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### A Tale of Two Court Cases: Analyzing Public Responses to School Finance Decisions in Connecticut

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A Tale of Two Court Cases:  
Analyzing Public Responses to School  
Finance Decisions in Connecticut

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## **Introduction:**

Complex battles over education funding in Connecticut date all the way back to the mid 1600s, but only over the past 45 years has school finance reform truly become one of the most controversial issues in the state.<sup>1</sup> This relatively new spotlight on school funding can be attributed to the 1971 California court case, *Serrano v. Priest*, which resulted in a national focus on how individual states were structuring education aid. What made California's fiscal battle different from what Connecticut had been struggling with for centuries prior was California reformers' use of litigation for pushing policy change. Connecticut advocates used California's example and followed suit.

Since 1971, education advocates and students in Connecticut have filed two school finance court cases, the first in the 1970's, *Horton v. Meskill*, and the second in the 2010's, *CCJEF (Connecticut Coalition for Justice in Education Funding) v. Rell*. In the Horton case, the plaintiffs filed suit against the governor in 1974 and challenged that the education funding system violated the equality provision of the state constitution. The court supported the plaintiffs and, in 1977, ruled that the education funding structure in Connecticut was unconstitutional, because it allowed towns with higher property wealth to spend more on education, with less stress and consequences than towns in lower-property-wealth areas (DeNardis 2010). Decades later, the CCJEF plaintiffs filed suit against the governor in 2005 and argued that the state did not spend enough on education, nor fund schools in an equitable manner, which disadvantages many students in low-property wealth districts. In 2016, the court ruled only partially in

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<sup>1</sup> Jack Dougherty, "Review of 'Connecticut's Public Schools: A History, 1650-2000' by Christopher Collier," *Connecticut History* 50, no. 1 (2011): 120–22.

favor of the plaintiffs. On one hand, the court disagreed with the plaintiffs by ruling that the total amount of state education aid was sufficient. On the other hand, the court sided with the plaintiffs by stating that the manner in which the aid is distributed to localities was both irrational and unconstitutional.<sup>2</sup>

These two court cases are significant, because they mark a major shift in school finance reform in the state. By using courts as the venue to push policy change instead of going directly to the legislative or executive branch, the judicial branch, specifically courts, went from having essentially no role in school finance reform to being one of the most influential actors. As Connecticut advocates were the ones who initiated this shift in the judicial branch's role in the structure of education funding, understanding how these individuals have responded to the court's rulings is important for understanding why, following two school finance cases, the struggle over funding is just as complicated as ever. Although these reactions are significant, they are insufficiently analyzed. Thus, I asked the question: How do respondents' reactions from the 1970's *Horton v. Meskill* school finance ruling compare to the 2010's *CCJEF v. Reil* ruling?

To answer this question, I analyzed different public resources that individuals (such as parents, school board members, reform advocates, education lawyers, teachers, school administrators, students, and the public at large) used to express their views. These resources included quotes to journalists and from public press conferences, op-ed essays, editorials, and letters to the editor from Connecticut newspapers, both from the late 1970's through the early 1980's and the 2010's. By

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<sup>2</sup> Pazniokas, Mark, and Keith Phaneuf. 2016. "Judge Strikes down State Education Aid Choices as 'irrational.'" *The CT Mirror*. September 7. <http://ctmirror.org/2016/09/07/judge-strikes-down-state-education-aid-choices-as-irrational/>.

comparing respondents' reactions, I found that the disparities in responses demonstrated that the *CCJEF* ruling was not only more complex than the *Horton* ruling, but that, most importantly, this increase in complexity had negative implications for education reformers in the statewide battle for school finance policy. There are two major findings that support this argument. First, although respondents reacted to the 1977 *Horton* ruling in either complete agreement or opposition, their counterparts had much more complicated reactions to the 2016 *CCJEF* ruling. Second, in connection with the first finding, this shift to more nuanced stances on the ruling can be attributed to changes in what influenced individual opinions. Following *Horton*, respondents emphasized that their agreement or disagreement with the decision had to do with their own personal interests in taxes and school transportation. By contrast, in *CCJEF*, respondents drew attention to their interests in special education and teachers' issues.

Based off of these findings, by just comparing court decisions on their own, the *CCJEF* ruling seems more complex, on a logistical level, because it is much longer than the *Horton* ruling.<sup>34</sup> Not until the reactions from a variety of respondents are analyzed does it become clear, though, that the complexity of the *CCJEF* decision represents that if there is not a line drawn to clarify the court's role in education cases, using litigation to push education policy will not be successful for reformers.

### **Connecticut's School Finance History with the Two Court Cases:**

In 1971, California ignited a new focus on school finance reform on a state-by-state basis. *Serrano v. Priest*, the landmark case, ruled that a heavy reliance on property taxes as a method to fund education violated the California State Constitution's

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<sup>3</sup> *CCJEF v. Rell*. No. X07. Connecticut Superior Court. 2016. Web. 14 Nov. 2016.

<sup>4</sup> *Horton v. Meskill*. 172 Connecticut State Supreme Court. 1977. Feb. 2016.

equal educational opportunity principle, which parallels the education principles of many other state constitutions, such as Connecticut's.<sup>5</sup> The *Serrano v. Priest* was very influential for states like Connecticut. Up until this point, state-level courts had not played a significant role in school finance policy. After seeing the success of using the state courts in California as a venue to initiate and mediate changes in education funding, education reform advocates were inspired to use litigation in Connecticut.

