a professor of educational psychology at Vanderbilt University, was the state's special education expert at trial. Consistent with his testimony, the court concludes that special education spending is crowding out spending on general education in Connecticut and across the country. Plaintiffs' expert Margaret McLaughlin, a professor of special education at the University of Maryland, agreed. A 2013 state study of education funding called attention to the same problem and urged reform of both funding and monitoring.

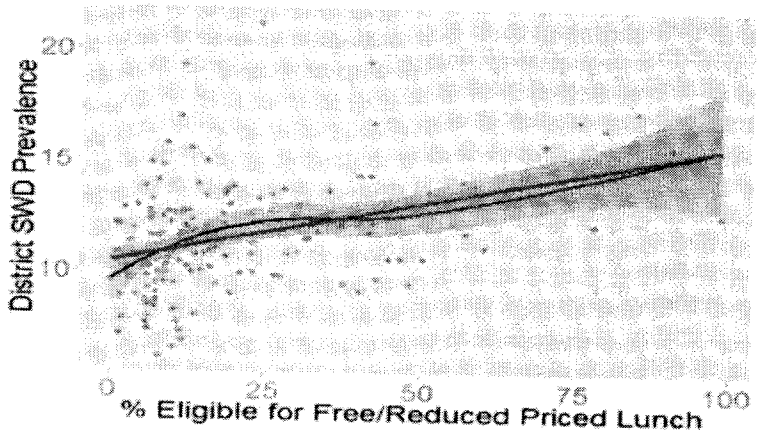
474. As Reschly testified, judgment calls are made for most allegedly disabled students to determine if they are disabled and need special education services and what kind

are appropriate to give them. But for the most severely multi-disability children, no judgment is made about the extent of appropriate services and the possibility that in some cases virtually no services may be appropriate. It is assumed that extensive services should be supplied regardless of their appropriateness or expense. Reschly believed judgments could be made but aren't because of the degree of "pushback" that would result—pressure from parents and others.

475. As Reschly acknowledged, while rare, some special education services for multi-disability children can cost in excess of $200,000. He said around 10% of children fit the multi-disability description, meaning that up to $200 million might be being spent on them in Connecticut every year if they account for 10% of the $1.8 billion spending. These extraordinary expenditures assumed to be legally mandated mean the districts bearing them have fewer resources for other students, including special education students and this expense places a great strain on poor communities like Bridgeport and East Hartford. Particularly in these places, it reduces the quality of education available for the general student population.

476. Figure 4 in his report shows total prevalence patterns for special education identification:

Figure 4. Relationship of Total SWD Prevalence and District Poverty in 2010-2011



Source *CCJEF_2011 - Supp.xls (Tbl39); CCJEF_2012 - Supp.xls (Tbl39)*

477. Each dot on his graph represents a school district. The horizontal axis shows relative poverty based on the percentage of students who receive free and reduced price lunches under federal law. The vertical axis shows students with disability (SWD) identification prevalence—the total percentage of the student population found eligible for special education. Overall, the scatter graphs show that children aren't significantly more likely to get special education just because they live in a poor town.

478. But the graphs also show that the disability identification rates vary so widely between districts that Reschly couldn't explain the pattern by any rational means. Many similar districts have completely dissimilar percentages of special education students. This cannot reflect that one town has many intellectually disabled children

while another, quite similar, town has scarcely got a single one. Instead, Reschly correctly concludes that the variations mean some districts are ignoring problems, some districts are over identifying problems, or some districts refuse to use certain labels. For example, districts he knows from experience eschew the intellectual disability label (formerly mentally retarded) as a matter of policy in favor of autism.

479. Reschly's experience with Connecticut and elsewhere reveals a chaotic pattern. Poor districts call some children emotionally disturbed while wealthy districts call the same kind of children ADHD sufferers—with consequent variations in services and expenses. In many districts there is no limit to special education when it comes to bad behavior. Bad behavior in these places is always attributed to a disability such as emotional disturbance no matter the origin of the behavior, the type of behavior, or the frequency of the behavior.

480. The conclusion that special educational spending is supported also by Deputy Commissioner Cohn. She explained that children in Hartford were under-identified for special education, but "you just need a hang nail to get identified for special education in Glastonbury."

481. To Reschly, "it always has been remarkable... that schools could have markedly different rates of disability identification using the same state definitions and classification criteria." He ultimately agreed and the court concludes that the inexplicable and in his word "enormous" differences between districts can only be the result of a state standard that without doubt allows over-inclusion or under-inclusion in special education.

482. There are no state mandated procedures or guidelines on how to identify and assist disabled children in the schools.

483. The state publishes mostly on its website, guideline examples, "Guidelines for the Practice of School Psychology" (psychologists sometimes are on PPTs), specific information on subjects like intellectual disability, autism and ADHD. No one is required to use them or even look at them.

484. On February 28, 2014, the Stamford Public School District settled a dispute with the U. S. Department of Justice regarding the "adequacy of the District's provision of English Language Learner (ELL) services, teachers, materials, and special education services to ELLs, its monitoring of current and former ELLs, and its evaluation of its ELL programs."

485. In January 2014, the department found that Bridgeport Public Schools violated IDEA and Section 10-76d-7 of the Regulations of Connecticut State Agencies.

486. According to a department data bulletin, in 2014-15, 18% of English Learners were identified for special education services.

487. When reporting on its special education efforts to the federal government, the department says that approximately 20-22% of its principle vehicle for aid to local schools (the Educational Cost Sharing grant) is for special education.

488. For these reports, the department infers that the special education percentage of the ECS grant is the same as the ratio of total statewide special educational expenditures divided by total education expenditures. The percentage is therefore entirely theoretical. It bears no relation to actual expenses nor does the state even follow the ECS formula this calculation supposedly derives from.

489. For Connecticut's FY 2014 report of state maintenance of effort, it reported that the "Special Education Portion" of the ECS grant was $404,984,726 in FY 2011, and $419,834,085 in FY 2012.

490. For FY 2013, the department reported to the federal government that the special education portion of the ECS grant was 21.3 percent.

491. Based on data maintained and reported by the department, the following chart sets forth, at the district and state levels, SPED expenditure as a percentage of total current expenditures for FYs 2004, 2010, 2011, 2012, 2013, and 2014:

District/State	(A) 2004	(B) 2010	(C) 2011	(D) 2012	(E) 2013	(F) 2014
Darien	18.3%	27.2%	28.8%	28.4%	27.6%	27.8%
New Canaan	17.3%	21.9%	21.5%	21.0%	21.9%	21.3%
Ridgefield	17.0%	18.2%	19.2%	18.7%	19.1%	19.5%
Westport	14.5%	19.1%	18.9%	19.3%	18.6%	18.7%
Weston	20.8%	21.1%	21.7%	21.1%	21.4%	22.0%
Wilton	18.3%	21.1%	22.2%	21.8%	22.2%	24.7%
Greenwich	22.2%	21.7%	23.2%	24.3%	22.5%	22.5%
Bethel	21.4%	22.7%	22.6%	22.2%	22.2%	21.9%
Danbury	17.6%	18.2%	18.7%	19.5%	19.2%	18.9%
East Hartford	18.5%	19.1%	19.3%	19.1%	19.4%	18.5%
Bridgeport	17.8%	20.6%	22.0%	23.2%	22.7%	23.1%
New Britain	26.9%	29.8%	26.7%	29.8%	30.7%	27.6%
New London	25.9%	25.7%	28.1%	28.1%	28.9%	26.1%
Stamford	17.5%	20.4%	20.7%	21.1%	21.3%	21.6%
Windham	25.8%	27.5%	24.3%	23.0%	21.7%	20.7%
State	20.2%	21.5%	21.8%	21.9%	22.1%	22.2%

492. Beyond the theoretical amounts included in reports to the federal government, the

state contributes money for special education chiefly by adopting a fixed sum to spend on the subject each year and then applying it to a portion of the local cost exceeding 4.5 times the non-special education per pupil expenditure.

493. Therefore, there are "capped" and "uncapped" special education expenditures in excess of the 4.5 times figure. The uncapped amount includes the amount in excess of 4.5 times ordinary expenditures that is uncovered by the excess cost grant.

494. In FY 2014, the Excess Cost grant applied to 6.3% of SPED students in Connecticut public schools (4,375 out of 69,746 total SPED students).

495. The department made supplemental SPED payments of $19,316,240 for FYs 2010, 2011, 2012, and 2013.

496. The Excess Cost Grant appropriation was $120,489,491 in FY 2012.

497. According to calculations by the department, the Excess Cost Grant "Uncapped Appropriation" was $161,328,825 in FY 2012.

498. According to calculations by the department, the amount applied to the Excess Cost Grant formula was 75% of the Excess Cost Grant "Uncapped Appropriation" in FY 2012.

499. The Excess Cost Grant appropriation was $120,489,491 in FY 2013.

500. According to calculations by the department, the Excess Cost Grant "Uncapped Entitlement" was $164,617,884 in FY 2013.

501. According to calculations by the department, the Excess Cost Grant appropriation was 73% of the Excess Cost Grant "Uncapped Appropriation" in FY 2013.

502. The initial threshold of 4.5x a district's net current expenditure per pupil, above which a student's expenditures become eligible for the Excess Cost Grant, is referred to as the "basic contribution."

503. For FY 2015, Excess Cost Grant basic contributions for Plaintiffs' focus districts are projected as follows:

District	NCEP 2013-14	State Agency Placement Basic Contribution (1 x NCEP)	Local Initiated Placement Basic Contribution (4.5 x NCEP)
Danbury	$12,683	$12,683	$57,074
East Hartford	$12,783	$12,783	$57,524
Bridgeport	$13,883	$13,883	$62,474
New Britain	$12,918	$12,918	$58,131
New London	$14,847	$14,847	$66,812
Windham	$16,852	$16,852	$75,834

504. Towns do not receive full reimbursement for eligible excess costs.

505. The Excess Cost Grant appropriation has been capped below costs in excess of the basic contribution in all but three years from FY 2002 through present.

506. As calculated by the department, the chart below provides Excess Cost Grant "Total Capped" and "Total Uncapped" appropriations, as well as the dollar and percentage impact of the appropriations cap on the Excess Cost Grant, from FY 2002 through FY 2011:

Year	"Total Capped Appropriation"	"Total Uncapped Appropriation"	"Total Effect of Cap ($)"	"Total Effect of Cap %"
2001-02	$67,271,038	$67,271,038	N/A	N/A
2002-03	$62,700,000	$74,908,040	$12,208,040	83.70%
2003-04	$61,500,000	$86,042,383	$24,542,383	71.48%
2004-05	$67,103,841	$90,770,096	$23,666,255	73.93%
2005-06	$88,846,500	$107,777,339	$18,930,839	82.44%
2006-07	$106,596,500	$120,133,374	$13,536,874	88.73%
2007-08	$129,782,443	$129,782,443	N/A	N/A
2008-09	$140,025,068	$140,025,068	N/A	N/A
2009-10	$120,491,451	$145, 728,868	$25,237,417	82.68%
2010-11	$120,489,491	$154,835,126	$34,345,635	77.82%

507. The difference between towns' uncapped excess cost and their capped Excess Cost appropriations was as follows for Fiscal Year 2014-2015:

District	(A) Excess Cost Grant Appropriation	(B) Uncapped Entitlement (Excess Costs)	(A/B)%
Bethel	$667,347	$832,386	80.17%
Danbury	$1,158,605	$1,445,136	80.17%
East Hartford	$1,935,173	$2,413,753	80.17%
Bridgeport	$4,845,026	$6,043,233	80.17%
New Britain	$4,013,480	$5,006,039	80.17%
New London	$1,024,306	$1,277,624	80.17%
Windham	$918,064	$1,145,107	80.17%
State	$139,805,731	$174,380,591	80.17%

508. The excess cost grant only applies to a small minority of special education students in Connecticut. In FY 2014, the Excess Cost grant applied to 6.3% of special education students in Connecticut public schools (4,375 out of 69,746 total special education students).

509. Like federal funding, the excess cost grant covers a small portion of what is spent on special education. Connecticut spent approximately $1.8 billion on special education in the 2013-14 school year, and the appropriation for excess costs FY 2015 was $139,805,731 – approximately 7.7% of special education expenditures.

510. Based on data maintained and reported by the department , the percentages of Special Education students enrolled for the below districts and for the state of Connecticut for 2014-15 are set forth in the following table.

1. **District**	2. **2014-15**
3. Darien	4. 11.4%
5. New Canaan	6. 9.3%
7. Ridgefield	8. 8.7%
9. Weston	10. 8.4%
11. Westport	12. 10.0%
13. Wilton	14. 12.9%
15. Greenwich	16. 10.1%
17. Bethel	18. 10.7%
19. Danbury	20. 11.9%
21. East Hartford	22. 15.7%
23. Bridgeport	24. 14.1%

1. **District**	2. **2014-15**
25. New Britain	26. 15.5%
27. New London	28. 17.3%
29. Windham	30. 14.4%
31. State	32. 12.7%

511. Alliance Districts may use some of their grants on special education and some do.

512. Although Defendants' expert witness, Dr. Reschly, opined that Connecticut has sufficient funding to implement the legal mandates of IDEA, he declined to opine that any particular district had sufficient resources to provide an appropriate education to its special education students.

513. Plaintiffs' focus districts spent significantly less on their special education students than wealthier districts, and on a per pupil basis spend among the lowest amounts in the state, as reflected by the chart set forth below chart showing special education expenditures for the 2013-14 school year.

District	**SPED Expenditures**	**IDEA SPED Students**	**SPED Expenditures per Pupil**	**SPED Per Pupil Expenditure Rank (out of 166)**
Darien	$24,522,322	563	$43,734	5
New Canaan	$17,210,107	383	$44,935	3
Ridgefield	$16,849,835	469	$35,927	20
Weston	$10,615,271	213	$49,837	1
Westport	$20,895,950	579	$36,090	18
Wilton	$19,513,167	546	$35,738	22
Greenwich	$40,969,859	897	$45,674	2
Bethel	$10,001,841	332	$30,126	49
Danbury	$25,094,698	1,286	$20,291	151
East Hartford	$15,368,103	1,172	$13,113	166
Bridgeport	$68,135,017	3,047	$22,361	133
New Britain	$40,896,373	1,781	$22,963	130
New London	$14,162,134	693	$20,436	149

District	SPED Expenditures	IDEA SPED Students	SPED Expenditures per Pupil	SPED Per Pupil Expenditure Rank (out of 166)
Windham	$11,759,496	542	$21,696	140
State	$1,822,920,222	69,513	$26,224	

514. Special education services were not meant to and cannot compensate for an inadequate or poor general education environment and structure.

515. In Connecticut, the rate and number of students qualifying for special education has increased from 11.5% in 2007-08 to 13% in 2014-15.

516. Five out of the six Plaintiffs' focus districts had higher than average percentages of students who qualified for special education in the 2014-15 school year as set forth in the following table.

District	2014-15 SWDs
Darien	11.4%
New Canaan	9.3%
Ridgefield	8.7%
Weston	8.4%
Westport	10.0%
Wilton	12.9%
Greenwich	10.1%
Bethel	10.7%
Danbury	11.9%
East Hartford	15.7%
Bridgeport	14.1%
New Britain	15.5%
New London	17.3%
Windham	14.4%
State	**12.7%**

517. Data maintained and reported by the state shows that Plaintiffs' focus districts generally have fewer special education teachers for every 100 special education students than wealthy districts, as set forth in the table below.

