

SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. 18032

CONNECTICUT COALITION FOR JUSTICE IN EDUCATION FUNDING, et al.

v.

GOVERNOR M. JODI RELL, et al.

BRIEF OF *AMICI CURIAE*
THE WORKFORCE ALLIANCE, THE WORKPLACE INC., THE BRIDGEPORT
REGIONAL BUSINESS COUNCIL, AND THE CONNECTICUT WOMEN'S
EDUCATION AND LEGAL FUND

Amici Curiae

THE WORKFORCE ALLIANCE, THE
WORKPLACE INC., THE BRIDGEPORT
REGIONAL BUSINESS COUNCIL, and THE
CONNECTICUT WOMEN'S EDUCATION
AND LEGAL FUND

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IDENTITY AND INTEREST OF AMICI CURIAE

Amici consist of the Workforce Alliance, the WorkPlace, Inc., the Bridgeport Regional Business Council, and the Connecticut Women's Education and Legal Fund.

Amici have a concrete interest in the quality of educational opportunities provided to Connecticut schoolchildren. The Connecticut business community depends on the quality of public education to meet their needs. When Connecticut's educational system fails to provide its schoolchildren with an adequate education, the consequence is that many students are unprepared to meet the workforce needs of amici or successfully pursue post-secondary education. In the experience of amici, many students who have attended Connecticut public schools simply cannot perform at the levels demanded of them, to the great detriment of amici. Unless, as part of Connecticut's fundamental right to education, all students are provided with suitable educational opportunities that prepare them to enter the workforce or pursue higher education, the future interests of amici and the Connecticut economy as a whole will suffer.

The Workforce Alliance and the WorkPlace, Inc. are three of the Connecticut Workforce Investment Boards covering different regions of the state. These Boards were established by the Workforce Investment Act of 1998, and play instrumental roles in recruiting employees, coordinating regional job development, and providing support for economic development and business retention. The Workforce Alliance is based in New Haven and serves 30 South Central Connecticut towns. The WorkPlace, Inc., is located in Bridgeport and serves the 20 Southwestern Connecticut communities. Each of the boards is comprised of area leaders, all appointed by the chief elected officials of the towns each board serves. The boards collect and disseminate labor market information, engage in

critical economic development planning, and operate “one-stop” comprehensive employment information centers.

The **Bridgeport Regional Business Council (BRBC)** is the local Chamber of Commerce for Bridgeport, Trumbull, and Stratford. Concerned about having a more competitive youth workforce, BRBC proactively supports the region’s public schools, participating in reform efforts aimed at turning around low-performing schools and lobbying the state to provide an adequate and equitable level of aid that would finally provide all children with equal educational opportunity in Bridgeport’s highly distressed school system and in the underfunded schools of Stratford and Trumbull.

The **Connecticut Women’s Education and Legal Fund (CWEALF)**, founded in 1973, is a statewide non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives. Towards these ends, CWEALF hosts the Connecticut Girls and Technology Network, which provides girls with continued motivation and opportunities to explore technology throughout their formative years. By capturing girls’ interest and helping them to realize their potential for success in technology-related careers, CWEALF seeks to contribute to an increase of gender equity in the workforce and to help to bridge the digital divide.

ARGUMENT

Plaintiffs in the present case seek the answer to a fundamental question: what substantive educational opportunities are guaranteed by the fundamental right to education established by article eighth, § 1? Amici respectfully submit that the right to education must ensure that Connecticut schoolchildren receive educational opportunities that prepare them to succeed in the Connecticut workforce and within institutions of higher education. Anything less would not only endanger the future life chances of Connecticut schoolchildren, but the future wellbeing and economic stability of the state as a whole.

Connecticut's economy is in the midst of a significant transition period. Many of the industries that sustained it in the past are no longer viable. Technology has supplanted some; others have moved abroad. Further, the economy has become increasingly competitive, and the makeup of Connecticut's workforce is also changing. To face these realities, the students that exit Connecticut public schools must possess an extensive and flexible skill set. However, the State is failing to ensure that all Connecticut schools provide the educational opportunities necessary to build these skills.

Because of inadequate educational opportunities, many Connecticut public school students are leaving school without the skills and knowledge necessary to meet the demands of the modern workplace or to successfully pursue higher education or advanced vocational training opportunities. See *infra* Section II. Employers that hire these ill-prepared students find that they must provide basic remedial education to significant numbers of them. See *infra* Section III. Finally, inadequate educational opportunities at the PK-12 level increase the costs of higher education and decrease its effectiveness in preparing students for high skilled jobs. See *infra* Section IV.

Indeed, the State is failing in one of its most basic obligations: to ensure that the graduates of Connecticut public schools are able to properly support themselves and their families as productive citizens. Amici believe that the State's failure to effectively prepare students to meet their financial responsibilities as adults directly contravenes its constitutional obligations under article eighth, § 1. The economic vitality of the state is at substantial risk if the current negative trends in the educational system are not reversed. Therefore, we urge the Connecticut Supreme Court to recognize that the fundamental right to education includes the right to educational opportunities that prepare students to succeed in postsecondary work and higher education.

I. GIVEN THE CHANGES IN CONNECTICUT'S ECONOMY, THE NEED FOR AN EDUCATIONAL SYSTEM THAT PREPARES STUDENTS TO SUCCEED IN WORK AND HIGHER EDUCATION HAS NEVER BEEN GREATER.