In 1974, Wesley Horton, an education lawyer, school-board member, and a parent of a student with different abilities, along with a group of parents from Canton, Connecticut, filed suit against the state in a case that became known as *Horton v. Meskill*. The plaintiffs argued that the Connecticut educational funding system violated the equality provisions of the state constitution and that spending disparities severely disadvantaged students from lower-property wealth towns.<sup>67</sup> At the time of the filing, local property taxes provided almost seventy percent of education funding for public schools in the state.<sup>8</sup> The remaining thirty percent came from state and federal funds.<sup>9</sup>

Judge House ruled that Connecticut's education funding structure was unconstitutional, because it allowed towns with higher property wealth to spend more on education with less stress and consequences than towns in lower-property wealth areas. The court did not address whether or not the total amount of state spending was sufficient, nor did they out-right propose specific remedies to help better distribute and

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<sup>5</sup> DeNardis, Lesley. 2010. "Horton's Odyssey The Politics of School Finance Reform in Connecticut." *Government, Politics & Global Studies Faculty Publications*, January. [http://digitalcommons.sacredheart.edu/gov\\_fac/52](http://digitalcommons.sacredheart.edu/gov_fac/52).

<sup>6</sup> Reed, Douglas S. 2001. *On Equal Terms: The Constitutional Politics of Educational Opportunity*. Princeton, New Jersey: Princeton University Press.

<sup>7</sup> DeNardis, 2010

<sup>8</sup> DeNardis, 2010

<sup>9</sup> DeNardis, 2010

equalize educational resource. The court did, interestingly enough, affirm local control of education and that not all towns had to spend the same amount of money per pupil.<sup>10</sup>

The state legislators were not surprised by the lawsuit and were well aware of the possibility of one. Connecticut was one, among many other states, that was dealing with school finance litigation following the *Serrano* decision and national influence. In anticipation of the challenge, a group of legislators began to develop a school finance reform in 1973. From this came a Guaranteed Tax Base (GTB) approach to school finance. The GTB approach complements the funds that come from the local school districts with aid from the state that makes up for the necessary amount per pupil that the local tax cannot cover.<sup>11</sup> Although this new approach to school funding appeared to be efficient and successful, in terms of making finance more equitable, statewide financial turmoil in the late 1970's and early 1980's resulted the undoing of these positive changes.<sup>12</sup> Following this financial downfall, legislators undercut the GTB by limiting and capping spending on education.<sup>13</sup> These changes made by state legislators, consequently, led to a complete loss of the primary gains of the GTB formula. Again, much like it was before the ruling in 1977, education funding structure became more advantageous for towns with higher property wealth, which could afford to spend more on education without stress.

In response, Wesley Horton brought the same suit forward again in 1985 under *Horton v. Meskill III*. This time, *Horton* challenged the GTB and distribution formula. Even though the court upheld the constitutionality of the GTB formula, the legislature

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<sup>10</sup> Horton v. Meskill, 172 Conn. 615 1977

<sup>11</sup> DeNardis, 2010

<sup>12</sup> DeNardis, 2010

<sup>13</sup> DeNardis, 2010

still responded to the plaintiffs' argument by crafting a new distribution formula. The General Assembly compiled together the Education Cost Sharing (ECS) formula in 1988. The ECS was similar to the GTB, but took into account number of students, poverty weighting, and town wealth, among a couple other factors. These additional measurements were enacted to better determine how much aid each district needed. Unfortunately, similar to the consequences with the GTB, ECS capping resulted in underfunding.

As a response to this underfunding, in 2005, the Connecticut Coalition for Justice in Education Funding (CCJEF), along with nine students and their families, filed a suit against the state. CCJEF is a non-profit organization whose membership includes municipalities, local boards of education, professionals, education unions, parents, and students aged 18 years or older.<sup>14</sup> They challenged the constitutionality of the ECS formula on the basis that it does not result in public schools being funded in an equitable manner, which disadvantages many students in lower-wealth districts in educational opportunities.

Eleven years after the CCJEF case was filed, Judge Moukawsher ruled that while the state spending on education is plentiful, the distribution of these funds is irrational and unconstitutional, because it does not satisfy the constitutional demand for appropriate legislation to ensure equal protection of a basic education.<sup>15</sup> The case is still technically on-going, as the the State Attorney General, George Jepsen filed an appeal in September, 2016. Even with the appeal, there have still been many responses to the

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<sup>14</sup> "About CCJEF | Connecticut Coalition for Justice in Education Funding: CCJEF." 2017. Accessed April 10. <http://ccjef.org/about-ccjef>.

<sup>15</sup> Pazniokas and Phaneuf, 2016

Judge's decision from different political actors, executives, grassroots organization members, and community members.

### **Other Scholars on State Courts and School Finance:**

Although state-level courts have been strongly utilized in addressing and helping aid school finance reform for the past 50 years, existing literature on the impacts of the judicial branch on the financial battle is limited. Even more scarce is previous research on public responses to changes in the education funding system via the courts. The minimal scholarship that does exist shows that, in general, there is public support for school finance reform. Political scientist Douglas Reed (2001) argues that while the general American public agrees with the social ideology that there needs to be equal educational opportunities, this ideology quickly shifts when the public understands that this can only be accomplished through a decrease in local control or an increase in taxes. Reed draws this conclusion by examining public opinion polls and election results from four different states, one of which being Connecticut post-*Horton*. Although his findings are rather ambiguous, he concludes that courts can still use their rulings in school finance cases to influence education policy, specifically school finance reform. Reed (2001) adds that the courts can do so so long as they maintain an awareness of the emphasis respondents place specifically on local control.