(A) District	(B) SPED Students	(C) FTE Special Ed. Teachers	FTE Teachers/100 SPED Students (C)/(B/100)
Darien	556	61.6	11.1
New Canaan	368	32.9	8.9
Ridgefield	417	36.6	8.8
Westport	549	48.78	8.9
Weston	201	22	10.9
Wilton	471	28.9	6.1
Greenwich	842	79.1	9.4
Bethel	296	29.98	10.1
Danbury	1103	75.2	6.8
East Hartford	1054	70.45	6.7
Bridgeport	2354	176.75	7.5
New Britain	1406	105.6	7.5
New London	513	31.66	6.2
Windham	445	35.4	8.0

518. Plaintiffs' focus districts have significantly fewer school psychologists per student than do wealthy Connecticut districts.

(A) District	(B) 2012-13 Enrollment	(C) 2012-13 K-12 Students with Disabilities	(D) 2012-13 FTE School Psychologists	(B)/(D)	(C)/(D)
Darien	4840	583	12	403.3	48.6
New Canaan	4203	384	8.5	494.5	45.2
Ridgefield	5268	446	11	478.9	40.5
Westport	5795	577	16.8	344.9	34.3
Weston	2419	212	5	483.8	42.4
Wilton	4289	499	8.2	523.0	60.9
Greenwich	8842	868	24	368.4	36.2
Danbury	10447	1122	14.3	730.6	78.5
East Hartford	7033	1089	14	502.4	77.8
Bridgeport	20149	2785	33	610.6	84.4
New Britain	10204	1608	16	637.8	100.5
New London	3049	623	5.6	544.5	111.3
Windham	3189	508	4	797.3	127.0

519. Jackie Simmons, principal of Roosevelt School in Bridgeport, testified that the special education teachers at Roosevelt had very full caseloads and could not meet legal obligations set forth by IEPs because of staffing levels. At the time of her testimony, Roosevelt was not meeting all IEP requirements because of a shortage of staff.

520. In the 2015-16 school year, unfilled vacancies for special education teachers in Harding High School and Bassick High School in Bridgeport meant that Bridgeport could not comply with students' IEPs.

521. SWDs at Lincoln Elementary in New Britain are served in groups of 10 to 12 in order to meet mandated service hours at current staff levels. Elaine Cabral, the principal of Lincoln, testified that serving students in this manner negatively impacts the students and minimizes the effectiveness of specialized instruction because students with different educational needs are grouped together.

522. East Hartford High School lacks sufficient staffing for its special education students, with 14 special education teachers managing caseloads of 25-30 students and a single department head spread across all schools in the district.

523. As Barbara Maselek, a teacher at New Britain High school, testified shortages of special education teachers in the Freshman Academy left large numbers of special education students (sometimes as many as 17 special education students in a class of 31 students) clustered together in classrooms so that services required by IEPs can be provided by the limited number of special education teachers, drastically increasing the challenges of meeting such diverse student needs.

524. In the 2015-16 school year, because of an unfilled position, students in the LINKs class (a class for students with severe socio-emotional needs) at New London High School are being taught by a substitute teacher without a background in special education.

525. Performance of special education students across the state on standardized assessments is significantly lower than for non-special education students.

526. According to a department presentation, SWDs were the second lowest performing subgroup on the CMT Reading test from 2010-2013.

527. Both parties' special education experts stated that it would be of concern if outcomes were not improving for SWDs with disabilities.

528. In particular, Plaintiffs' expert witness Dr. McLaughlin noted that the federal government's major focus was to see more SWDs reach higher achievement levels.

529. From 2010-2013, performance by SWDs on the CMT Reading grew only 1.5 index points, based on the state's index score calculations, and the gap between SWDs and all students grew by 0.1.

530. Performance on the CMT Reading by SWDs in affluent districts (those in District Reference Groups (DRGs) A and B) was significantly higher across different disability categories than performance by SWDs in Alliance and Reform districts, which include Plaintiffs' focus districts. For example, SWDs in DRG A with a learning disability scored twice as high as SWDs in Alliance and Reform districts, with DRG A having an average index score of 69 and Alliance and Reform districts having average scores of approximately 30 to 32. The same pattern is seen for other disability categories, including emotional disturbance, specific learning disability, other health impairments and autism.

531. SWDs in Plaintiffs' focus districts scored poorly on the CAPT and CMT in 2013, as reflected in the below table which sets forth index scores for SWDs in the focus districts and for the state of Connecticut.

District	CMT Reading SWD DPI	CMT Math SWD DPI	CAPT Reading SWD DPI	CAPT Math SWD DPI
Bridgeport	27.7	28.7	13.5	6.9
Danbury	45.1	47.2	39.3	23.2
East Hartford	24.6	33.0	22.4	14.2
New Britain	22.8	23.7	14.4	10.3
New London	25.7	30.7	27.9	19.0
Windham	21.8	24.4	8.3	6.8
State Average	46.1	48.4	44.4	32.8

532. SWDs performed poorly on the 2015 English Language Arts and Mathematics Smarter Balanced assessments.

Subgroup	Subject	% Level1	% Level2	% Level3	% Level4	% Level3+
SWD	ELA	62.1%	23.3%	11.6%	3.0%	14.6%
Non-SWD		16.3%	22.6%	34.9%	26.1%	61.0%
SWD	Math	73.4%	18.4%	6.0%	2.3%	8.2%
Non-SWD		26.7%	29.9%	24.8%	18.6%	43.4%

533. Performance on the Smarter Balanced assessment by SWDs vary by district wealth, with significantly more SWDs in wealthier districts reaching state standards, and only 3.6% of SWDs in DRG I reaching state standards, as reflected in the below table which sets forth 2015 Smarter Balanced ELA scores for SWDs.

DRG	No. of Valid Test Scores	No. of Scores at Level 1	% at Level 1	No. of Scores at Level 3 or above	% at Level 3 or above
A	1543	474	30.7%	571	37.0%
B	4758	1908	40.1%	1313	27.6%
C	2115	933	44.1%	532	25.2%
D	4618	2475	53.6%	806	17.5%
E	1399	704	50.3%	290	20.7%
F	1625	1004	61.8%	197	12.1%
G	3913	2726	69.7%	361	9.2%
H	4107	3111	75.7%	239	5.8%
I	6585	5595	85.0%	235	3.6%

534. SWDs in DRG A outperformed non-disabled students, i.e., students who have not been identified as having a disability, in DRG I on the Smarter Balanced Reading assessment. Compared to 37% of SWDs in DRG A that reached the state standard of Level 3 or above, 31% of non-disabled students in DRG I reached the state standard.

535. SWDs graduate at significantly lower rates than their non-disabled peers as reflected in the following table setting forth the four-year cohort graduation rate for the listed years.

(A) Grouping	(B) Cohort 2012	(C) Cohort 2013	(D) Cohort 2014
SPED	64.4%	64.7%	65.2%
Non-SPED	88.0%	88.6%	90.3%

536. Danbury's percentage of special education population is below the state average.

537. From 2000-2012, the mainstreaming of special education students in New London increased.

538. From 2000-2012, it was infrequent that a parent of a special education student in New London filed a complaint regarding their IEP services. These kinds of complaints are rare across special education.

539. From 2002-2008, there was a significant reduction in out of district costs for special education in New London.

540. From 2002-08, there was a significant reduction in special education prevalence rate and disproportionate identification in New London.

541. Prior to 2008, New London developed and implemented a "co-teaching" model in grades K-12. One purpose of the co-teaching model was to improve the educational opportunities for special education students.

542. Connecticut's special education identification rate in 2012-13 was 12.7%. That same year the national mean was 12.9% and the national median was 13.5%.

543. Since the year 2007, Connecticut has had a better IDEA compliance record than any state in the Northeast except Pennsylvania.

544. IDEA compliance does not consider over-identification or under-identification but focuses on procedural due process and compliance with PPTs.

545. Since 2007 – when the ratings were first published – the State of Connecticut has never been cited for failure to meet requirements of the Part C portion of IDEA in identifying young children with disabilities.

546. In the 2011-12 school year, 90 percent of Connecticut's 166 school districts met the

requirements of the IDEA.

547. In the 2011-12 school year, 3 percent of Connecticut school districts were found to have needed assistance two years in a row. And in about 90 percent of those districts the needs assistance finding was because of difficulties complying with timelines with regard to initiating the initial evaluation, completing the evaluation, developing the IEP, meeting with parents and implementing the program.

548. Of the Connecticut districts that needed assistance two years in a row, there was no relationship to the number of free and reduced price lunch students. At least one district that needed assistance two years in a row had a FRPL population of 2 or 3 percent.

549. About 1% of Connecticut's school population is made up of low incidence/high cost special education students.

550. The identification of learning disabilities throughout the United States and in the State of Connecticut has declined over the last ten years.

551. The City of Danbury receives the special education excess cost reimbursement from the state and doesn't share that money with the Danbury Board of Education.

552. Average per pupil spending in Connecticut for all students in 2011-12 was $17,403 per student. That same year the national average was about $11,000.

553. Autistic students generally have more expensive special education programs than the average for all special education students.

554. In Connecticut, in 2012-13, low-wealth districts were no more likely to have children with autism than high-wealth districts.

555. In Connecticut, in 2012-13, 75% of the variation of students with disabilities levels among districts is not attributable to poverty.

556. In Connecticut, in 2012-13, there was virtually no statistical relationship between poverty and the identification of students with learning disabilities.

557. In Connecticut, in 2012-13, 82% of the variation of students with intellectual disabilities is not attributable to poverty.

558. In Connecticut, in 2012-13, 72% of the variation of students with emotional disturbance is not attributable to poverty.

559. In Connecticut, in 2012-13, virtually none of the variation of students with other health impairment is attributable to poverty.

560. In Connecticut, in 2012-13, 10% of the variation of students with low incidence disabilities is attributable to poverty.

561. In Connecticut, in 2011-12, the non-plaintiff districts spent $1220 more per special education student than the plaintiff districts. "Plaintiff districts" were derived from the Corrected Third Amended Complaint, dated January 7, 2013, and were Bridgeport, Danbury, Windham, East Granby, Plainfield, Norwich, New Britain, New London, East Hartford, Hartford, and Stamford.

562. In 2011-12, the national average for special education students in the general education classroom for 80% or more of the school day was 61%.

563. In 2011-12, the Connecticut average for special education students in the general education classroom for 80% or more of the school day was 69%.

564. Over the last several years, Connecticut districts have improved (*i.e.*, reduced) the number of special education students outplaced.

565. In Connecticut there is no statistically significant relationship between the number of special education students outplaced and the poverty level of their district.

566. Out-of-district placements are typically more costly.

567. Connecticut is trying to improve the implementation of scientific research based interventions (SRBI) in all Connecticut schools with the idea of improving reading performance overall.

568. Connecticut's 2010-11 ratios of special education teachers, speech language pathologists, and school psychologists to number of students with disabilities are substantially better than the United States averages for all three of these groups.

569. Bridgeport will bring some special education students back to district next year (2016-17 school year). This is happening in many districts (alliance and others) to save money on transportation and tuition from outplacement, and because districts can build programs internally to meet the needs of students, for which the department provides assistance.

570. The department is working with Bridgeport to provide eight days of in-district

training and development sessions to support its efforts to improve its work to identify young children with disabilities this year. The department is also doing focused monitoring in Bridgeport.

571. Bridgeport has programs for special education students for emotionally disturbed students and for autistic students.

572. During Superintendent Garcia's tenure in Windham, Windham has returned 16 special education students into the district, which has resulted in a cost savings of about $200,000 for the district. That money, in turn, will go to benefit special education students in Windham.

573. During Superintendent Garcia's tenure in Windham, Windham has fulfilled its students IEPs, and there have been no governmental findings of violations with regard to special education services in the district.

574. Windham has started a co-teaching model for special education students.

575. The graduation rate of special education students has increased in Windham.

576. New London High School is in compliance with the IDEA.

577. New London has reduced the growth and number of special education outplacements, resulting in savings in tuition and transportation, in part through the High Roads program.

578. New London is training special education teachers on implementing IEPs aligned to the Common Core State Standards.

579. The self-contained special education classrooms at New London High School range from 12:1 to 18:1 student to staff ratio. Some of these classes have more than 1 adult in the room, such as paraprofessionals or special education assistants.

580. New London High School has a transitional coordinator and job coaches paid with alliance district funding who help special needs students transition to the world of work by helping find employment for students and monitoring them on the job site.

581. During Commissioner Wentzell's tenure in South Windsor, the district brought back outplaced special education students while staying within its budget. It did so by discontinuing other actions that were less of a priority, and training existing staff, finding time to do so by reassigning them.

582. The department assists districts to comply with the IDEA.
The department contracts with the State Education Resource Center (SERC) to provide supports and professional development to districts in the area of special education. The department also assists districts to develop in-house programs and

bring special education students back to their districts by providing technical assistance and connecting them with experts during Alliance District convening meetings or other districts, such as assisting Bridgeport with a Tier 1 behavioral program that had been used in New Haven and Hartford.

583. East Hartford High School has an inclusion program for special education students.

7. Focus Districts Facts

Bridgeport facts

584. All of the students in Bridgeport are eligible for free and reduced price lunch.

585. Bridgeport has approximately 21,500 students in 37 schools.

586. The student population in Bridgeport Public Schools is around 48% Hispanic, and 38% African-American.

587. Approximately 13% of Bridgeport students are English Language Learners, and nearly 15% receive special education services.

588. In Bridgeport at least 200 teachers leave each year. The turnover rate is impacted by working conditions and salary levels. Teachers in special education, world language, math, and science are especially difficult to recruit to Bridgeport. There are 11.5 positions in the district filled by permanent substitutes as opposed to certified teachers.

589. Even as the student population grew, Bridgeport cut 73.5 certified staff such as certified teachers, social workers, psychologists, and special education teachers.

590. Waltersville School in Bridgeport has one literacy coach for approximately 600 students from Pre-K to 8th grade.

591. Waltersville School has one social worker who only oversees children with IEPs, so she cannot meet with students with socio-emotional needs but without IEPs.

592. Waltersville School has one guidance counselor who is overstretched in terms of her caseload and, as a result, does not meet with students with socio-emotional needs as often and as long as she should.

593. Roosevelt School in Bridgeport has one full time guidance counselor, one part time social worker and one full time psychologist for a population of approximately 613 students in grades PK-8.

594. Bryant Elementary School in Bridgeport has one guidance counselor, one

psychologist, and one social worker, all three of whom are part-time and are at the school between two to three days a week for a population of approximately 400 students.

595. Secondary students in Bridgeport require interventions in literacy but there are no reading teachers or reading interventionists in the comprehensive high schools.

596. In the 2015-2016 school year, there are vacancies for special education teachers in Harding High School and Bassick High School in Bridgeport.

597. During the 2015-2016 school year, Harding High School lacked mathematics teachers; in response the district moved a math coach from the elementary school to provide mathematics instruction.

598. Harding High School has a medical magnet component, but students in the 2015-2016 school year could not receive their CNA certification because there was no nurse teacher.

599. At Bassick High School, there are approximately 1,000 students and only three guidance counselors.

600. There are Bridgeport schools are in need of renovation. For example, boilers in some elementary schools are unreliable. Ceilings in one Bridgeport school fell the previous year.

601. Edison School in Bridgeport, at least during the 2012-2015 school years experienced leaks from radiators and water fountains some of which caused Edison students to slip and fall.

602. The Bryant Elementary School building's roof has been leaking for past 11 years.

603. During certain months of the school year, one fifth grade classroom in Bryant Elementary School becomes extremely hot, averaging around 90 degrees by nine to nine-thirty in the morning.

604. The literacy coach at Waltersville School in Bridgeport does not have a dedicated space for providing her interventions. Instead, the literacy coach provides student interventions at various spaces throughout the school building, including at the back of classrooms, in pods which are located next to the school bathrooms, and a teacher's work room that the literacy coach converted into a work space.

605. The one computer lab at Waltersville School has 24 computers, none of which are functioning. Even if the computers were functioning, they would be insufficient for many of the classes in Waltersville School which have more than 24 students.

606. The literacy coach at Waltersville School in Bridgeport does not receive any pencils, pens, crayons, or notebooks from the school even though she requires them for her

classroom instruction.

607. There are no school buses to transport students to the comprehensive high schools in Bridgeport; students who live outside a certain mile radius are provided municipal bus passes.

608. In Bridgeport, students with severe special needs tend to go out of the district for support.

609. A large number of special education students in Bridgeport are sent out of the district because the district does not have the funding available to build the capacity within the district to meet the students' needs.

610. Because class sizes are already so large in Bridgeport, many special education students that would benefit from "mainstream" interaction with non-special education students remain self-contained in their respective classes.

611. Waltersville School in Bridgeport has an occupational therapist, physical therapist, and speech therapist that support the special education students in the school. None of these support staff are full-time; the speech therapist works in three different schools and is only present at Waltersville School three times a week and the occupational and physical therapists are also assigned to numerous other schools.

612. Bridgeport has not met the State's AMAOs for EL students in years. That means that EL students do not have the language skills to pass a language proficiency test or the vocabulary skills to reach proficient on the SBAC.

613. Bridgeport operates a bilingual hub at one high school that students from the other high schools must travel to attend.

614. Only two-thirds of all students in Bridgeport attend preschool. In surrounding wealthier communities, the numbers are closer to 95% of students or more who have attended preschool.

615. Not all preschool-age children in Bridgeport have an opportunity to attend preschool because of a lack of funding to provide sufficient preschool spaces and a lack of transportation to access preschool spaces.

616. Bridgeport has left some state-funded preschool education slots left vacant because of administrative mistakes. It has failed to make the most of its opportunities, but it would lack sufficient preschool resources even if it did.

617. The lack of preschool for Bridgeport students has a significant effect on education in Bridgeport, in that students do not have basic academic, socio-emotional, and developmental skills when they begin kindergarten.

618. Bridgeport received $14 million in Alliance District money for 2015-16, $7 million of which at minimum should go to intervention. But in Bridgeport, many of the intervention items that were in the operating budget were moved to the Alliance budget.

619. Bridgeport's ECS grant in fiscal year 2014 was $173.7 million - $37.6 million short of its statutorily-defined "fully funded grant." The parties sharply dispute the significance of this definition, but the state has never met it in any focus district and has essentially abandoned the formula anyway, making this true but largely a moot point.

620. In 2012, the average elementary school teacher salary in Bridgeport was $64,250.39 compared to $71,957.45 in Darien, $74,704.46 in Fairfield, $75,931.76 in New Canaan, $77,229.81 in Westport, $77,535.5 in Ridgefield, and $88,737.19 in Greenwich. The low salary scale and difficult working conditions in Bridgeport pose a challenge to attracting and retaining quality teachers in Bridgeport public schools.

621. Bridgeport focuses on growth in student achievement as a measure of student success. Although the gaps between it and the rest of the state remain very large, Bridgeport has seen increases in the rates of growth with literacy within the last two years.

622. During Superintendent Rabinowitz's tenure, Bridgeport has shown incremental positive gains in student achievement (*e.g.*, AIMSWeb scores) and behavioral components, such as chronic absenteeism and both in- and out-of-school suspensions.

623. Bridgeport has seen good outcomes and solid growth in AIMSWeb scores from 2014-15 to 2015-16 in nearly all grade levels and in most subject areas, with fewer students below grade level in math and reading and more students above grade level. Bridgeport has seen increases in the level of growth in achievement across all grades.

624. Bridgeport saw growth in academic achievement and behaviorally in language arts, overall academic achievement, behavior, attendance and graduation rates from 2012 through 2014 and that continued in 2014-15.

625. Bridgeport is now ready to buy into the state's Connecticut K-3 Literacy Initiative (CK3LI) program and absolutely believes in what the program is teaching. One of its schools, Columbus School, is already involved.

626. Bridgeport has put a curriculum in place aligned with the Common Core State Standards and has provided training to all of its teachers in that curriculum.

627. Bridgeport is always working with staff to improve the "Tier I instruction" directed at mainstream students.

628. Bridgeport now has training in place for its school leaders in effective teacher evaluation. This training is funded through the Alliance District grant.

629. Bridgeport's system of intervention is in better shape than it was when Superintendent Rabinowitz came to Bridgeport. Rabinowitz reinstituted the directors of literacy and math. She hired them using Alliance District funding. Bridgeport has a 90-minute literacy period followed by an SRBI period which has an 'all hands on deck' approach that redistributes and differentiates students based on their needs. All 29 elementary schools in Bridgeport have had the 90-minute blocks since 2014-15. The intervention system is coming along. Bridgeport has used its Alliance District funding to support this system. The system helps defray the cost of interventionists by having time set aside where classroom teachers can do some of the intervention.

630. At Waltersville School in Bridgeport, SRBI is being applied to all students. Most teachers are engaged in tiered instruction aimed at different teaching for different abilities, and all teachers and interventionists are training in SRBI strategies. There are also teachers trained in the Wilson, Lexia and Just Words reading programs for K-3.

631. Bridgeport is implementing a new data system, which will take about 3 years to be fully implemented. This approach has virtually unanimous support from contemporary scholars in education, and was missing in Bridgeport when Superintendent Rabinowitz started her tenure there.

632. Superintendent Rabinowitz was deeply dissatisfied with the current teacher evaluation system and how it deals with growth in test scores particularly the fact that the growth rates have to be agreed on by the teacher and can be changed in the middle of the year. She blamed this flaw for yielding what she believed were dishonest and, therefore useless, evaluations for Bridgeport teachers.

633. Bridgeport has four interdistrict magnet schools with about 2,000 students and receives an additional $3,000 from the state for each Bridgeport student who attends (about 70% of the 2,000). Bridgeport also receives about $7,000 per pupil for each of the out-of-district students enrolled (about $4.2M). Bridgeport is opening a new magnet school, Geraldine Clayton School, in Jan. 2017, which will provide additional state funding to the district.

634. Bridgeport has several groups where it is developing teachers to be leaders, which gives the teachers more training and the opportunity to influence the school system. One such program is through CCSU. Bridgeport also participates in LEAD CT's Turnaround Principals' Program and the Coherence Practices for District Leadership Teams Institute.

635. Parental involvement is a critical factor in student success.

636. The relationship between the superintendent and the board of education of

Bridgeport affects the reforms that have been put in place or adopted in 2012.

637. In Bridgeport, the Commissioner's Network program has had a positive effect in terms of providing funding for professional development, instructional coaching, smaller class sizes and more interventions.

638. Suspensions in Bridgeport classes that participated in the ALIVE wraparound program were reduced by 23%. Out-of-school suspensions have dramatically dropped this year at Marin School. Additionally, Dunbar School saw an improvement in its culture and climate, including an over 30% decrease in in- and out-of-school suspensions.

639. The department gave Bridgeport Public Schools $200,000 for Columbus School (pk-8). With that money, Bridgeport helped put the Columbus School's principal through LEAD Connecticut training to help build his capacity to be an effective leader. Columbus School has seen growth in outcomes (*e.g.*, AIMSWeb scores) and reduced out-of-school suspensions significantly. The principal is now at a different school in Bridgeport and is expected to succeed there, given his training. Columbus has a new principal and has reapplied to the Commissioner's Network.

640. Bridgeport has a head of early childhood. Bridgeport has a universal preschool task force and is looking at establishing preschools throughout the city, and has done more marketing to reach out to parents about preschool opportunities.

641. Bridgeport has worked with the United Way to find children and provide services in those areas.

642. Around 2/3 of kindergarteners in Bridgeport have had a preschool experience.

643. Out of roughly 1,500 teachers, only about 120 resigned last year (8%). Another 80 teachers retired (5%). Thus, about 1,380, or 87%, of teachers stayed in the district.

644. Teachers in Bridgeport, like most teachers, are not primarily motivated by salary, and according to Superintendent Rabinowitz they would not leave their jobs if they did not get raises in a given year. Money is a factor for all teachers, but it isn't the highest priority for a teacher picking the profession or a school.

645. All teacher contracts in Bridgeport Public Schools grant raises every year.

646. Bridgeport has a district-wide behavioral support program called RULER which is an early intervention strategy where trauma in students is identified and, rather than identifying them as special needs, the program removes the children from the classroom to receive "high-powered" behavioral support, including work with families and schools, and then returns the students to the classroom after completion of the program. Through this program, parents are very committed and try to come in to learn better ways of parenting.

647. Bridgeport's new Career and Craftsmanship School is an alternative high school that helps overaged, underage students at risk of dropping out. At the school, which is extended day and provides transportation, students receive tutoring on core subjects and attend Bullard Havens technical school to experience trades such as masonry, culinary, carpentry and healthcare.

648. On March 1, 2016, Superintendent Rabinowitz was reminded by the department by email about the need for Bridgeport to spend down its Alliance District and Commissioner's Network funding and that it was behind on doing so. Another reminder came from the department on May 2, 2016.

649. In 2015-16, Bridgeport received over $18M in Alliance District funding and over $6.6M in Priority School District funding. Beyond these grants, Bridgeport received almost $6.5M in 2014-15 in competitive state, federal and private grants.

650. Using its Year Four Alliance District funding this school year, Bridgeport has used embedded literacy and math coaching, professional development to support the district's improvement plan, professional development for administrators in CCT Rubric in the Teacher Evaluation Framework, and recruitment and human capital pipelines in collaboration with local colleges and universities.

651. Through the Alliance District grant, Bridgeport funds 42 university interns and 32 interventionists to work on SRBI intervention and professional development at the elementary level. Bridgeport is using its grant to hire and train literacy coaches in every elementary school and math coaches for selected schools (some new hires, others already employed), who will then use half of their time to train teachers in the schools to help students with math and reading needs, and the other half of their time to work directly with students most in need of help. Bridgeport also uses its grant for enrichment and intervention blocks, which help defray the cost of interventionists by having time set aside where classroom teachers can do some of the intervention.

652. Bridgeport's per pupil expenditures have increased since 2011-12. Of that spending, 70% comes from the state, 21% from the municipality and 8% from the federal government.

653. In 2012-13, the average general education teacher salary in Bridgeport was $64,103, compared to nearby New Haven County districts like Orange ($65,695), West Haven ($63,507), New Haven ($59,767), Derby ($59,298), and Ansonia ($55,331).

654. Bridgeport was awarded $2.68 million for improvements to school buildings under the Alliance District school building grant. Bridgeport will use these funds for facility updates, including boiler replacements.

655. Bridgeport schools have received school improvement grants (SIG) since 2011. For example, Roosevelt School received a SIG from 2011-14 (over $800,000 per year),

and 4 schools (Cesar Batalla School, Geraldine Johnson School, Columbus School, Tisdale School) received a SIG from 2014-15 to present (between $130,000 and $200,000 per year each).

656. The Lighthouse program serves about 2,000 students in Bridgeport and offers after school and summer programs, and includes homework help, reading and math enrichment, computer instruction, music, arts, tutoring. The program is available during the school year for a sliding scale of $5 to $20 per week, with scholarships available, and in the summer all day. The all-day program is available for $10 to $40 a week on a sliding scale with scholarships available.

657. In recently completed or underway projects in Bridgeport, the state has committed $378 million to new buildings. Bridgeport projects are reimbursed by the state at 80% for renovations and 100% for roof replacements.

658. In 2014-15, Bridgeport upgraded over 10,000 Chromebooks. Bridgeport has more than one Chromebook for every two students. Bridgeport also tripled its internet access in 2014-15 after hiring a new technology director. Bridgeport received about $10M in E-Rate funding which will be used to provide additional access points for computer use and double the internet bandwidth this summer. Bridgeport is also receiving an expansion of wireless internet infrastructure for all 3rd to 12th grade classrooms this year.

659. Bridgeport also received an Apple grant that provided for an iPad for every student and teacher in K-8 in five different schools. This grant was given to only 114 schools nationwide, five of which are in Bridgeport. The roughly 3,000 students in those schools will not need Chromebooks.

660. Bridgeport received a grant for five elementary schools, including Waltersville School, to provide a resident artist in each school who works with students and gives teachers and the principals training on how to integrate the arts into instruction. It also provides about $40,000 for supplies across the five schools.

661. Bridgeport has implemented the MyOn program in K-9 classes, which is "an excellent program" that provides online and offline access for students to over 6,000 digital books. MyOn allow students to read genres that they like; monitors where the students are, gives a quick quiz after every book that is read and suggests other books and allows students to learn about other genres.

662. Bridgeport participates in the Jobs for the Future program for grades 9-12, which helps the district design pathways (courses) for students in the areas of culinary, business, the arts, etc. Using this funding program, Bridgeport has done incredible amounts of training in grades 7-10 in good strategies for literacy to get students to be college and career ready. Bridgeport also developed a program through this grant with Housatonic Community College where a number of students attend advanced manufacturing classes at the college (with transportation provided).

663. Harding High School in Bridgeport has international baccalaureate (IB) and law academy programs.

664. Principals at Central High School and Bridgeport Military Academy were "good hires" and have performed well.

665. Bridgeport has a portfolio of professional development opportunities for teachers and administrators that it conducts in-house in Bridgeport.

666. The literacy and math coaches at Bryant School are trained in various reading and math initiatives for the purpose of bringing them back to present to teachers in the classroom.

667. Bridgeport implemented a new math program that was geared towards the Common Core called Math in Focus. This was a paradigm shift in teaching math in each grade, building on the foundation of the previous grade starting with kindergarten through Grade 8. Professional development was given to teachers on this program.

668. Roosevelt School in Bridgeport is a new facility. There have been gains at Roosevelt School in attendance this year. Each student at Roosevelt has received an iPad mini from an Apple grant, and the teachers receive MacBook Airs and iPad minis as well.

669. Regarding raises every year for teachers, Superintendent Rabinowitz didn't think about asking teachers to make certain concessions given the budgetary issues in Bridgeport and the state. According to Rabinowitz, because of collective bargaining, the board has to negotiate the terms with the unions, and they would likely refuse to consider these concessions, such as not having salary increases every year. These changes would be difficult, especially given binding arbitration.

670. Superintendent Rabinowitz's relationship with the Bridgeport Board of Education is a challenge. The board gets stuck for 4 ½ hours on political issues (e.g., whether the superintendent's contract is legal) and "bickers about trivial matters," which leaves little time for substantive matters. It is difficult to conduct business, and the board often loses a quorum because it is so late by the time they get to substantive issues. Four members are opposed to most of whatever Rabinowitz wants to do. This dysfunction interferes with the functioning of the board and its ability to work on policy.

671. Tisdale School in Bridgeport was built in 2008 and is state of the art.

672. Eleven schools in Bridgeport, in one subject or another, reflect high needs students who are outperforming the state average of high needs students.