My research project uses Reed's findings as a base, especially for the *Horton* case, but expands further to conducting a similar analysis of the *CCJEF* case, using a different methodology. First, instead of focusing on public opinion polls and results, I examined different media resources. This approach is different from Reed's, because instead of individuals being prompted with questions surrounding their opinions on

school finance reform, respondents initiated giving their own opinion, which made their answers much less vague and eliminates the potential of question bias. Second, Reed analyzed public opinion on school finance in general, even though he targeted areas where there had been recent school finance cases, which was one of the reasons his findings were rather ambiguous. Whereas, my research looks at responses to specific case decisions to try and obtain more substantive reactions.

Reed also insists that attitudes towards and responses to school finance reform are not “extensively studied.”<sup>16</sup> This second claim is important, because it justifies the need for more research, in general, to be done on all factors that surround school finance reform. My study aids this concern and adds to the limited research that has been done, specifically, on school finance reform that uses the court as a policy arena.

Other scholars have also investigated how more elite respondents react to school finance reform. For example, economist Leanna Stiefel and her colleagues (2011) surveyed members of the American Education Finance Association (AEFA) to try and gain a better understanding of affiliates’ general opinions on education funding reform. The American Education Finance Association is a professional association made up of researchers and education specialists who focus mainly on school finance. Stiefel et al. found that in comparison to other education policy areas, these elite respondents disagreed a considerable amount more on which education funding structure they believed to be the most efficient and equal. My research draws on this finding, because understanding the discrepancy among elites demonstrates why states like Connecticut have long struggled to effectively address school finance policy.

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<sup>16</sup> Reed, 2001, 94.

My project varies from Stiefel et al.'s research in two key ways. First, similar to how my methods differ from Reed's, my research does not use a survey or public opinion poll as a way to obtain responses. Instead, I used media resources that almost anyone can contribute to, such as op-ed pieces. By incorporating documents like op-ed pieces, my research allows for a wider variety of respondents. Instead of just education professionals, my research also takes into account the reactions from community members, parents, and teachers in addition to political actors, education professionals and grassroots activists. In broadening my category of respondents, I hope to add another element to the research that both Reed and Stiefel et al. have started.

Some scholars have focused on how the educational funding battle in Connecticut is unique compared to other states. Political scientist Lesley DeNardis (2010) found that the state's struggle to identify a successful school finance reform results from profound pitfalls in other political and economic factors that make changes and agreement among political and legal actors much more difficult. DeNardis concluded this after examining key legal and political actors along with other key financial constraints behind the school finance reform movement in Connecticut. She looks at how different judicial actors, legislators, executives, municipalities, and community members reacted to key events in Connecticut's school finance history between 1973 and 2007, specifically the *Horton* decision, through some public hearings and public case documents.

My study closely parallels DeNardis's research, but my research surpasses that of DeNardis, as not only does she only look solely at post-*Horton* responses, but she, similar to Stiefel et al., solely looks at reactions from a select category of elite

respondents that includes solely state and local government officials. DeNardis' research is encouraging, as it demonstrates that responses to education funding decisions are important to explore and compare, especially on a more specific case-by-case level.

### **Methodology and Limitations:**

As a researcher interested in studying public reactions to court decisions from a myriad of respondents and from two distinct time periods, one of my main goals was to do so in a relatively unique, but consistent and reliable manner. With this goal in mind, I selected a research design method that is centered around analyzing public responses through a historical lens and without conducting interviews or asking for respondents to fill out a survey. Instead, I analyzed primary documents from the time period immediately surrounding each court decision. These primary documents consisted of different media resources, such as quotes to journalists and from public press conferences, letters to the editor, editorials, and op-ed pieces. I analyzed 18 different primary documents from the *Horton* decision, which resulted in obtaining reactions from 18 different respondents over a seven year time period. This group of respondents was made up of executives of education associations, community members, state representatives, teachers, coaches, students, education consultants, state and local officials, and editorial boards. Additionally, I analyzed 17 different primary documents from the *CCJEF* decision, which resulted in obtaining reactions from 22 different respondents over a one year time period, as some articles or op-ed pieces included the perspectives of multiple individuals. These respondents consisted of education lawyers, executives of education associations, members of grassroots organizations, teachers,

college-level professors and deans, former school administrative officials, state representatives, parents, and state and local officials. These primary documents serve as primary sources, because they reveal the perspectives of individuals at the time the cases took place. While I feel that I collected a sufficient amount of data from people with all different backgrounds for both cases, I still faced a couple considerable limitations with this methodology.

First, finding a diverse selection of primary documents that responded to the *Horton* decision was challenging, because technology was not as advanced in the 1970's and early 1980's. As a result, I was only able to obtain individual reactions from the Hartford Courant daily newspaper's historical archive. While there were a sufficient number of articles available through this resource, it is crucial to note that during the 1970s, the Hartford Courant was a more conservative-leaning newspaper than its primary competitor, the more liberal-leaning Hartford Times, which ended in 1976 and has not been digitized. As noted above, I used and analyzed some of the editorial boards' articles as data and the well-known political alliance could also slightly alter the kinds of individuals and responses that were published, thus it is important to note that this creates a possible limitation in my findings. Additionally, while I only had access to news accounts from the Hartford Courant for *Horton*, I had more resources I could draw data from for the *CCJEF* case. In an attempt to stay relatively consistent, I only used news accounts from the Hartford Courant and CTMirror. I used publications from CTMirror, because there was not a sufficient number of articles responding to *CCJEF* from the Hartford Courant and I wanted to cancel out any potential political bias that might exist through only using one media source.

Second, the *Horton* decision came out forty years ago, whereas the *CCJEF* decision came out eight months ago. Thus, again due to the necessity for more data and the strong presence of *Horton* through 1985, the media accounts from *Horton* range in date from 1977 through 1984, even though the articles responding to *CCJEF* are only from 2016 through April, 2017. The difference in date ranges is important to note, but is not detrimental, because, as mentioned before, there has also been a large advancement in technology and communications in the past forty years, which helps make up for some of the time it takes for responses to be written and published and accounts for some of the inconsistency.

Finally, while my research utilized media resources for the purpose of obtaining reactions from a wide variety of Connecticut citizens and advocates, 16 of the 18 respondents to the *Horton* ruling can be considered elites or education professionals based on their occupation, whereas only two of the 18 reactions can be considered those of the general public, meaning parents, teachers, or students. Similarly, 18 of the 22 respondents to the *CCJEF* ruling can be considered elites or education professionals, whereas only four of the 22 reactions can be designated those of the general public. This discrepancy is important to note, because of the possible implications it could have on my findings. Thus, even though the reactions that I obtained from the general public do generally align with those from the elites from their respective cases, my study does not have very strong external validity for reactions from the general public in Connecticut.

### Shift from Black and White to Hazy Grey:

When comparing respondents' reactions between the two court cases, the most apparent difference was that although respondents reacted the 1977 *Horton* ruling with clarity, their counterparts made much more complex criticisms of the 2016 *CCJEF* decision. The increased level of complexity between *Horton* respondents' and *CCJEF* respondents' reactions represents an increase in the complexity of the case rulings overall. To demonstrate this connection, I first point out representative sample reactions from *Horton* respondents before contrasting these with *CCJEF* actors and analyzing how the differences between the two illustrate the difference in complexity level of the case decisions.

#### *Horton*

Following the *Horton v. Meskill* decision, many active members of different communities made their opinions on the outcome clear that they were either completely for or against the Judge's ruling that the school finance structure was unconstitutional under the equal provisions section of the State Constitution. These respondents' roles in education varied from city officials, the mayor, state representatives, and gubernatorial candidates to professors, teachers, students, education consultants, executives for education-based nonprofits, and the Hartford Courant Editorial Board. Additionally, not only were answers black and white, or very certain, but only two of the 18 different respondents were against the Judge's decision. Both opponents maintained very certain opinions by not giving any sort of praise or appreciation towards anything the Judge held. Proponents, in a similar fashion, expressed their responses in a straightforward and concise manner. As an example, Nino Cazonetti, then-President of the Connecticut

Association of Boards of Education, who identified strongly as being a representative of local school board members in Hartford, noted that “board members agreed [with the decision] and that the state does not carry its fair share of education costs.”<sup>17</sup> Cazonetti exemplifies a black and white response by being concise and clearly stating a single group, local school board members, and that their response was that they all agreed with the decision; there was nothing more to their stance on ruling.

Even the most complex response to the *Horton* decision is equally as unambiguous. This reaction comes from Michael Lovell, a professor of economics from Durham, Connecticut. The State reacted to the decision by requesting a study that would determine the exact inequity that resulted from in relying on property taxes to fund education in order to hopefully disprove the court’s ruling. Lovell reacted immediately by noting:

One does not need a PhD in economics to recognize that the commissioning of still another study [of whether there are problems in Connecticut’s “inequitable reliance on property tax financing of K-12 education”] is an inadequate response to the court’s ruling that current procedures are unconstitutional.<sup>18</sup>

This statement, while less concise than Cazonetti’s response, has the same definiteness. Lovell made clear that he is in favor of the Judge’s decision, that he disagrees with the State’s response, and that the State should not be trying to prolong the case nor wasting any more resources, as he believes, even after the proposed study, the court would still rule that the procedures were unconstitutional. These

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<sup>17</sup> Cazonetti, Nino A. R. 1984. “Clout for Local School Boards.” *The Hartford Courant* (1923-1991); *Hartford, Conn.*, March 29.

<sup>18</sup> Lovell, Michael C. 1977. “New Financing Study Inadequate Response.” *The Hartford Courant* (1923-1991); *Hartford, Conn.*, May 19.

comments make it clear that proponents agree with 100% of the Judge's ruling and, as Lovell noted, there is no need to be questioning any aspect of it.

Most of the *Horton* respondents cited that while they agreed with the court that the general funding structure was unconstitutional, the only repair they foresaw the General Assembly putting into place was tax reform, which would not fully address a productive redistribution of educational funds or resources to make the school finance system constitutional. Opponents were a little hesitant, or nervous, as to how successful the state legislature would be, but felt no negative emotion towards the judge's decision and felt that the court was a good mediator between education reformers and the General Assembly. This distinction is important, because it signifies that respondents felt, in a way, successful, by using litigation as a method to push for school finance reform instead of trying to directly push state legislators on their own.

### *CCJEF*

In contrast to responses to the *Horton* decision, when looking at the reactions to the 2016 *CCJEF v. Rell* ruling, most respondents did not have black and white attitudes towards the ruling. Instead, CCJEF respondents' opinions were much more of a hazy grey and complex. These wishy-washy stances came from education lawyers, executives of education-based nonprofits and associations, parents, teachers, and former K-12 administrators. One of the best examples of this 'hazy grey' type of response comes from Andrew Feinstein, a special education lawyer and a parent of a student with different abilities from Mystic, Connecticut. Feinstein states:

As to his basic findings, Judge Moukawsher is to be applauded. The excellent decision came, however, containing very dark poison. Judge Moukawsher

proposed that certain children with severe disabilities be denied a public education.<sup>19</sup>

Feinstein's opinion is nuanced because it advances two views simultaneously. At first, it seems as though he strongly agrees with the decision, but then makes a very sudden and extreme switch by stating that there are some parts he sharply disagrees with, which he labels as "poison." Having two such extremes within the same viewpoint makes analyzing his reaction more difficult than it was with *Horton* respondents.