673. In 2012, Bridgeport's four year cohort graduation rate was 66.3%. In 2013, the four

year cohort graduation rate was 67.3%. In 2014, the four year cohort graduation rate was 71.5%.

674. According to the SAT, only 10% of Bridgeport's test takers met the "College and Career Readiness Benchmark"[i] in 2012. In 2013, 10% met the benchmark. Only 2% of PSAT students were marked as on track to graduate.

675. According to the 2012 CAPT grade 10 performance level report, only 36.5% of Bridgeport's students performed at or above proficiency in mathematics, and 10.3% performed at or above goal. In science, the results were 40.7% of students performing at or above proficiency, and 10.5% performing at or above goal. In reading, 42% performed at or above proficiency and 8.2% performed at or above goal. Finally, in writing, 59% performed at or above proficiency and 21.3% performed at or above goal.

676. According to the 2013 CAPT grade 10 performance level report, only 35.5% of Bridgeport's students performed at or above proficiency in mathematics, and 11.3% performed at or above goal. In science, the results were 38.2% of students performing at or above proficiency, and 9.7% performing at or above goal. In reading, 38% performed at or above proficiency and 8.6% performed at or above goal. Finally, in writing, 60.3% performed at or above proficiency and 20.7% performed at or above goal.

677. According to the 2014 CAPT grade 10 performance report, only 11.3% of Bridgeport's students met goal range and 38.4% were proficient.

East Hartford facts

678. East Hartford has approximately 7,000 students in 16 schools.

679. The student population in East Hartford is 35% African-American, 42% Hispanic, and 16% white, and there is a growing Asian population.

680. Seventy-one percent of East Hartford students are eligible for free and reduced price lunches. In five schools, 100% of the population is eligible for free and reduced lunches.

681. Over 15% of students in East Hartford are special education students, and 12% are English language learning students.

682. For 2014-15, the East Hartford superintendent requested a 5.7% budget increase, but received a 0% increase. As a result, Reduction in Force (RIF) letters were issued to teachers prior to May 1 to inform them of a potential layoff.

683. For 2015-16, the East Hartford superintendent requested a $90.4 million budget, but received an $88 million budget.

684. East Hartford's budget for instructional materials is extremely limited. The 2015-16 budget for textbooks is $40,000, and is slated specifically for a collection of worn out textbooks for a single class. Other textbooks in East Hartford, for example math textbooks from 1991, also need to be replaced.

685. East Hartford's budget for library books is zero dollars.

686. Most media centers in East Hartford are staffed by library paraprofessionals, rather than certified librarians, in order to save costs. Library paraprofessionals stock the shelves, but are not teachers who can instruct students on research techniques or help students select reading materials.

687. East Hartford has four or five elementary schools that do not have a social worker.

688. The high percentage of special education students in East Hartford combined with federal legal mandates related to the provision of special education services requires East Hartford to devote substantial and increasing funds to special education.

689. East Hartford's high concentration of English language learning (EL) students (around 12% of the student population) creates a challenge for appropriately resourcing and addressing individuals' language barriers or learning disabilities or both.

690. In 2011, East Hartford's EL rate was 8.1%, but in 2014, it was 9.8%. In 2011, the statewide EL rate was 5.4%, but in 2014, it was 6.4%. (These numbers are different from the ones described above because there are often discrepancies between internal data and data that the state reports). There are approximately 50 languages represented in East Hartford.

691. East Hartford only has one translator who speaks Spanish. The district's students, however, collectively speak 50 languages.

692. Because of budget constraints in East Hartford, 48% of the Alliance grant is used to support preexisting staff and programs.

693. Two East Hartford schools are currently members of the Commissioner's Network, but more than two would benefit from the additional funding associated with the Commissioner's Network.

694. East Hartford High School has one social worker for the 400 ninth grade students, which is insufficient to meet the varied socio-emotional needs of the students.

695. East Hartford High School hired two more school social workers for a total of four, but this was at the expense of additional intervention classes or more teachers.

696. There is one teacher for the reading intervention class at East Hartford High

School. Because of the high number of students who qualify for reading intervention based on the Standardized Test for the Assessment of Reading (STAR), many students, including those far below grade level, can't receive these services.

697. At East Hartford High School, limited staffing prevents some students eligible for math interventions from getting them.

698. At the time of trial, the textbooks at East Hartford High School for ninth grade science are outdated, for example, the physical science textbook in East Hartford High School is ten years old and the biology textbook is 15 years old.

699. Because of budget constraints over the past several years, teaching staff for elective programs have been reduced limiting student exposure to career and early college opportunities at East Hartford High School.

700. East Hartford High School lacks sufficient staffing for its special education students, with 14 special education teachers managing a caseload of 25-30 students and a single department head spread across schools.

701. No students who qualify for special education services at East Hartford High School reach grade level in reading by grade 12.

702. East Hartford High School has one school psychologist for its 1700 students working 70-90 hours a week, including service at other schools, and cannot meet student need.

703. Because of staffing limits, East Hartford High School has had to delegate personal counseling from the psychologist to social workers, raising their caseload and limiting their intervention outside of mandated IEPs.

704. Superintendent Quesnel has publicly stated that he is comfortable with and proud of the direction East Hartford is heading, the work it is doing and the quality of leaders in the district.

705. Superintendent Quesnel agrees with East Hartford High School Principal Matt Ryan that East Hartford is educating more and better educated students than it was 10 years ago. This can be seen in part by the double-digit gains in SAT scores.

706. East Hartford and the state as a whole are in the midst of new raised expectations; the Common Core State Standards have raised the bar of what career and college ready means and what it stands for.

707. East Hartford has not alerted the department about any due process issues regarding special education services.

708. In 2013, the Hartford Courant and FOX CT named East Hartford Public Schools

the seventh best place to work in the state.

709. An East Hartford principal recently told Superintendent Quesnel that the culture (based on rate of suspensions) at East Hartford Public Schools is the "best [he's] ever seen it" in 36 years in East Hartford schools.

710. Superintendent Quesnel is comfortable with the teacher retention rates in East Hartford. At East Hartford High School, Principal Ryan does not have to hire teachers because they do not leave very often to go teach elsewhere.

711. Total per pupil expenditures have increased in East Hartford every year from 2011-12 to 2014-15.

712. Increases in per pupil spending in East Hartford, as in other districts, is driven predominantly by teacher raises mandated through collective bargaining.

713. In East Hartford additional increased spending has been dictated by special education costs forcing him to cut other programs.

714. East Hartford does not have a coherent sustainability plan with regard to its Alliance District or Commissioner's Network plans. Instead, it goes from grant to grant. This is because East Hartford could not continue to do the things these programs are paying for without the grants.

715. Although school turnaround doesn't happen overnight or even in a year, East Hartford's O'Brien School has seen strong signs of progress in its second year as a Commissioner's Network School.

716. East Hartford Middle School Principal Anthony Menard is a graduate of the LEAD CT program, which he found to be a transformative process. East Hartford Middle School also uses the RISE program which provides behavioral support to students in need.

717. O'Brien STEM Academy in East Hartford has seen significant growth as a Commissioner's Network School, including levels of literacy across grade levels, chronic absenteeism rates, and parental engagement.

718. O'Brien School has a parent center and a food pantry. East Hartford has also secured a $750,000 grant from The Hartford Foundation for Public Giving to support efforts around family and community engagement, including developing a teaching and learning center and launching an office of family and community partnership. The district will use the Harvard School of Education's family engagement model and dual capacity building framework to help district leaders and teachers develop the necessary skills, abilities, and mindset to more effectively engage in work with families, with the special focus on culturally responsive practices. Superintendent Quesnel believes the plan will have a long-lasting impact on the East Hartford community.

719. Superintendent Quesnel appreciates the value of the Commissioner's Network and believes it is helping at both O'Brien and East Hartford Middle School.

720. East Hartford has not applied for more Commissioner's Network schools, although it is eligible for up to five. Conversely, Bridgeport has four Commissioner's Network schools, and is applying for another, and New Haven has three Commissioner's Network schools. It has not applied because Superintendent Quesnel could not get the union agreement required to apply. He hopes to get another opportunity soon.

721. Superintendent Quesnel supports the state's CK3LI reading program. East Hartford is using CK3LI strategies across the district and it has changed the district's approach towards reading. East Hartford piloted the program at Norris School and Langford School. In part because of improvements resulting from the CK3LI program, Norris School just exited turnaround status.

722. East Hartford's new early childhood center was built along a bus line to help increase access for students.

723. East Hartford's International Baccalaureate Academy High School was ranked as the best magnet high school in Connecticut and the 11th best in the nation this year.

724. East Hartford is developing social and emotional standards in the same way as they have adopted new academic standards aligned with the Common Core State Standards.

725. While its gaps compared with other districts are great, East Hartford is making progress toward its goals in both math and reading on the STAR assessment across all grades.

726. From 2015 to 2016, East Hartford saw a 25% decrease district-wide in students chronically absent, including a 39% decrease in elementary students chronically absent.

727. From 2015 to 2016, East Hartford also saw a steady decline in- and out-of-school suspensions across the district.

728. State policy and educational policy trends are discouraging suspensions. The theory behind discouraging them is that troubled students need more school, not less. This creates some risk of forcing teachers to tolerate classroom misbehavior, but the state is trying to train teachers in techniques to manage the problems.

729. Although its numbers were very low and remain very low, East Hartford outpaced the state average in growth on both the CMT and CAPT from 2009-10 to 2012-13 for all students and high needs students. Experts for both sides credibly noted that schools with very low scores are more likely to see bigger jumps in growth when

growth happens because there is such a long way to go.

730. In 2014-15, East Hartford's average class sizes for each of grades K-6 were below the state average.

731. In 2012-13, East Hartford teacher salaries were higher than the state average for general education and special education teachers. For general education teachers, East Hartford's salaries were higher than nearby districts like Hartford, Manchester and Windsor. East Hartford's superintendent salary was also above the state average in that year.

732. New teacher salaries in East Hartford are in the top third of all Hartford County districts.

733. East Hartford uses Alliance funding to hire behavior managers as well as attendance officers at East Hartford High School, East Hartford Middle School, and Synergy. An attendance task force consisting of representatives from each school meets monthly to share strategies. Alliance funding is also used to fund the School Transitional Environment Program (STEP) program at the high school, a transition program for students in high school who are experiencing significant personal challenges. Alliance funding is also used for professional development, teacher evaluation, embedded literacy and math coaching, SRBI, prek-3 literacy (Smart Start classrooms and Fundations), a chief turnaround officer, and an IB pipeline.

734. East Hartford developed a partnership with Asnuntuck Community College, Manchester Community College and Goodwin College to work with students at Synergy who can enroll in college-level courses and field experiences. At Synergy, students focus on a career-readiness component called the Above and Beyond Program.

735. East Hartford extended the school day at O'Connell School by 300 hours using Alliance funding. The school also has an international baccalaureate curriculum, which is a very rigorous, challenging curriculum. Students are provided intervention so that they can succeed in this curriculum. The school also added new teachers. In the first year after integrating students from other neighborhoods into O'Connell School, which raised the free and reduced price lunch student enrollment, things were as good or better, with math scores increasing by over 5%.

736. In 2014, East Hartford received a technology grant of $337,414 to purchase 480 iPad 2's and 16 carts.

737. At East Hartford High School (EHHS), Alliance District funding was used to hire two additional social workers, a remedial reading teacher, behavior managers, and attendance officers. EHHS also has two EL bilingual tutors, a psychologist, four social workers, and employs the co-teaching model. EHHS also has about 45 student

clubs, including a Future Teachers Club. It also has a teacher leadership academy for leadership professional development. EHHS has had professional development in reading training, reading strategies, chronic absenteeism workshops, PBIS training, Next Generation Science Standards training, Common Core training, STAR reading and math training, and teacher evaluation training. Also, SRBI is being implemented at EHHS, supported by the Alliance grant. Students in math intervention at EHHS are on track to exceed their projected growth rate, and are no longer in the intervention.

738. EHHS has a structure in place with a dedicated team in 9th and 10th grade for gifted and talented students, some of whom feed into honors and AP classes. REHHS also offers at least 15 AP classes.

739. EHHS has a special education inclusion program called REALITIES, which focuses on academic skills, community participation, vocational training, and independent living skills.

740. EHHS has a program called Team Aspire for EL students, with the goal of moving students out of the need for EL assistance and helping to develop their life skills and encourage community involvement.

741. EHHS has a Jobs for America's Graduates (JAG) program, which is an elective credit course teaching professional skills and offering individual mentoring and counseling to students. A senior at EHHS won second place in an employability contest at the JAG National Student Leadership Academy in Washington, D.C.

742. Superintendent Quesnel has praised Governor Malloy for working hard to make sure that school districts and ED reform cities have the resources they need to make the changes they need to make.

743. In 2012, East Hartford's four year cohort graduation rate was 76.6%. In 2013, the four year cohort graduation rate was 77.7%. In 2014, the four year cohort graduation rate was 78.3%.

744. According to the SAT, only 21% of East Hartford's test takers met the "College and Career Readiness Benchmark" in 2012. In 2013, 20% met the benchmark.

745. According to the 2012 CAPT grade 10 performance level report, only 53.9% of East Hartford's students performed at or above proficiency in mathematics, and 20.2% performed at or above goal. In science, the results were 56.6% of students performing at or above proficiency, and 20% performing at or above goal. In reading, 54% performed at or above proficiency and 21.7% performed at or above goal. Finally, in writing, 71.6% performed at or above proficiency and 35.3% performed at or above goal.

746. According to the 2013 CAPT grade 10 performance level report, only 50.9% of East

Hartford's students performed at or above proficiency in mathematics, and 23.1% performed at or above goal. In science, the results were 65.3% of students performing at or above proficiency, and 19.8% performing at or above goal. In reading, 60.8% performed at or above proficiency and 18.7% performed at or above goal. Finally, in writing, 84.3% performed at or above proficiency and 46.2% performed at or above goal.

747. According to the 2014 CAPT grade 10 performance report, only 19.8% of East Hartford's students met goal range and 62.6% were proficient.

New Britain facts

748. New Britain is a high poverty district, and is now a universal feeding district, meaning that all of the students in New Britain receive free lunch because a consistently high number – approximately 80% of students - were eligible for free and reduced price lunch for several consecutive years.

749. New Britain has approximately 10,000 students enrolled and operates nine K-5 elementary schools, one pre-K-8 magnet school, three middle schools and one comprehensive high school for grades 9-12.

750. New Britain's homeless population has increased to about 500 of the approximately 10,000 students in the district.

751. The student population in New Britain is around 61% Hispanic, 21% white, 12% African American, and 2% Asian.

752. Approximately 18% of New Britain's current students receive special education services and approximately 14% are English learners. New Britain's special education population percentage remains higher than the state average, about 18% against 12%.

753. The percentages of special education students, ELs and minority students has generally increased in New Britain over the past five years, with students in poverty remaining relatively stable at approximately 80%.

754. Approximately 130-135 of the 720 students at New Britain's Lincoln Elementary are EL students, or approximately 18%.

755. Approximately 110-120 of the 720 students at New Britain's Lincoln Elementary receive special education services, or approximately 15-16%.

756. A zero-based budget calculation—on starting from zero not a prior year's number—determined that for the school year 2012-13 New Britain was approximately ten to fifteen million dollars short of what would be required to meet the needs of the kids students in its neighborhood schools, taking into account any and all sources of

funding, including Alliance District funding and all grants from Federal, State, local and private sources.