Although Feinstein's reaction is exemplary of this hazy grey reaction, his personal stance on the ruling does not completely represent the uncertainty that appears in other respondents' reactions. Joseph Madaus, the associate dean for academic affairs at the University of Connecticut Neag School of Education best exemplifies the uncertainty many *CCJEF* respondents demonstrated when he said:

Judge Moukawsher is correct that identifying students with disabilities remains imprecise and subjective. And yes, school funding issues are negatively and disparately impacting students with disabilities. However, the language Judge Moukawsher uses [...] is disturbing at best.<sup>20</sup>

Madaus clearly agrees with one part of what the Judge stated, but strongly disagrees with another part, making it so that he neither agrees nor disagrees with the court's ruling. Madaus's nuanced response to the Judge's language makes it difficult to categorize him as an opponent or proponent. This inability to easily categorize exemplifies how *CCJEF* responses are not so black and white.

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<sup>19</sup> Feinstein, Andrew. 2016. "Education Ruling: OK To Shut Out Disabled Kids?" *The Hartford Courant*, September 10. <http://www.courant.com/opinion/op-ed/hc-op-feinstein-ct-ruling-hurts-disabled-0911-20160909-story.html>.

<sup>20</sup> Madaus, Joseph. 2016. "In *CCJEF v. Rell*, a Troubling Outlook on Funding Students with Disabilities." *CT Viewpoints*, October 10. <https://ctviewpoints.org/2016/10/10/in-ccjef-v-rell-troubling-outlook-on-disabilities/>.

Although the previous two examples separated the finding that *CCJEF* respondents' reactions were uncertain and hazy grey into two separate findings, there are other examples that combine them. A third response that encapsulates both of these ideas is one from Shaun Mitchell, a former high school teacher at Bridgeport Central High School. Mitchell viewed the ruling as "taking a giant leap forward in Connecticut, but taking an equally giant step backwards as a nation. We're starting to win the battle of funding equity, but we are still losing to the teacher shamers."<sup>21</sup> We can understand that Mitchell sees the decision as made up of extreme positives and extreme negatives, which makes Mitchell's stance puzzling.

These responses demonstrate that there were good aspects and bad aspects of the decision. Respondents do, interestingly enough, make it clear that they are torn over the judge's decision, because they praise one part, but condemn another part. In comparing the responses from the *Horton* ruling to those from the *CCJEF* ruling, it appears while *Horton* respondents demonstrated a little bit of doubt towards the role of the state legislature in the school finance reform, *CCJEF* respondents were equally as fearful of how the Judge may have overstepped his judicial powers to make a somewhat controversial decision.

This implicit fear that may be inferred from *CCJEF* respondents' reactions demonstrates that their responses are as complex as they are, because the decision itself is rather complicated. This inference differs from what is seen in *Horton* respondents' reactions, as their responses imply not only imply that the ruling was

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<sup>21</sup> Mitchell, Shaun. 2016. "Of Connecticut's Teacher Shamers and Zip Code Apartheid." *CT Viewpoints*, September 14. <https://ctviewpoints.org/2016/09/14/of-connecticuts-teacher-shamers-and-zip-code-apartheid/>.

relatively straightforward, but that the decision made litigation preferable over trying to compromise with state legislators. *CCJEF* respondents' reactions denote that the complexity of the ruling made litigation less appealing than it had appeared following the *Horton* decision.

#### A Shift from Taxes and Transportation to Special Education and Teacher Issues:

In connection with the first finding, the second finding specifies that the difference in the complexity of respondents' reactions is correlated with the differences in what influenced their opinions on the decision. While *Horton* advocates put a strong emphasis on how their interests in taxes and school transportation influenced their reactions, their *CCJEF* counterparts drew attention to their interests in special education and teachers' issues, such as teacher benefits and evaluations.

Following *Horton*, many respondents addressed how their perceived notion of changes to taxes and school transportation following the decision affected their opinions on the ruling. In her 1979 Hartford Courant article, "City Alone in School Fund Battle," political and government reporter Antoinette Martin pointed out what seemed to be the most attributable aspects of the new school finance formula that came out of the *Horton* decision. Specifically, she called attention to the fact that "the new school finance plan also introduces new sliding scales based on town wealth for [...] student transportation."<sup>22</sup> Martin's inclusion of student transportation demonstrates that there was a considerable interest in it from respondents and individuals' personal stances on

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<sup>22</sup> Martin, Antoinette. 1979. "City Alone in School Fund Battle." *The Hartford Courant (1923-1991)*; Hartford, Conn., May 3.

the ruling were swayed, because of the impact the decision had on school transportation.

In addition, the Hartford Courant Editorial Board in 1979 applauded the Judge's decision and noted that they hoped legislators would work off of the ruling "through such things as state reimbursement for tax exempt property and for some state-mandated programs, [that way] the General Assembly can provide much-deserved and much-needed aid to urban areas." The editorial board acknowledged their agreement with the ruling and their stance on the ruling to their own interest that with the decision would come, what they perceived to be, necessary tax changes to help equalize school funding. Both of these quotes exemplify not only the interests that influenced respondents' opinions of the decision, but also that these interests helped make respondents' reactions clear. Both respondents ultimately agreed with the decision and attributed their agreement with the ruling to the way they perceived either transportation or taxes to be affected following the decision.

By contrast, their counterparts in *CCJEF* credited their interests in special education and teacher benefits and evaluations as having a significant influence on their position on the ruling. Sheila Cohen, the President of Connecticut Education Association, the largest teacher union in the state, noted that "the State Attorney General made the right decision to appeal the part of the Judge's ruling that imposed mandates on [...] determining how teachers are evaluated."<sup>23</sup> Again, here, Cohen is a representative of a larger group of teachers, thus the emphasis she puts on teacher evaluations and special education are not accidental.

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<sup>23</sup> Altimari, Daniela. 2016. "State To Appeal Controversial Education Overhaul Decision." *Courant.com*, September 15. <http://www.courant.com/education/hc-state-appeals-school-decision-20160915-story.html>.

Additionally, State Representative Matt Ritter, who serves Hartford, exemplified how strong of an influence the judge's wording on special education played on his position as he said he "agreed with about 85 percent of Superior Court Judge Thomas Moukawsher's ruling [...] but disagreed with parts, particularly areas surrounding special education."<sup>24</sup> As a State Representative, this claim and concern around special education represents those of his constituents as well. Representative Ritter's response connects the idea that as a *CCJEF* respondent, his opinion on the ruling is complex and influenced by the way he perceives special education to be affected following the decision.

The clarity in *Horton* respondents' reactions and the complexity in *CCJEF* respondents' reactions are both still very apparent and it actually becomes more clear that the reason there is such a division in the level of complexity is due to the influence these interests have on individual responses. Additionally, what prompts *Horton* respondents to explicitly attribute their stance on the ruling to taxes and school transportation is very much so connected with what the judge says in the decision. Similarly, what provokes *CCJEF* respondents to draw attention to the influence special education and teachers' issues have on their opinion of the ruling is connected with what the judge says in decision about these issues. The connection between what respondents' focused on as their reasoning for reacting to the decisions in the way they did with the level of complexity they had creates insight into the overarching argument that the complexity of respondents' reactions mirrored the complexity of the courts' decisions.

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<sup>24</sup> Blair, Russell. 2016. "Urban School Advocates Urge Lawmakers To Tackle Equity Issues Quickly." *The Hartford Courant*, September 21. <http://www.courant.com/education/hc-parents-ccjef-appeal-0922-20160921-story.html>.

### **A Shift from Complex Reactions to Negative Implications:**

The fact that the complexity of respondents' reactions mirrors the complexity of the court's decision is significant. Before even looking at how respondents' reactions compared, the difference in the complexity of the rulings was apparent through understanding some of the most basic facts about the individual decisions. Even though this knowledge already existed, the complexity of reactions adds an additional element. Through the comparison of reactions, we can understand that the increase in the complexity of the *CCJEF* ruling, ultimately, had negative implications for education reformers in the statewide battle for school financing policy. This conclusion is reached, because education reformers initially invested in using litigation as a tool for school finance policy. Following the *Horton* decision, reactions to how the judicial branch played a part in school finance were positive. The court recognized that there was general support from education reformers to continue to use litigation to push education funding reform. As a response, the judicial realm tried to make a greater impact on the seemingly everlasting struggle with school finance in Connecticut by going more in depth with their ruling the next time that education reformers looked to utilize the court as a venue for policy change. Although initially a stronger judicial presence in school finance seemed, to education reformers and general public, most likely to result in a positive, the intricate and uncertain reactions of respondents to the decision demonstrate that the court's complex decision had negative implications. Respondents, through their reactions made it clear that they were unsure whether the court had created more harm in school finance reform than good to the point where even state legislators could not take a firm stance on the decision.

## **Concluding Suggestions:**

Despite the fact that before looking at respondents' reactions, many had already acknowledged an increase in the level of complexity in the *CCJEF* ruling compared to the *Horton* decision, understanding how respondents' reactions compared is still significant, because it sheds light on the deeper meaning of the increased complexity. In terms of how education reformers in Connecticut can use this research, there is an implication for the school finance movement moving forward.

Although the *CCJEF* ruling was followed by counteractive ramifications for education reformers, the use of courts to mediate changes to school finance between the state legislature and education advocates should not be dismissed. The clarity and black and white responses to the *Horton* decision demonstrate that the judicial branch can have a more prominent role in school finance policy, but not to the extreme that was taken in the *CCJEF* decision. In the grand scheme of the education funding battle that has taken place since the mid-1600s, the fact that after 45 years the role of the courts in school finance is still a little uncertain is not as detrimental as some might believe.

In Connecticut, the education funding structure fight has been elongated much more than in many other states across the nation. By taking the time to analyze respondents' reactions to school finance decisions through a historical lens helps identify patterns that are useful in figuring out where the line should be drawn in the role of courts to most effectively impact school finance.