757. New Britain has no significant programs for homeless students beyond a staff member who works to collect money for uniforms or gifts on holidays despite having approximately 500 homeless students out of the 10,000 student population.

758. New Britain eliminated 75 positions for 2013-14 because of budget constraints on hiring additional teaching staff.

759. Social workers and school psychologists in New Britain are at the maximum of their case load limit.

760. Middle schools in New Britain have 1.5 guidance counselors for 800 students.

761. New Britain had to eliminate paraprofessionals in kindergarten classes, increase kindergarten class sizes, and allocate state grant money away from early reading intervention programs and high school programs to implement full-day kindergarten and reap its proven benefits.

762. At Lincoln Elementary in New Britain teachers provide intervention services in coatrooms and book closets.

763. Students have been relocated at Lincoln Elementary to the hallway, another school, or another classroom because of heating and cooling issues.

764. Lincoln Elementary has one school psychologist to deal with extensive social emotional needs of over 720 students, forcing the principal, her assistant principal and a social worker to triage addressing the needs of the vast number of students with social emotional needs, attending to only students with the worst crises, and leaving many students needs unmet.

765. Lincoln Elementary's three reading interventionists are insufficient to meet the needs of the over 200 students identified as Tier III and requiring extensive needs for interventions. Only 85 students are served in any given marking period, excluding some Tier III students and many Tier II students from intervention.

766. There are no math interventionists at Lincoln Elementary.

767. There are approximately 700 students in New Britain High School's Freshman Academy, of which approximately 450 of those students are in "standard" classes.

768. Substantially all of the 450 students in "standard" classes out of the 700 students in New Britain High School's Freshman Academy read substantially below grade level, with many reading at the lowest "beginning reader" level.

769. There is one reading teacher to help provide reading help to the approximately 700

students in New Britain High School's Freshman Academy.

770. There is one social worker to help address the extensive social emotional needs of the approximately 700 students in New Britain High School's Freshman Academy.

771. One of the main reasons that some New Britain students did not have a preschool experience was lack of available space in preschool programs. In FY 2014, 666 children had unmet preschool needs.

772. Special education students at Lincoln Elementary are served in groups of 8 to 12 to meet mandated service hours at current staff levels.

773. Because of shortages of special education teachers at New Britain High School Freshman Academy, large numbers of special education students, sometimes as many as 17 special education students in a class of up to 31 students, are clustered together in classrooms so that services required by IEPs can be provided by the limited number of special education teachers.

774. For the 2012-2013 school year, 17.2% of K-12 students in New Britain were not fluent in English, nearly triple the state total of 5.8%.

775. At Lincoln Elementary, kindergarten EL students' needs are undercut by combining EL and non-EL students in ELD classes that are designed to contain exclusively ELL students.

776. Lincoln Elementary has EL classes that pose overcrowding and safety concerns, such as a first-grade EL class of 28 students, and in the past an EL class has had as up to 34 students.

777. While Dr. Pamela Granucci was principal of Lincoln Elementary School, teachers could not bring many kindergarten students who had not attended preschool up to where they were supposed to be by the end of kindergarten, which perpetuated a cycle whereby those students were continually behind.

778. In New Britain, in the 2012-13, 2013-14 schools years, an estimated 65% of kindergarten students were below national norms in terms of their academic skills.

779. In New Britain, because many students enter kindergarten without the basic skills that they are expected to possess at that age, it is important that administrators and teachers develop interventions to support those students at that age.

780. The skills of kindergarteners in New Britain are extremely diverse, with many students of poverty entering kindergarten without knowing letters, sounds, or colors.

781. Pre-kindergarten classes at Lincoln Elementary number 18-20 and are broken into half-day sessions because staffing is insufficient to provide full-day programming for all students.

782. It is extremely challenging for a single teacher at Lincoln Elementary to handle a kindergarten of 25 or 26 students when many students lack academic skills or need physical assistance, leaving many educational needs unmet.

783. The majority of first and second graders in Lincoln Elementary were significantly below grade level on the 2012 Developmental Reading Assessment (DRA) examinations.

784. Seventy percent of Lincoln Elementary students were not reading at grade level as of the last administered reading CMT.

785. In 2014, only 25-30 percent of Lincoln Elementary students performed at grade level in reading or math on the Northwest Evaluation Association (NWEA) examination.

786. In New Britain, NWEA Measures of Academic Progress (MAP) tests generally show 65-70% below goal in reading and 75% below goal in math, with numbers as many as 90% for subgroups like ELs.

787. Recent improvement in the graduation rate in New Britain, up to 69% from approximately 55%, are due in part to better tracking of students, distinguishing those who moved away from actual dropouts.

788. DiLoreto Magnet School in New Britain is in its final year as a Commissioner's Network school, and hours and personnel will likely be cut after the Commissioners' Network funding ends.

789. At Smalley Academy in New Britain, one social worker serves 680 students the school one psychologist spends most of her time serving special education students.

790. Smalley Academy in New Britain does not have any math interventionists and as a result cannot follow with the state's recommended interventions from the SRBI framework.

791. At Ellsworth Avenue Elementary School, 30% of students come in without having a preschool experience. Students who come in without a pre-K experience tend to have more difficulty with cognitive development as well as functional skills such as handling emotions, self-control, and conventions such as taking turns, waiting for a teacher or the bathroom, or not being able to eat until a certain time.

792. At Smalley Academy in New Britain, NWEA tests show approximately 80% of students are below grade-level in both reading and math, and approximately 55% of the students are in the lowest performance level (Tier 3).

793. There have been a number of positive developments in the New Britain school

district over the last three years. For example, New Britain partnered with community organizations to run a successful program to reduce summer learning loss. While still very low, reading scores on the NWEA in New Britain have shown progress. The town issued bonds to buy new textbooks and put SMART boards in every classroom. The district used Alliance and Commissioner's Network funds to add assistant principals in schools that did not have them, which has helped them to better supervise and evaluate teachers. Gaffney School has been completely rebuilt with 80% state funding into what is now a beautiful effectively new facility.

794. Chronic absenteeism has decreased significantly in New Britain. For example, chronic absenteeism in kindergarten in New Britain dropped from 30% in 2011-12 to 13.4% in 2013-14. The rate decreased for elementary schools as well, including from 19% in 2014-15 to 10-12% as of January 2016 at Lincoln Elementary School. Decreases in chronic absence and corresponding increases in time in class for instruction are correlated with better performance in school.

795. New Britain's average class sizes in 2014-15 were comparable to the state averages for grades K-8.

796. Efforts to reduce class sizes at the elementary level over the past three years have worked. The 2015-16 class sizes are very good compared to previous years.

797. New Britain's transition back to neighborhood schools in 2012-13 led to positive results, such as greater involvement of parents with schools, greater communication between schools and parents, and savings on transportation costs.

798. Using Alliance funding, New Britain has a transition plan from 8th to 9th grade to place students immediately based on strengths and weaknesses to improve instructional practices.

799. New Britain has several schools that have received school improvement grants, including Slade Middle School, Pulaski Middle School, Smalley Academy, Northend, Smith, Slade and Pulaski. At Pulaski and Slade, there have been significant reductions in absenteeism and in- and out-of-school suspensions.

800. In 2013-14, New Britain received $9.3M in bonding from the city to buy new textbooks and technology for every classroom, including a language arts series for all grades K-8, including hard cover textbooks, soft cover reading books, and writing journals. New Britain also purchased Chromebook mobile labs with a set of laptops for every four classrooms.

801. In August 2015, New Britain purchased four Chromebook carts for Slade Middle School to provide teachers with necessary technology to meet the needs of students. In October 2015, two additional Chromebook carts were purchased for New Britain's Satellite Careers Academy and an additional Chromebook cart with 32 Chromebooks for Pulaski Middle School using state grant funds.

802. New Britain had a five-year capital improvement plan for 2008-2013. All projects in the plan were completed. New Britain has the latest in high-tech SMART Boards in every classroom in the district.

803. New Britain's NWEA assessment tool, purchased in 2013-14, assists the district in tracking performance and helps teachers work better with students by identifying deficiencies.

804. New Britain operates preschool classes available to all children in the district on a sliding scale. In 2014-15, 81% of kindergarteners in New Britain had received a preschool experience, above the state average of 79%.

805. New Britain has all-day kindergarten in all of its elementary schools.

806. New Britain has an established curriculum for each subject in each grade. New Britain teachers teach to the new Common Core State Standards.

807. New Britain recently started to make greater use of the English Language Development teachers and coaches through an English Language Development program for EL instructors. As a result, English Learner students are increasing their English proficiency. For example, when the 1,700 EL students in New Britain were tested in September of 2014, they showed a 75% increase in reading scores over the previous year.

808. Using Alliance District funding, New Britain hired Clark Consulting to revamp its EL program. In 2014-15, all ELL teachers and tutors received six training sessions with an outside consultant. Each teacher additionally received demonstration lessons, co-planning and co-teaching sessions, and coaching with the outside consultant and in-house coaches. Two tutors and four language support assistants attended Alliance professional development sessions: Strategies for Teaching English Learners. Those teachers trained then go into the classrooms and provide embedded coaching to train other teachers.

809. DiLoreto School in New Britain, a Commissioner's Network school, went from being rated the 8th worst school in the state to being recognized in 2014 as a model for dual language programs in CT with credible performances by its students including its ELs.

810. The Commissioner's Network funding for DiLoreto School extended the school day for students and provided for physical upgrades to the building.

811. The culture and climate have improved at DiLoreto School. For example, rates of in- and out-of-school suspensions have declined significantly, in part because of the ALIVE wraparound program at the school.

812. New Britain High School has expressed significant interest in joining the Commissioner's Network.

813. Using state and federal funding as well as community partnerships, all schools in New Britain have some form of after school or extended day programs, except for the Satellite Careers Academy and the Alternative Center.

814. In 2015-16, New Britain completed a total renovation of Gaffney Elementary School, adding about 15,000 square feet and additional classrooms. Eighty percent of the total cost of the project was paid by the state.

815. New Britain High School's Finance Academy is a partnership between the district and local businesses to serve as a career pathway for students in the area of finance. Students have been successful in this program, and the number of students desiring to participate has increased by 102 students in its second year. The Academy also became part of the National Academy Foundation, which will give students a certification that is looked favorably upon by Fortune 500 companies.

816. New Britain offers about 15 AP courses in all of the major academic subjects as well as fine arts areas.

817. The City of New Britain completed fiscal year 2015 with a surplus of $14.9M. New Britain school district planned to seek that surplus to apply to its school budget.

818. New Britain used its 2015-16 Alliance District funding for various initiatives and staffing, including six building administrators to support teacher evaluation and development, Clark Consulting to provide professional development for ELD training throughout the district and ELE for two middle schools, ten kindergarten teachers for extended day, 10 reading interventionists for Tier III, ELD tutors and coaches, two district coordinators for SRBI and academics, six math teachers, professional development for reading and interventions, 39 ELD teachers, 36 teachers (reading, interventionists, early literacy, language arts and middle school reform ELE), six math teachers, and other professional development.

819. The Read 180 intervention program helps students who are behind grade level and assesses and addresses individual needs through adaptive instructional software, high interest texts, and direct instruction in reading and writing skills. Alliance District funding is being used to train reading interventionists in New Britain on Read 180.

820. In nine schools to date (including NBHS and Smalley Academy), New Britain has implemented well-managed classroom training (Boys Town model) for all teachers on understanding the social and emotional needs of students through the Safe Schools Healthy Student grant.

821. Data teams at New Britain High School meet twice a week.

822. Teachers in New Britain have access to the Bloomboard platform, which provides resources for teachers including books, videos, webinars, and other documents for

professional learning. All teachers received a $75 credit to use the website.

823. Common Core curriculum has been implemented at New Britain High School. Teachers received training to assist in this implementation.

824. All classrooms at New Britain High School have interactive ENO boards.

825. At Lincoln Elementary School in New Britain, two of the three pre-k classrooms are co-taught classes, where a special education and regular education teacher co-teach special education and regular education students (peer model). These special education students receive their services in-district. There are five teachers and four paraprofessionals for the three pre-k classes.

826. The class sizes range from 15 to 20 students at Lincoln Elementary. This is at or below state averages for K-5, which are between 19.1 and 21.4.

827. Lincoln Elementary was renovated extensively ten years ago. Classes at Lincoln Elementary were only canceled once because of severely cold weather, at a time when many other districts canceled school as well. That school day was eventually made up.

828. Lincoln Elementary has full-day kindergarten for all students, funded through the Priority School District grant. It also has wifi and ENO boards in each room, and all teachers have iPads which are used among other things for Power School to keep contact with parents and keep track of student attendance and grades.

829. New Britain undertook a kindergarten initiative to make connections with parents on the importance of attendance in early grades. Two attendance monitors were hired in 2012-13 at Lincoln Elementary to focus strictly on kindergarten students, and make home visits. Lincoln Elementary and all other elementary schools in New Britain formed school attendance groups of teachers and social workers. These efforts have been successful in decreasing chronic absenteeism and improving attendance, particularly in kindergarten. For example, Lincoln Elementary has decreased its chronic absenteeism rate from 19% to 10-12%.

830. Lincoln Elementary provides an adequate learning environment for students to be successful.

831. At Lincoln Elementary, each grade level made an average of one year's growth or more on the Spring 2015 NWEA assessment.

832. With Title I federal funding, Lincoln Elementary received three literacy interventionists at a cost of $24,990 for 392 hours of tutoring from January 3rd to June 1, 2013, as well as $2,500 for the chronic absentee intervention and $4,500 to purchase intervention materials (individualized reading books) for identified students as well as DRA 2 software (and iPads for all teachers) for student progress monitoring.

833. The assistant principal position that Lincoln Elementary received was paid for with Alliance District funding. Administrative professional development was also funded through the Alliance grant. Lincoln Elementary also received state funding for summer school intervention.

834. At Lincoln Elementary, the I-DRIVE teacher evaluation platform causes the teachers to be very reflective practitioners and review their own practice and to work in teams to improve their practices with each other and by learning from each other. It is a very organized platform for the school to provide consistent feedback to the teachers on their performance and using the rubric from the state (SEED) to give teachers specific feedback on areas they can work on and areas that they excel in.

835. Smalley Academy in New Britain was selected as one of only 33 schools of distinction in the nation by College for Every Student in June 2015, as a school with exemplary programs incorporating mentoring, leadership through service, and pathways to college (providing students with college experiences).

836. Smalley Academy has a school attendance team that meets biweekly to discuss student attendance and chronic absenteeism. Smalley Academy has seen a 50% reduction in suspensions from when Principal Saavedra started there to present.

837. Smalley Academy has four interventionists and additional reading tutors paid for with SIG funding. As a result, there has been growth across the board in student achievement in fall 2014 and fall 2015.

838. Classroom teachers at Smalley Academy provide interventions to small groups in their classrooms. All teachers are trained in providing differentiated instruction and interventions in the classroom.

839. Regarding SRBI and math intervention, New Britain has used the Alliance District grant to fund two district coordinators for SRBI and Academics, six math teachers (middle school reform) and six other math teachers, as well as an intervention team in each building using Power School/Teacher "intervention homepage" to track and record interventions and progress monitor.

840. All new teachers at Smalley Academy have gone through Common Core training for ELA and math, new assessments including NWEA (Northwest Evaluation Association), ELD/ELA, and SRBI interventions.