## Works Cited

- Altimari, Daniela. 2016. "State To Appeal Controversial Education Overhaul Decision." *Courant.com*, September 15. <http://www.courant.com/education/hc-state-appeals-school-decision-20160915-story.html>.
- Blair, Russell. 2016. "Urban School Advocates Urge Lawmakers To Tackle Equity Issues Quickly." *The Hartford Courant*, September 21. <http://www.courant.com/education/hc-parents-ccjef-appeal-0922-20160921-story.html>.
- Canzonetti, Nino A. R. 1984. "Clout for Local School Boards." *The Hartford Courant (1923-1991)*; *Hartford, Conn.*, March 29.
- CCJEF v. Rell. No. X07. Connecticut Superior Court. 2016. Web. 14 Nov. 2016.
- Coelho, Tony. 2016. "Disabilities Act Leader Rips Education Ruling." *The Hartford Courant*, September 16, sec. Letters. <http://www.courant.com/opinion/letters/hc-disabilities-act-leader-rips-education-ruling-20160916-story.html>.
- CT School Finance Project. 2016. "History of School Finance in Connecticut." *CT School Finance*. April 26. <http://ctschoolfinance.org/assets/uploads/files/History-of-School-Finance-in-Connecticut.pdf>.
- DeNardis, Lesley. 2010. "Horton's Odyssey The Politics of School Finance Reform in Connecticut." *Government, Politics & Global Studies Faculty Publications*, January. [http://digitalcommons.sacredheart.edu/gov\\_fac/52](http://digitalcommons.sacredheart.edu/gov_fac/52).
- Dougherty, Jack. 2011. "Review of 'Connecticut's Public Schools: A History, 1650-2000' by Christopher Collier," *Connecticut History* 50, no. 1: 120–22.
- Dowell. 2016. "Education Funding — An Opportunity for CT Democrats to Lead." *CT Viewpoints*, September 16. <https://ctviewpoints.org/2016/09/16/education-funding-an-opportunity-for-ct-democrats-to-lead/>.
- Editorial. 2016. "Legislature Must Draft A New Deal For CT Education." *The Hartford Courant*, September 8. <http://www.courant.com/opinion/editorials/hc-ed-education-funding-ruling-0908-20160907-story.html>.

- Feinstein, Andrew. 2016. "Education Ruling: OK To Shut Out Disabled Kids?" *Courant.com*. September 10. <http://www.courant.com/opinion/op-ed/hc-op-feinstein-ct-ruling-hurts-disabled-0911-20160909-story.html>.
- Fischer, Nicholas. 2016. "The Expectations Gap Dividing Connecticut's Schools." *CT Viewpoints*, October 6. <https://ctviewpoints.org/2016/10/06/the-expectations-gap-dividing-connecticuts-schools/>.
- Goodrich, Robert. 2016. "CCJEF v. Rell Appeal More Dangerous than Status Quo." *CT Viewpoints*, September 19. <https://ctviewpoints.org/2016/09/19/ccjef-appeal-is-dangerous/>.
- Goodwin, Rep Dorothy C. 1982. "The GTB Furor: Tempest in a Teapot." *The Hartford Courant (1923-1991)*; *Hartford, Conn.*, June 19.
- Grubelich, Matt. 1977. "State Financed Education Results in Tax Increases." *The Hartford Courant (1923-1991)*; *Hartford, Conn.*, June 17.
- Hurwit, Carl G. 1978. "School Tax Policy Immoral." *The Hartford Courant (1923-1991)*; *Hartford, Conn.*, June 30.
- Horton v. Meskill. 172 Connecticut State Supreme Court. 1977. Feb. 2016.
- Lovell, Michael C. 1977. "New Financing Study Inadequate Response." *The Hartford Courant (1923-1991)*; *Hartford, Conn.*, May 19.
- Madaus, Joseph. 2016. "In CCJEF v. Rell, a Troubling Outlook on Funding Students with Disabilities." *CT Viewpoints*, October 10. <https://ctviewpoints.org/2016/10/10/in-ccjef-v-rell-troubling-outlook-on-disabilities/>.
- Martin, Antoinette. 1979. "City Alone in School Fund Battle." *The Hartford Courant (1923-1991)*; *Hartford, Conn.*, May 3.
- Megan, Kathleen. 2017. "Lawmakers Face A Tough Decision On Education Funding." *The Hartford Courant*, March 1. <http://www.courant.com/education/hc-ccjef-education-adequacy-20170301-story.html>.
- Mitchell, Shaun. 2016. "Of Connecticut's Teacher Shamers and Zip Code Apartheid." *CT Viewpoints*, September 14. <https://ctviewpoints.org/2016/09/14/of-connecticuts-teacher-shamers-and-zip-code-apartheid/>.

Pazniokas, Mark, and Keith Phaneuf. "Judge Strikes down State Education Aid Choices as 'irrational.'" *The CT Mirror*. N.p., 7 Sept. 2016. Web. 20 Sept. 2016.

Plaintiffs' Post Trial Brief No. X07. Connecticut Superior Court. 2016 Web. 14 Nov. 2016.

Rader, Robert, Joseph Cirsuolo, Karissa Niehoff, Jeffrey Villar, and Alexander. 2017. "Six Design Principles for a New, Fair CT School Funding Formula." *CT Viewpoints*, January 31. <https://ctviewpoints.org/2017/01/31/six-design-principles-for-a-new-fair-ct-school-funding-formula/>.

Reed, Douglas S. 2001. *On Equal Terms: The Constitutional Politics of Educational Opportunity*. Princeton, New Jersey: Princeton University Press.

Roy. 2016. "Connecticut Needs a School Finance System That Makes Sense." *CT Viewpoints*, September 8. <https://ctviewpoints.org/2016/09/08/a-school-finance-system-that-makes-sense/>.

Schnyer, George W. 1984. "Foresees Equity in State Education." *The Hartford Courant (1923-1991)*; *Hartford, Conn.*, May 14.

Springer, George C. 1981. "Too Little for Education." *The Hartford Courant (1923-1991)*; *Hartford, Conn.*, June 13.

Stiefel, Leanna, Amy Ellen Schwartz, and Anne Rotenberg. 2011. "What Do AEFA Members Say? Summary of Results of an Education Finance and Policy Survey." *Education Finance and Policy* 6 (2): 267–92.

*The Hartford Courant (1923-1991)*; *Hartford, Conn.* 1977. "...For Schools, a Beginning," June 12.

*The Hartford Courant (1923-1991)*; *Hartford, Conn.* 1978. "Ill-Timed Warnings," May 2.

*The Hartford Courant (1923-1991)*; *Hartford, Conn.* 1978. "Dream Ticket Dreaming," August 27.

*The Hartford Courant (1923-1991)*; *Hartford, Conn.* 1978. "Avoiding Tax Reform," October 2.

*The Hartford Courant (1923-1991)*; *Hartford, Conn.* 1979. "Is \$30 Million Enough?," April 1.

*The Hartford Courant (1923-1991); Hartford, Conn.* 1979. "Hold Off on the School Suit," August 18.

*The Hartford Courant (1923-1991); Hartford, Conn.* 1980. "The Gap in School Money," October 8.

*The Hartford Courant (1923-1991); Hartford, Conn.* 1984. "More-Equal Education," April 26.

*The Hartford Courant (1923-1991); Hartford, Conn.* 1984. "Avoiding the Education Issue," May 12.

Thomas, Jacqueline Rabe. 2017. "School Funding Reform: Ideas and Challenges Aplenty." *The CT Mirror*, February 6. <https://ctmirror.org/2017/02/06/school-funding-reform-ideas-and-challenges-aplenty/>.

Thomas, Jacqueline Rabe. 2017. "A Glimpse into the Philosophical Divide over School Funding." *The CT Mirror*, February 24. <https://ctmirror.org/2017/02/24/a-glimpse-into-the-philosophical-divide-over-school-funding/>.

Villar, Jeffrey. 2016. "Judge Correctly Identified Need for Systemic Public Education Overhaul." *CT Viewpoints*, September 13. <https://ctviewpoints.org/2016/09/13/judge-identifies-need-for-public-education-overhaul/>.

Wickstrand, Norman M. 1978. "Letters to the Editor: Basics Slated for Improvement." *The Hartford Courant (1923-1991); Hartford, Conn.*, May 17.

Wise, Robert J. 1979. "Letters to the Editor: School Vouchers Equalize Opportunity." *The Hartford Courant (1923-1991); Hartford, Conn.*, January 2.

**Appendix A. Respondents and their roles:**

*Horton*

<b>Name</b>	<b>Role</b>
A.R. "Nino" Cazonetti	President of CT Association of Boards of Education, Hartford
Carl G. Hurwitt	Community Member
Dorothy Goodwin	State Representative & Co-Chairwoman of the House Education Committee
George C. Springer	Teacher, Coach, President of the New Britain Federation of Teachers, President of the CT State Federation of Teachers, and Member of the National Commission for African American Education
George W. Schnyer Jr.	High School Student
Gerald Kaufman	City Consultant on School Finance Issues and Lobbyist at the State Capitol
Hartford City Officials (1979)	Hartford City Officials
Hartford Courant Editorial Board 1977	Hartford Courant Editorial Board
Hartford Courant Editorial Board 1978	Hartford Courant Editorial Board
Hartford Courant Editorial Board 1979	Hartford Courant Editorial Board
Hartford Courant Editorial Board 1980	Hartford Courant Editorial Board
Hartford Courant Editorial Board 1984	Hartford Courant Editorial Board
Leading Democrats aligned with Governor Ella Grasso's Administration	Leading Democrats aligned with Governor Ella Grasso's Administration
Matt Grubelich	President of the Federation of New Jersey Taxpayers, inc.
Michael Lovell	Professor
Nicholas Carbone	Deputy Mayor of Hartford (D)
Norman Wickstrand	Technology Consultant

Ronald Sarasin

Republican Gubernatorial Candidate  
(1978)

CCJEF

Name	Role
Amy Dowell	Connecticut State Director of Democrats for Education Reform
Andrew Feinstein	Special Education Lawyer and Parent
Athena Wagner	Parent
Ben Barnes	Secretary of the Office of Policy and Management
Bob Duff	Senate Majority Leader
Dr. Joseph Cirsuolo	Executive Director of the Connecticut Association of Public School Superintendents
Evelyn Richardson	Community Leader and Founder of Daughters of Eve and Sons of Adam
Gayle Slossberg	State Representative & Co-chair of the legislature's Education Committee
Gladys Mercado	Parent
Hartford Courant Editorial Board 2016	Hartford Courant Editorial Board
Jeffrey Villar	Executive Director of Connecticut Council for Education Reform
Jennifer Alexander	CEO of ConnCAN
Joseph Madaus	Associate Dean for Academic Affairs at the Neag School of Education UConn
Karissa Niehoff	Executive Director at the Connecticut Association of School
Katie Roy	Director and Founder at the Connecticut School Finance Project
Mark Boughton	Mayor of Danbury
Matt Ritter	State Representative (Hartford - D)

Nicholas Fisher	Former Superintendent
Robert Goodrich	Co-Founder at Radical Advocates for Cross-Cultural Education
Robert Rader	Executive Director at Connecticut Association of Boards of Education
Shaun Mitchell	Teacher in Bridgeport
Sheila Cohen	President at the Connecticut Education Association (Teacher's Union)