841. Smalley Academy has new technology for blended learning that incorporates digital instruction beyond textbook instruction in every classroom.

842. Using federal funding, New Britain parent, board member, and CCJEF Treasurer Merrill Gay helped organize and run a forum for kindergarten teachers and elementary school administrators about the role of imaginative play in developing executive functioning in kindergarten students, which has had positive feedback and

will be expanded.

843. From fall 2013 to winter 2014, there was growth in NWEA reading for all grades except 8th grade. For EL students, the percentage of students at or above average increased and often substantially. For NWEA language usage, the percentage of students at or above average increased for all but grade 7, and overall by 3%. Most grades also saw increases for EL students. There was also substantial growth in NWEA scores from fall 2013 to fall 2014.

844. For every single subject at every single school in New Britain there has been some positive growth shown in the total number of students falling into the average and above average bands from fall 2014 to spring 2015 in NWEA.

845. New Britain outpaced the state average in growth on the CMT from 2009-10 to 2012-13 for all students and high needs students.

846. In 2012-13, salaries for general education teachers, special education teachers, principals and the superintendent were higher than the state average.

847. The salaries for general education teachers in New Britain that year were greater than each of the adjoining towns.

848. Per pupil spending in New Britain has increased every year from 2011-12 to 2014-15 (last available year of data). Of that spending, 62% comes from the state, 31% from the municipality and 7% from the federal government.

849. On a per pupil basis, New Britain receives the fifth highest amount of ECS funding of all the districts in the state.

850. In 2014-15, six schools in New Britain, in one subject or another include high needs students who are outperforming the state average of high needs students.

851. In 2012, New Britain's four year cohort graduation rate was 60.5%. In 2013, the four year cohort graduation rate was 60.9%. In 2014, the four year cohort graduation rate was 63.6%.

852. According to the SAT, only 24% of New Britain's test takers met the "College and Career Readiness Benchmark" in 2012. In 2013, 25% met the benchmark.

853. According to the 2012 CAPT grade 10 performance level report, only 45% of New Britain's students performed at or above proficiency in mathematics, and 14.8% performed at or above goal. In science, the results were 35.4% of students performing at or above proficiency, and 11.8% performing at or above goal. In reading, 48.3% performed at or above proficiency and 18% performed at or above goal. Finally, in writing, 62.5% performed at or above proficiency and 28.4% performed at or above goal.

854. According to the 2013 CAPT grade 10 performance level report, only 39.5% of New Britain's students performed at or above proficiency in mathematics, and 14.6% performed at or above goal. In science, the results were 37% of students performing at or above proficiency, and 8.1% performing at or above goal. In reading, 44.9% performed at or above proficiency and 14.6% performed at or above goal. Finally, in writing, 61% performed at or above proficiency and 24.4% performed at or above goal.

855. According to the 2014 CAPT grade 10 performance report, only 12.2% of New Britain's students met goal range and 44% were proficient.

Windham facts

856. Windham is a low income town that includes a substantial immigrant and homeless population.

857. Most North Windham Elementary School students live in the Willimantic area.

858. Many North Windham Elementary School students live in dilapidated buildings owned by absent landlords.

859. Most of the North Windham Elementary School students' families qualify for food stamps.

860. About 80% of the students at North Windham School are of Latino heritage.

861. At North Windham Elementary School, many students do not have money for lunch, coats, or boots.

862. North Windham Elementary School has only one social worker for 466 students.

863. The social worker at North Windham Elementary School, Catina Cabán-Owen, works out of a former locker room.

864. The quality of her counseling is undercut by the constant noise from the gym next to her office.

865. She often meets with 10-12 students at a time.

866. The ceiling tiles in her office have collapsed previously and many are currently sagging.

867. During winter her students have to wear jackets in her office because it lacks heat.

868. In certain Windham public schools, areas not designated as classrooms are used for instructional space. This includes spaces such as hallways, closets or old showers

gymnasium in Sweeney, Windham Center and North Windham and the Windham Center auditorium.

869. Approximately four years ago, the ceiling in Natchaug collapsed; it required the school to be closed in order to conduct asbestos abatement and to repair the roof.

870. With the closure of Natchaug for approximately one year students were moved into Windham Middle School and spent their entire school day in one classroom. Class sizes for both Natchaug and Windham Middle School were increased to accommodate presence of Natchaug students.

871. Natchaug School's ventilation operates on a manually operated hose system that creates noise in the classroom.

872. The Windham Center ventilation system has been covered over with insulation and no longer functions.

873. Portable classrooms at Sweeney, Windham Center and North Windham have experienced incidents where mice, rodents and other animals die in the walls, leaving a stench and requiring removal.

874. Windham Center is prone to leaks that result in significant water infiltration into front rooms of the building resulting in roofers to be called after almost every rainstorm to repair sections of the roof.

875. Windham Middle currently has a tar and gravel roof permeated by vegetation, with staff using seven to eight pails or garbage cans to collect water from leaks in rainstorms; replacement of the roof is scheduled but has not yet begun.

876. Both Windham Center and North Windham are undergoing well water renovations after well water was determined to be contaminated. Windham Center closed for three days because of contamination.

877. Sweeney's fire system is incomplete, with alarms inaudible in parts of the school.

878. Natchaug, Sweeney and Windham Center lack sprinklers in their fire system, and Windham Center and Sweeney lack classroom smoke detectors.

879. In 2012, the average elementary school teacher salary in Windham was $57,485.36. The low salary scale poses a challenge in attracting qualified teaching staff and contributes to teacher turnover in Windham public schools.

880. Windham public schools have the highest percentage of EL students in the State of Connecticut. But there are limited programs available for EL students as a result of the dismantling of transitional bilingual programs from Windham public schools during the special master's tenure.

881. Between 2014-15 and 2015-16 (as of Oct. 2015), there was a 17% increase in Windham in the number of courses offered for college credit, a 2.5% decline in student absences, an 8% increase in the graduation rate, a 16% increase in students scoring 3 or better on AP exams, and a 9.8% increase for students reading at grade level under the NWEA test.

882. During and after state supervision (2011-14), significant progress has been made in Windham in terms of board of education governance as well as academic and non-academic indicators.

883. Per pupil expenditures in Windham are well above the state average, and have steadily increased since 2011-12.

884. Windham outpaced the state average in growth on the CMT from 2009-10 to 2012-13 for all students and high needs students.

885. Windham's average class sizes in 2014-15 were comparable to the state averages for grades K-8.

886. Using Alliance District funding, Windham has expanded the use of the CK3LI model across the district in grades K-3 (serving 1,159 students), which has helped create dramatic improvement for K-3 students in Dynamic Indicators of Basic Early Literary Skills (DIBELS) reading scores and the Riverside Interim Assessment in ELA.

887. Small learning communities in Windham schools provide opportunity for collaboration and building relationships, and have been funded through the Alliance District and Commissioner's Network grants. They also provide for small class sizes; for example, average class sizes at Windham Middle School are 18.

888. Windham is receiving $700,000 annually as part of its transition following state supervision. The first $700,000 was received around June 30, 2015, and was used for summer schools, textbooks, AP resources, science resources and professional development for teachers. The second $700,000 is expected by June 2016, and will be used for summer school, outdoor camp for students, and training for teachers and principals.

889. Using their 2015-16 Alliance District grant, Windham hired five full-time EL teachers. Other than the EL teachers, Windham has hired about 40 teachers. Windham has a clear sustainability plan in its Alliance and Commissioner's Network plans, and is bringing administrators up to speed on teacher evaluation. It also has a robust plan for minority teacher recruitment. Windham has also taken on the cost of some of the CK3LI coaches to build sustainability.

890. Windham's 2015-16 Alliance District Plan provides money for twelve literacy specialists, five full-time ELA and math coaches, a half-time kindergarten to 3rd grade literacy coach, a full-time special education instructional specialist, a full-time

instructional specialist at Windham Middle School, an early college opportunity math teacher, nine part-time kindergarten teachers, an almost-full-time preschool special education teacher.

891. Windham has a companeros program, providing a dual language program to roughly 300 EL students from pre-k to 8th grade.

892. Windham will be redesigning the district's bilingual program.

893. Windham's EL staff participates in professional development.

894. Windham recently received approval to participate in a pilot program for bilingual second language students to develop a comprehensive program to help 15 new arrivals in grades 6-12 build their literacy skills in English and their native language. The grant provides Windham with $200,000 in each of the two years of the grant. Windham already has access to these funds.

895. School culture and climate in Windham has been improving over the last two years. Attendance has improved, the dropout rate has diminished, and the number of discipline issues has decreased. In particular, Windham Middle School has seen a dramatic decline in discipline referrals since joining the Commissioner's Network. Windham's PBIS system has also benefited students.

896. During Dr. Garcia's tenure, Windham has fulfilled students' IEPs. There have been no governmental findings of violations with regard to special education services in Windham during that time.

897. Preschool is available for Windham children on a sliding scale. In 2014-15, 78% of kindergarteners in Windham had received a preschool experience, comparable to the state average of 79%. As of the 2015-16 school year, Windham added two preschool classrooms at Barrows STEM School for a total of 36 preschool students. The Kramer School also has eight preschool classes for a total of about 250 students. Windham also has about 295 preschool development grant spaces for 3 and four year olds funded by state and federal preschool grants. The Windham Early Childhood Program achieved NAEYC accreditation in 2014-15. Once the high school gets renovated, Windham will add more preschool classrooms.

898. Two of Windham's principals (North Windham and Natchaug schools) have participated in LEAD CT. This program has benefited them in regard to knowledge of instructional practices. The principals have shared their new-found knowledge with other principals in Windham.

899. In 2015-16, Windham received more than $2.6M in Alliance District grant funds, over $1M in Priority School District (PSD) grant funds, $61,072 in Public School District (PSD) extended school hours funds, and $67,473 in PSD summer school grant funds. Windham also carried over about $100,000 in Alliance District funds from 2014-15 to 2015-16. Windham High School also received a school

improvement grant from 2011-14 in the amount of $800,000 per year.

900. Windham has after school enrichment programs which include additional music and arts programs, debate and cooking. Windham also offers K-3 summer school programs in reading and math. In 2015-16, Windham also instituted the algebra readiness camp to prepare students to take algebra in 8th grade.

901. Windham's early college opportunity (ECO) program permits high school students to graduate with an associate's degree in four, five or six years, for no additional cost to students. The students then can enter the workforce in manufacturing. Windham is working with Electric Boat, QVCC and Squab Industry for this program. Electric Boat donated 40 laptops to Windham High School for the program. Windham used Alliance District funding to staff the program.

902. Windham has in place guidelines to implement a gifted and talented program for 2017-18.

903. Windham received 40-50 SMART boards in 2014-15. Windham also has a student technology club where several students have received recognition and awards.

904. Teacher turnover has decreased in Windham.

905. Windham has seen more of a commitment from the community and parents.

906. Windham Middle School, a Commissioner's Network school, has improved in preparing students for high school based in part on the additional learning time and after-school enrichment programs.

907. From 2012 to 2015, Windham's graduation rates increased from 70.2% to 81.7%. The graduation rates of Hispanics and special education students have increased as well.

908. New language arts and math curricula were implemented in all grades in Windham and are aligned to the Common Core State Standards.

909. During the 2015-16 school year, 77 SMART boards were installed throughout Windham schools.

910. Windham anticipates that by the year 2020, each student will have a computing device available to them at school.

911. Windham High School introduced new courses in 2015-16, many of which align with careers and 21st century technological skills like robotics, bioinformatics, audio visual production, civil engineering, and architecture, that will help put each student on track for graduation and success in college and a career.

912. Windham High School offers 20 college credit bearing courses from Eastern

Connecticut State University and UConn.

913. Over the summer of 2015, Windham saw improvements to its school facilities made by custodians and maintenance technicians, including renovations of restrooms and cafeteria space.

914. Windham schools have received significant aid through technology grants to assist with implementation of Common Core State Standards and the computer adaptive SBAC tests, as well as low-performing bond funding since 2014, which have been used for such projects as gymnasium, auditorium and bathroom upgrades, laptops, calculators, software, SMART boards, Lenovo Think Pads, and carts.

915. Windham also received over $1.1M in January 2016 for repairs and maintenance to Windham schools as part of the Alliance District school building grant program. Improvements include improvements to school security, school kitchens, districtwide IT reliability, parking and school maintenance storage, student laboratories, student communications, student playgrounds and the districtwide server room.

916. Windham's school budget passed the referendum on the first try in 2015-16, in part because the superintendent was very visible in the community.

917. At the end of fiscal year 2016, Windham schools expected to have a surplus between $25,000 and $30,000.

918. Some districts have enrolled their employees in the state health plan and saved a significant amount of money. Windham has looked into this option.

919. The United Way contributes about $65,000 annually for after-school programs in Windham.

920. All Windham schools have Tier 1 intervention based on PBIS.

921. Ms. Caban-Owen, a social worker at North Windham School, has never had to cancel a counseling session because of heating issues, damaged tiles or other facilities issues. She also receives assistance with both formal and informal counseling from six interns.

922. In Windham, about 45% of local money for the town goes to the board of education. Local funding accounts for only 35.6% of the school budget, while the rest is state and federal funding. Windham received budget increases of 3.6% between Superintendent Garcia's first and second year. She is proposing a 3% increase for 2016-17, which includes a 3% increase in staff salaries, $800,000-1M for the Companeros program, and $1M for non-Companeros ESL students.

923. The board of education in Windham has approved a significant renovation of the Windham High School costing about $90M. The state will reimburse Windham for

about 79% of that cost. After that renovation, Windham High School will house about 600 high school students, up to 434 early childhood students, and the board of education offices.

924. Windham Middle School is getting its roof replaced and a microgrid installed, costing around $3M. The state will reimburse 100% of the cost of the roof replacement. The Natchaug School roof was replaced prior to Dr. Garcia's tenure in Windham. The Windham Interdistrict Magnet School project for $42M was completed, with the state paying 95% of the cost. Other projects included a roof replacement, asbestos abatement and flooring replacement in one wing in the cafeteria at Windham High School, new wells and other renovations at North Windham School and Windham Center School, and a microgrid at Sweeney School.

925. There is adequate space at Windham Middle School and Windham High School. Half of Windham High School is empty.

926. In 2014-15, four schools in Windham, in one subject or another include high needs students who are outperforming the state average of high needs students.

927. Windham's efforts to bring back outplaced special education students during Dr. Garcia's tenure have led to a savings of about $200,000. That money will go back to benefit the special education students.

928. In 2012, Windham's four year cohort high school graduation rate was 70.2%. In 2013, the four year cohort graduation rate was 75.3%. In 2014, the four year cohort graduation rate was 73.2%. In 2015, the four year cohort graduation rate was 81.7%.

929. According to the SAT, only 27% of Windham's test takers met the "College and Career Readiness Benchmark" in 2012. In 2013, 34% met the benchmark. Only 2% of PSAT test takers were deemed on track to graduate.

930. According to the 2012 CAPT grade 10 performance level report, only 41% of Windham's students performed at or above proficiency in mathematics, and 20.8% performed at or above goal. In science, the results were 50% of students performing at or above proficiency, and 22.5% performing at or above goal. In reading, 45.3% performed at or above proficiency and 18.2% performed at or above goal. Finally, in writing, 60.4% performed at or above proficiency and 32.5% performed at or above goal.

931. According to the 2013 CAPT grade 10 performance level report, only 33.1% of Windham's students performed at or above proficiency in mathematics, and 13.7% performed at or above goal. In science, the results were 47.7% of students performing at or above proficiency, and 15.6% performing at or above goal. In reading, 39.7% performed at or above proficiency and 12.4% performed at or above goal. Finally, in writing, 40.6% performed at or above proficiency and 16.5% performed at or above goal.

932. According to the 2014 CAPT grade 10 performance level report, only 10.9% of Windham's students performed at goal range in mathematics, and 34.5% were proficient. In science, the results were 9.4% of students performing at goal range, and 41.4% were proficient. In reading, 18.8% performed at goal range and 52.5% were proficient. Finally, in writing, 27.5% performed at goal range and 66.1% were proficient.

New London facts

933. New London is a high poverty district. The presence of non-taxable properties, such as colleges and Section 8 housing, makes it hard for New London to raise money from property taxes.

934. New London School District was "flat-funded" (i.e. the city never increased funding) between 2009 to 2012, requiring administrators to cut academic programs (including the gifted and talented program), redevelop special education programs to account for funding, eliminate counselors and social workers, and maximize class sizes.

935. In the 2011-2012 academic year New London had a high concentration of students in poverty compared to other districts, over 86% of its students qualified for free and reduced-price lunch compared to 19% percent in Bethel and approximately 21-22% in Newington.

936. From 2009 to 2012, New London had no staff devoted to literacy intervention compared to Newington that in 2013-14, had two reading interventionists for each elementary school.

937. Plaintiffs' witness Dr. Christine Carver managed a caseload of approximately 35 special education students with learning disabilities during her time in New London compared to a caseload of 15-16 students in other districts.

938. New London from 2009-2012 had one social worker shared between two elementary schools, and the middle school counselors were eliminated because of budget constraints. The high school had a part-time social worker and shared a psychologist with an elementary school.

939. According to study conducted by the National Center for Linguistics during Dr. Carver's tenure, New London lacked the staff to address its high number of EL students.

940. Dr. Carver left New London in May 2012, and is not aware of the reforms instituted in New London since that time, nor is she aware of the current status of technology, professional development, academic achievement, or any other specifics of the district.

941. From 2009 to 2012, New London's EL population was larger compared to Bethel and Newington.

942. At the time of trial, approximately 75% of New London High School's student population was eligible for free and reduced price lunch.

943. When done well, sheltered content instruction —integrating language learning and content instruction—can be an effective way to teach English language learners particularly when molded to a student's grade and academic content level.

944. English language classes at Bennie Dover Middle School in New London provide sheltered instruction.

945. These classes contain approximately 24 EL students in grades 6-8; students range in literacy levels in their native language.

946. While they are supposed to include science instruction the school provides no science materials and textbooks.

947. In 2012, the average elementary school teacher salary in New London was $57,028.14 compared to $66,059.24 in Groton and $80,811.47 Waterbury.

948. Special education students at New London High School have varied academic and socio-emotional needs. In the 2015-16 school year students in the LINKs class (a class for students with severe socio-emotional needs) are taught by a teacher without a background in special education.

949. During the 2015-16 school year New London High School couldn't fill at least four teaching positions leaving them filled by substitute teachers who could only teach for a maximum of 40 days. They were not qualified to teach the subjects for which they were assigned – for instance, the substitute teacher hired to teach the Spanish world language class couldn't speak or read in Spanish.

950. Bennie Dover Middle School in New London has one social worker and one guidance counselor to meet the needs of its entire student body - over 200 children.

951. Many students enter New London High School at least two grade levels behind.

952. While the building will soon be replaced, New London High School does not have adequate heating. Teachers apply duct tape to their windows to keep wind and snow from entering. Trash cans in three major areas catch rain leaking into the building. The school has three boilers, which never work at the same time.

953. The state took over the New London schools, appointing a special master to run them from 2012-2015. Progress was made in New London in terms of board governance as well as academic and non-academic indicators.

954. While its test scores remain very far behind others in the state, there have been increases in reading and math standardized test scores from fall 2014 to fall 2015 at New London High School (NLHS); increases in daily attendance from 2011-12 to 2014-15 at NLHS; decreases in out of school suspensions from 2012-13 to 2014-15 at NLHS; and increases in graduation rates from 2011-12 to 2013-14 at NLHS.

955. In 2012, New London High School increased its CAPT scores by 33.3% in reading and 15.6% in math. It also met its goal of increasing every subgroup and nearly eliminated the achievement gap in reading between white and black students with both groups earning about 82% proficiency or above.

956. New London High School was awarded a bronze medal as part of the US News & World Report's 2014 Best High Schools rankings for its subgroups outperforming their peers in the state based on CAPT and SAT scores as well as AP course participation from 2010 to 2014.

957. New London outpaced the state average in growth on the CMT for all students and high needs student and CAPT for all students from 2009-10 to 2012-13.

958. In 2014-15, third graders at Jennings Elementary School grew at a faster rate than the National Expected Growth and at a faster rate than students at the other two elementary schools in math on the NWEA universal screener.

959. In 2014-15, English Learners in grades 4-7 exceeded the expected growth target in Math on the NWEA, with grade 7 English Learners exceeding by almost double the expected growth norm.

960. In 2014-15, the seventh grade ELs scored 15% higher in the proficiency and advanced ranges than in the previous year as 6th graders on the LAS Links test.

961. New London's graduation rate in 2014 was 72%, the highest it has been in the last 8-9 years.

962. The number of English Learners who graduated in 4 years increased 10% from 2012 to 2014.

963. These growth rates mean New London students in some categories outpace the growth rates of other students mostly those in other poor communities or other students who are poor. They do not mean that New London's problems are solved or that they will solve themselves with the *status quo*.

964. Since 2011, NLHS has used in various School Improvement Grant (SIG) funding. For example, using its SIG 1003a funding, NLHS has trained teachers "to aid in building capacity of coordinators in each content area who will then be able to replicate the training for all teachers.... And this helps build sustainability."

965. Some of the positions at NLHS that were funded through the SIG grant will be integrated into the Alliance District plan such as the motivational officer, afterschool program coordinator, credit recovery facilitator, and behavior support personnel.

966. Through the State Personnel Development Grant (SPDG), training in SRBI by SERC for teachers and administrators at NLHS has helped build the capacity of administrators and teachers. School personnel have also received training in Positive Behavioral Interventions and Supports (PBIS), as well as in trauma informed schooling through the Project Prevent Grant, which is aimed at expanding staff's understanding of the impact of trauma on student learning and behavior.

967. NLHS employs various cost-neutral methods of improving student behavior, attendance and performance, such as formal advisory periods, where every student meets for about 20 minutes a day with a designated staff member, having adults in hallways during every transition in the school day, positive reinforcements and "shout-outs." These efforts, which do not cost money, have helped improve student behavior and decrease out–of-school suspensions.

968. Regarding any facilities issues asserted by plaintiffs, NLHS has not had to close any schools and students have always been able to receive instruction.

969. New London, not the state, has made decisions on which facilities issues to address. In the past, there was a constant battle between the local school board and city over school funding, with little to no support at the city level for the school budget. This has changed in the past few years, following state supervision in New London (2012-15). Currently, the city is making the decisions regarding what needs to be repaired now versus what can wait until the new high school is built in 2020. It took a direct, dramatic, and sustained intervention from the state to improve things.

970. In 2014, New London voters approved an additional $168M for construction of two new high school campuses. In June 2015, the General Assembly approved the school construction bonding package. An architect was selected for this project by the Architects Selection Committee.

971. After the new high school is built, the facilities issues, including any heating issues or ADA compliance issues, will be remedied.

972. Principal Thompson has partnered with LEAD CT to promote leadership in the bilingual department by mentoring a New London teacher.

973. Beginning in 2014-15, consultants from Southern Connecticut State University have been providing professional development on EL instruction to NLHS teachers. NLHS is training more teachers in EL instructional strategies this year (2015-16) Ultimately, NLHS plans to have all staff trained in EL instruction.

974. New London High School is in compliance with the IDEA.

975. New London has reduced the growth and number of special education outplacements, resulting in savings in tuition and transportation.

976. In partnership with LEARN (a local Regional Education Service Center -RESC) and using Alliance District funding, New London is training special education teachers on implementing IEPs aligned to the Common Core State Standards.

977. The self-contained special education classrooms at New London High School range from 12:1 to 18:1 student to staff ratio.

978. New London High School has a transitional coordinator and job coaches paid with Alliance District funding who help special needs students transition to the world of work by helping find employment for students and monitoring them on the job site.

979. Using Alliance District funding, NLHS also works to assist with college applications.

980. NLHS has an afterschool program, early college opportunity program, AP courses, adult education programs, and a central office welcome center.

981. Harbor School and Friendship School provide preschool opportunities to New London children.

982. All freshmen, sophomores, and juniors at NLHS have individual Chromebooks, paid for through a state technology grant.

983. At NLHS, all teachers have access to whiteboards, and there are also SMART boards in some classrooms.

984. The library media center at NLHS used information from MAP and Achieve 3000 to source and purchase materials at various reading levels for students. As of 2013, all media resources requested were approved and purchased.

985. NLHS has wifi and computer labs, and the district recently received new software, video desk phones, and an Office 365 rollout. NLHS also has a technology person housed in the building to ensure technology issues are addressed in a timely manner.

986. NLHS has not received any union grievances for lack of facilities, training, or support.

987. New London teachers will receive 9% salary increases over the next 3 years under the new collective bargaining agreement.

988. The truancy review board in New London has had significant success at reducing chronic absenteeism.

989. As in other towns, total per pupil funding in New London has increased in recent years, mostly absorbed by mandatory pay raises and increased special education expenses.

990. NLHS has a credit recovery program that uses Apex Learning, which is a web-based digital curriculum aligned to CCSS.

991. In 2012, New London's four year cohort graduation rate was 61.9%. In 2013, the four year cohort graduation rate was 64.2%. In 2014, the four year cohort graduation rate was 71.1%.

992. According to the SAT, only 18% of New London's test takers met the "College and Career Readiness Benchmark" in 2012. In 2013, 16% met the benchmark.

993. According to the 2012 CAPT grade 10 performance level report, only 59% of New London's students performed at or above proficiency in mathematics, and 21.7% performed at or above goal. In science, the results were 64.6% of students performing at or above proficiency, and 26.6% performing at or above goal. In reading, 70.7% performed at or above proficiency and 21.7% performed at or above goal. Finally, in writing, 77.1% performed at or above proficiency and 33.1% performed at or above goal.

994. According to the 2013 CAPT grade 10 performance level report, only 51.1% of New London's students performed at or above proficiency in mathematics, and 26.1% performed at or above goal. In science, the results were 55.8% of students performing at or above proficiency, and 22.1% performing at or above goal. In reading, 54.3% performed at or above proficiency and 22.6% performed at or above goal. Finally, in writing, 68.9% performed at or above proficiency and 30.1% performed at or above goal.

995. According to the 2014 CAPT grade 10 performance level report, only 31.2% of New London's students performed at goal range in mathematics, and 58.7% were proficient. In science, the results were 25.5% of students performing at goal range, and 60.4% were proficient. In reading, 22.4% performed at goal range and 67.7% were proficient. Finally, in writing, 27.6% performed at goal range and 70.2% were proficient.

Danbury facts

996. Danbury High School has three media specialists working in its media center for approximately 2,900 students.

997. There are no media assistants for the media center, which reduces the amount of time that the media instructors can devote to instruction because they have to take up the duties of a media assistant, which include checking books in and out, checking

students in and out of the media center, processing books.

998. In contrast to Danbury High, Greenwich High School, which has approximately 2,700 students, had 4-5 media specialists, two media assistants and a staff of technological assistants that worked throughout the building. The Elementary Schools in Greenwich are staffed with one full-time media specialist, library assistant, and a technology assistant.

999. The media center at Danbury High School is a wide-open and noisy space. Because there are no built-in outlets for the computer spaces, when students accidentally kick cords, whole lines of computers will to lose power, causing interruption to instruction time and time for students to work. This occurs on a daily basis in the media center.

1,000. The internet at Danbury High frequently disconnects, also causing interruptions to instruction. Because the media center runs primarily on Chromeboxes, which rely entirely on an internet connection, the loss of internet is especially disruptive.

1,001. Students at Danbury High School rely predominately on the research resource iConn because it is free. The school does not have access to Encyclopedia Britannica or other databases requiring subscription fees. Students at Greenwich had Discovery streaming and the full version of Encyclopedia Britannica.

1,002. For library books, it is standard procedure to not go outside a 12-year range for nonfiction books. Danbury High School has not adhered to these guidelines. Additionally, books are not differentiated to different reading levels.

1,003. Greenwich Elementary Schools had a book budget line of $8,000; the magazine budget line was $4,500 to $5,000. At Danbury High School, the book budget is zero. Unless there is additional money left over from savings in other parts of the budget, there is no money for books. In the 2014-15 school year, the media center received $4,000 for books.

1,004. There are 26,000 books at Danbury High School. There are 25,000 to 30,000 books at Glenville Elementary School in Greenwich. High schools generally require more books than elementary schools.

1,005. Classroom space has not kept up with increasing enrollment in Danbury Public Schools. The schools have had to resort to classrooms on wheels, particularly special education classes, using any available space, including auditorium stages and hallways.

1,006. The state will pay for $3,000 per Danbury student and $7,500 for non-Danbury students to attend an inter-district magnet school, while the costs are generally estimated at $12,653 to accommodate each student.

1,007. There are approximately 500-600 applicants who want to go to one of Danbury's

two magnet schools (one built around science, technology, engineering, and mathematics (STEM) and the other built around international studies), compared to about 100 open seats at each school per year.

1,008. Administrators across Danbury Public Schools have been cut from 55-56 to 35. The central office is now just the superintendent, deputy superintendent, business manager, personnel official, and a special education official.

1,009. Extending learning time is a valuable tool for dealing with the disadvantages of poverty in education. If more resources were available, Danbury Public Schools would invest in more summer school programs and extending class time during the school year. Currently, there is extended learning at each of the Danbury's schools, but more resources would be needed for staffing and transportation to expand the program to fully meet the needs.

1,010. At Danbury Public Schools' Ellsworth Avenue Elementary School, 65% of families are Hispanic, 3% are White, and the remaining 12% are Asian, African American, or multi-racial.

1,011. At Ellsworth Avenue Elementary School, 80% percent qualify for free and reduced price lunch, 53% receive ELL services as English language learners, and 7% are special education students.

1,012. While test scores coming from there remain very low, Morris Street School in Danbury was identified as the number one school in Fairfield County for sustained academic achievement for a seven-year period. Morris Street School had the highest number of children in poverty and English Learners in the district.

1,013. Danbury ranked number two overall in the Connecticut Statewide Career and Technical Education Assessment for schools with 100 or more concentrators.

1,014. Danbury outpaced the state average in growth on the CAPT from 2009-10 to 2012-13 for all students and high needs students.

1,015. Over 80% of Danbury High School graduates attend college.

1,016. Danbury High School had a student to teacher ratio of 16:1.

1,017. Danbury's average class sizes in 2014-15 were comparable to the state averages for grades K-8.

1,018. Danbury High School has the lowest percentage of chronic absenteeism out of all Alliance Districts, and last year had the highest overall average attendance rates out of the Alliance Districts.

1,019. Danbury High School was recently rated number one in the state for teaching students about computer information systems.

1,020. At Danbury High School, students in chemistry and biology can receive UConn credit, and students enrolled in English Lit, English Lang, and calculus can receive Western Connecticut State University credit while taking their AP courses.

1,021. In the past year, 100 students at Danbury High School enrolled in a new program that will allow students to earn an associate's degree together with their high school diploma.

1,022. In June 2015, Danbury voters approved a $53.5M expansion of Danbury High School. 62% of that amount will be reimbursed by state taxpayers. The expansion will be in time for the 2017-18 school year and will add 55,000 square feet and 26 new classrooms.

1,023. 89% of 8th graders were proficient on the CMT after 5 years in the Danbury schools. The figure was only 62% for students who were enrolled fewer than 5 years.

1,024. In math, 8th grade students exceeded the state average with a score of 41, compared to the state's 36, according to CMT results.

1,025. English Learner students at the Danbury middle schools outpaced the state in reading scores, growing an average of 47 points versus the overall state growth of 34.

1,026. Danbury has the region's only STEM middle school.

1,027. Danbury is the only district in the area that offers middle school students a chance to learn abroad. For example, Rogers Park School students taking Spanish 2 can go to Puerto Rico.

1,028. Broadview Middle School has award winning groups that include the BMS Media Club and the Mathletes.

1,029. Danbury's EXCEL program offers college prep to lower income and first generation future college students. Middle school students move up to ConnCAP/Upward Bound at the high school level. Student success has been proven in the program's high retention rate and rate of attendance at four-year colleges.

1,030. The Academy of International Studies (AIS) Magnet School in Danbury was named Connecticut Elementary School of the Year for 2014-2015.

1,031. Park Avenue School in Danbury underwent major renovations in 2014, including an additional 20,000 square feet which included 12 new classrooms and a new media center equipped with a SMART Board.

1,032. Shelter Rock School in Danbury was named a "success story" in 2014 by ConnCAN. Shelter Rock has 100% parent participation rate in parent/teacher conference attendance.

1,033. Stadley Rough School in Danbury has a school psychologist and social worker to provide social skills to students.

1,034. Per pupil spending in Danbury has increased every year from 2011-12 to 2014-15.

1,035. The Alliance District grant in Danbury has helped it fund programs such as full-day kindergarten, specialized training for teachers, sheltered instruction observation protocol (SIOP) training, and technology infrastructure work.

1,036. In 2014-15, a new cohort of elementary teachers and new hires from ESL/Bilingual and World Language Departments received specialized training. Others at Danbury High School and three middle schools received job-embedded support from coaches. Teams from Danbury attend many state programs throughout the year.

1,037. The percentage of English Learners in Danbury making progress in attaining English language proficiency has been nearly 90%, well surpassing the state target of 80%. ELs attaining proficiency have steadily been at 55%, exceeding the state goal of 30%. Even prior to the installation of new programs, the district always met or exceeded state goals in this area for 10 consecutive years, beginning in the 2003-4 school year.

1,038. Danbury has full-day kindergarten for the entire district.

1,039. In 2015-16, Danbury's Alliance District grant was increased to over $7.8M, and its Priority School District grant was over $2M. This funding was used for, among other things, an associate principal of instruction for the middle schools, a Marzano evaluator, administrator positions to help increase student attendance at Danbury High School, seven math coaches at the elementary schools, 36 kindergarten teachers in all of the elementary schools, summer school for 8-9th graders, 5 coaches, 10 EL teachers, Head Start, Common Core supplies, materials and technology equipment, 32 part-time interventionist substitutes, credit recovery/summer program, and the hiring of 11 social workers to support school climate.

1,040. In 2012-13, salaries in Danbury were higher than the state average for general education teachers and special education teachers, as well as its superintendent.

1,041. Ellsworth Avenue School, which has the highest percentage of EL's in Danbury, is five years old and in excellent condition, with SMART boards in every classroom, Chromebooks in each 4th and 5th grade classroom, and carts of laptops available for the remaining grade levels and an iPad cart for kindergarten. The school has an SRBI interventionist who works with the same group of 24 students four days a week.

1,042. Media specialists are available at Danbury High School for an hour after school each day.

1,043. At Danbury High School, media teacher Gencarelli does work one-on-one with students, provides individualized instruction and problem solving for students, provide small group instruction, helps with technology like Google Docs or iMovie, help with classroom assignments, provides professional development for teachers, and sets up equipment for teachers.

1,044. The media centers at all Danbury schools are at various stages in the process of transforming into what are called Learning Commons. A Learning Commons is an area that students can come into and create a hands-on experience on all different types of subject areas, such as animation, film or jewelry. The subject area changes – students can learn about a subject in depth and can become part of that subject.

1,045. Danbury High School purchased additional Chromebooks and iMacs for classrooms and the media center for the 2014-15 school year.

1,046. In January 2016, the State Bond Commission approved over $240,000 for technology for Danbury, including for Chromebooks and Chromebook carts.

1,047. The library media center website at Danbury High School provides free access for students to online and print resources, assistance with audio and eBooks outside of the high school, and a teacher projects database for all classes, which includes links to print and online resources for individual teacher research projects.

1,048. Danbury High School has Chromebooks and free access to eBooks and online databases like iConn which can be read on a Chromebook. The eBooks can be checked out by multiple users at the same time. Students also have free access to Danbury Public Library.

1,049. All classrooms at Danbury High School are equipped with projectors and teachers have laptops or desktops with high speed internet and 24/7 access to the network and their files. Some classrooms, including special education classes and the social studies department also have SMART boards, provided through a grant. Teachers can instruct their students with whiteboards or laptops just as effectively as with SMART boards.

1,050. There are at least five computer labs throughout Danbury High School, each with at least 25 stations. This includes labs on every floor in the D building, and computers in specific rooms like the art rooms. In addition to what is in the library media center, there are also mobile carts with laptops, Macbooks, Chromebooks, iPad carts and iPods available upon reservation. There are also classroom labs with advanced software for specialized instruction in the areas of business, art and technology.

1,051. All computers at the Danbury High School have internet access. Danbury High School has wireless technology for students to access the internet from their own devices, which helps increase access to online resources, and reduces some of the

demand on school equipment. Danbury High School also has a Citrix Gateway that allows authorized users access from any device with Citrix downloaded on it.

1,052. In 2012-13, the elementary schools in Danbury had more books per student than Danbury High School. Electronic resources that are now more prevalent than print resources are not captured in the data regarding the number of volumes of books in schools.

1,053. Gencarelli has never worked at an elementary school in Danbury, nor has she worked at Greenwich High School. She has never been a classroom teacher nor ordered classroom textbooks or established a school budget.

1,054. In Danbury, the 2012 reforms, including the Alliance District grant, have provided benefits to the district, helped to narrow the achievement gaps, and allowed the district to expand its initiatives.

1,055. Middle School students in Danbury exceeded the state average in math and English Learner students outpaced the state in reading scores. ELs district wide are way above the state objectives in making progress and attaining English language proficiency.

1,056. In 2012, Danbury's four year cohort graduation rate was 76.8%. In 2013, the four year cohort graduation rate was 75.5%. In 2014, the four year cohort graduation rate was 78.1%.

1,057. According to the SAT, only 34% of Danbury's test takers met the "College and Career Readiness Benchmark" in 2012. In 2013, 34% met the benchmark.

1,058. According to the 2012 CAPT grade 10 performance level report, only 61.3% of Danbury's students performed at or above proficiency in mathematics, and 29.8% performed at or above goal. In science, the results were 65.5% of students performing at or above proficiency, and 27.5% performing at or above goal. In reading, 70.2% performed at or above proficiency and 30.9% performed at or above goal. Finally, in writing, 78.5% performed at or above proficiency and 48.4% performed at or above goal.

1,059. According to the 2013 CAPT grade 10 performance level report, only 68.1% of Danbury's students performed at or above proficiency in mathematics, and 36.1% performed at or above goal. In science, the results were 71% of students performing at or above proficiency, and 32.1% performing at or above goal. In reading, 70.9% performed at or above proficiency and 28% performed at or above goal. Finally, in writing, 79.1% performed at or above proficiency and 46.2% performed at or above goal.

1,060. According to the 2014 CAPT grade 10 performance level report, only 27.2% of Danbury's students performed at goal range in mathematics, and 58.5% were proficient. In science, the results were 28.3% of students performing at goal range,

and 60.2% were proficient. In reading, 29.8% performed at goal range and 68.1% were proficient. Finally, in writing, 35.8% performed at goal range and 66.8% were proficient.

[i] The SAT defines the College and Career Readiness Benchmark as a score of 1550 (critical reading, mathematics, and writing sections combined), which indicates a 65 percent likelihood of achieving a B- average or higher in the first year of college.

X07 HHD CV 14-5037565S	:	SUPERIOR COURT
CONNECTICUT COALITION FOR JUSTICE IN EDUCATION FUNDING, INC., ET AL.	:	JUDICIAL DISTRICT OF HARTFORD
V.	:	COMPLEX LITIGATION DOCKET
M. JODI RELL, ET AL.	:	SEPTEMBER 7, 2016

Memorandum of Decision

APPENDIX TWO:
SUBORDINATE RULINGS

1. The individual plaintiffs have standing.

The state says the parents and students named as plaintiffs have no right to bring this lawsuit —no standing— because they did not all testify and because they did not prove harm.

The state objects to the plaintiffs relying on factual admissions to establish these plaintiffs' school districts and similar facts related to standing. It says the admissions are invalid because they were the court's idea and essentially shifted the standing burden to the state. Requiring the parties to propose admissions may have been the court's idea, but—if it matters— the plaintiffs did the asking, not the court. The state could have asked for the right to depose any of the plaintiffs but decided not to. If it had any serious concerns it could have challenged the truthfulness of where they lived,

etc. in a number of ways, including deposing them or subpoenaing them to court. This suggests the reason it didn't is because it doesn't really dispute these factual underpinnings.

The state claims none of the plaintiffs proved harm to them personally and without harm they have no standing. As the Supreme Court held in 2014 in *Kortner v. Martise* "[o]ne cannot rightfully invoke the jurisdiction of the court unless he [or she] has, in an individual or representative capacity, some real interest in the cause of action ...." [1] It explained that this means standing requires "a colorable claim of direct injury he has suffered or is likely to suffer, in an individual or representative capacity."[2] The state agrees that the individual plaintiffs are parents and students in the impoverished school districts that are the focus of this lawsuit. They allege that these children are being deprived of a constitutionally adequate education. This certainly gives them a colorable claim to an interest in the lawsuit. The policies challenged in this case affect every school child in the state, but the harms alleged focus particularly on the plaintiffs' school districts and the inadequacies they face. What more can they be asked? It would be impossible to prove that a specific failure caused them personally not to learn something. That is why they only have to have a "colorable claim." They have one. Therefore, they have standing.

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[1] 312 Conn. 1, 10.
[2] Id.

2. CCJEF has standing.

The state also claims the lead plaintiff Connecticut Coalition for Justice in Education Funding, Inc. has no standing. They have lost this claim before. The court agrees with Judge Dubay's earlier ruling. It adds that the evidence at trial, including facts contained in written admissions, make it incontestable that while CCJEF members include organizations whose members include municipalities, school boards, superintendents, and teachers it also includes several students and parents currently in Connecticut public schools. Even the state does not challenge on this ground plaintiffs Mary Gallucci, Pascal Phillips-Gallucci, and Ellis Phillips-Gallucci.

Instead, the state wants the court to hold they are not members of CCJEF because they cannot vote on how to spend the group's money or craft the litigation strategy associated with it. It points to the 1986 Supreme Court decision in *Connecticut Assn. of Health Care Facilities, Inc.* v. *Worrell.*[3] Judge Dubay discussed it thoroughly in his earlier opinion on standing. Its first prong required that "its members would otherwise have standing to sue in their own right."[4] The state says the Galluccis and the others aren't members for this prong of *Worrell* because they can't vote, and this kills CCJEF's claim to standing.

The trouble is that the state has its facts wrong. Article II, Section 2 of the CCJEF bylaws says parents are members. Section 1 of the same article says all

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[3] 199 Conn. 609.
[4] *Id.* at 616.

members are "Corporate Members" and "The Corporate Members' powers include, but are not limited to, the power to initiate and pursue litigation, to hire experts and other staff, and to make spending decisions." The state points to Article II Section 5. That section cuts parents out of its definition of "Voting Members" and reserves certain decisions to them:

> Only a Voting Member may participate in: (i) the election or removal of Members of the Steering Committee, as set forth below; (ii) any proposed amendments to the Corporation's Certificate of Incorporation or these Bylaws which would deprive the Members of their right to vote in the election or removal of Members of the Corporation; and (iii) any proposed amendment to the Corporation's Certificate of Incorporation or these Bylaws pertaining to dues, assessments, fines, or penalties to be levied or imposed upon Members.

This means parents can vote on some very important things—including money and lawsuits— but not everything. There is no reason to believe parent members aren't real members of CCJEF, and since they are, CCJEF meets the *Worrell* prong the state says it does not. For this reason, and those expressed by Judge Dubay, CCJEF has standing to sue.

3. The state is not protected from this lawsuit by sovereign immunity.

The Supreme Court rejected a sovereign immunity claim in a constitutional challenge to state school funding in 1977 in *Horton v. Meskill*.[5] It noted that "[a] holding to the contrary would foreclose proper judicial determination of a significant and substantial constitutional question the determination of which is manifestly in the

[5] 172 Conn. 615.

public interest."[6] This decision avoided a disastrous policy. If no one could force the state to comply with the highest law of the land, democracy would be badly undercut. And despite the state's suggestion, this isn't a suit for damages. It would be if the students were suing for damages resulting from educational malpractice, but they aren't. The only thing they are trying to do is vindicate rights promised to them under the highest law of the land by way of a declaration and prospective relief. In that respect, the case is the same as *Horton*, so a sovereign immunity claim here must meet the same death it did there.

4. The case is neither moot nor unripe.

The state repeats claims it lost before. The court agrees with Judge Dubay's prior rulings. It adds that the trial showed the case to be overripe if anything in the sense that the defects the court has found have been easy to see but unaddressed for decades. The evidence does nothing to suggest the case is moot. Neither the 2012 reforms nor anything else the state has done hold any credible promise to fix the systemic problems the court has found. The state's standards will not morph by themselves into something reasonable, and despite plenty of time the state has not fixed them. The case is neither moot nor ripe.

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[6] *Id.* at 628.

5. Evidentiary objections.

The state presses its claim that the court should bar from evidence the testimony and report of Robert Palaich. The Palaich evidence concerns his study of how much money would be needed to operate an education system conforming to the plaintiff's views.

Section 7-2 of the Connecticut Code of Evidence says that experts may testify "if the testimony will assist the trier of the fact in understanding the evidence or in determining a fact in issue." Without deciding any other challenges to it, Palaich's testimony will not assist the court because it has determined that it is powerless to set overall education spending, and that is what the Palaich and his evidence address. While the court holds that a rational formula must be followed, it isn't the court's job to design one. Therefore, the Palaich evidence will not assist the court at this stage of the litigation. His report and testimony are stricken, and the court will not rely on other evidence related to them.

The state also objected to the testimony of Dr. Henry Levin of Columbia University. The court relied on his testimony only to support its conclusion about spending priorities and empty graduation standards. He was helpful on these points, and the court didn't rely on anything he said that the state objected to about monetizing the value of high school graduation. Therefore, the state's objection is overruled.