The changes affecting Connecticut's economy require a labor pool that is highly educated and highly skilled. As Edith Karsky of the Connecticut Association for Community Action testified to the United States House Ways and Means Committee in Washington on February 27, 2007, "The demands of the global economy, the pace of technological development, and new production methods require a more highly educated and flexible labor pool, even at entry-level positions." *Additional Written Testimony for the Hearing on Economic Opportunity and Poverty in America before the Subcommittee on Income Security and Family Support of the H. Comm. on Ways and Means, 110th Cong. (2007)* (written statement of Edith Karsky, Executive Director, Connecticut Association for Community Action, dated February 7, 2007), *available at* <http://waysandmeans.house.gov/hearings.asp?formmode=view&id=5495> [hereinafter *Additional Written Testimony of Edith Karsky*]. Technological proficiency has become

essential to success in the job market. See Connecticut Community Colleges, *Career Programs & 21st Century Skills*, http://www.commnet.edu/services/career_programs.asp (last visited January 6, 2008) (“computer literacy is increasingly important to every job in today’s knowledge economy”). The manufacturing jobs that formerly sustained the Connecticut workforce are rapidly disappearing. See The South Central Regional Workforce Development Board, *State of the Workforce 2003*, available at http://workforcealliance.biz/Downloads/RWDB_Executive_Summ_03.pdf (“Statewide manufacturing employment levels did a free fall of 25% during the 1990s”) (A-1). As the market continues to change, “[t]he demands of the knowledge-based economy will leave behind those without the skills and education to compete in the new workplace.” *Id.*

Given the composition of Connecticut’s business sector, the demands are even higher. In many job areas, high school graduation alone is simply not enough: “Connecticut’s continued prosperity and high per capita income is owed in large part to our high-tech, engineering, financial, and information-based businesses. These businesses require a highly-skilled workforce with workers having completed at least a bachelor’s degree.” *Additional Written Testimony of Edith Karsky, supra*. The Connecticut Community Colleges predict that “nearly 80% of new jobs will require training beyond high school.” Connecticut Community Colleges, *Career Programs & 21st Century Skills*, http://www.commnet.edu/services/career_programs.asp (last visited January 6, 2008). As one report puts it, “Demand has exploded for workers with post-secondary schooling, while demand for workers with fewer years of schooling, especially dropouts, has plummeted.” *State of the Workforce 2003, supra*, at 1. Even the State Board of Education has concurred in this view: “completion of high school academic courses and acquisition of a

diploma alone are no longer adequate to prepare all individuals for lifelong sufficiency.” The Connecticut State Department of Education, *Position Statement on School-to-Career Initiatives 2* (June 3, 1998), available at http://www.sde.ct.gov/sde/LIB/sde/pdf/board/school_career.pdf (A-7). Indeed, as one study recently reported, “In the absence of some new spur to growth in the [number of college graduates], the region’s long-term labor force prospects are troubling.” Stephen Coelen & Joseph B. Berger, *New England 2020: A Forecast of Educational Attainment and its Implications for the Workforce of New England States*, at x (2006), available at http://ccea.uconn.edu/studies/New_England_2020.pdf [hereinafter *New England 2020*] (noting that “Connecticut’s forecast call[s] for a decline [in the number of college graduates] from 34% in 1993 to 30.5% in 2020”).

In the face of these complex and evolving demands, the State is demonstrably failing to effectively prepare its students.

II. THE STATE’S OWN STATISTICS DEMONSTRATE THAT IT IS FAILING TO EFFECTIVELY PREPARE ITS STUDENTS TO SUCCEED IN WORK AND HIGHER EDUCATION.

As demonstrated by its own statistics, Connecticut fails year after year to prepare many of its students for post-secondary education and work in the Connecticut business sector. Each year, the State administers to its 10th graders the Connecticut Academic Performance Test (CAPT). The CAPT has been found to be an accurate predictor of student preparedness for future success. Stephen Coelen et. al., *Next Steps Connecticut: The Role of Education in Preparing for Quality Work Force* at 33 (A-41). The studies have demonstrated that high performance on the CAPT is strongly correlated with college GPA, *id.* at 24 (A-32), the need (of lack thereof) for college remedial services, *id.* and attainment

of a post-secondary degree. *Id.* at 26 (A-34). CAPT performance is also a strong predictor of a student's post-education earnings.

Yet in several Connecticut cities and towns, the level of student performance on the CAPT test is deplorable. In Hartford, for example, in spring of 2007, 85.2% of 10th graders scored below "goal" in reading, and 86.5% scored below "goal" in math. See Data Interaction for Connecticut Academic Performance Test, www.captreports.com (follow "State by District/School Report; choose "Districts" in drop down box; select Bridgeport and Hartford and press continue; choose "% at/above goal" for each of mathematics and reading and press "new report"). In Bridgeport, performance is even worse, with 92.7% failing to reach "goal" in reading and 90.6% failing to meet "goal" in math. *Id.* Given the substantial influx of non-native English speaking children, student performance in the major cities of Connecticut will continue to deteriorate unless the State improves the quality of educational opportunities. See, e.g., *New England 2020* at 33 (arguing that by failing to properly educate the growing minority population "we are wasting some of the region's most valuable demographic resources and undermining the quality of our workforce.")

Indeed, many Connecticut students are not even graduating. For example, in 2006, only 22.4% of the students that had entered high school in Bridgeport four years earlier received their diploma. See Connecticut State Board of Education, Strategic School Profile 2006-07: Bridgeport School District; "Student Performance: Graduation and Dropout Rates" (table), available at <http://www.csde.state.ct.us/public/der/ssp/dist0607/dist008.pdf>. "In Hartford, . . . only 35% of 9th graders who start 9th grade finish 12th grade and receive diplomas" Capital Workforce Partners, *Future Workforce Investment Overview* (2006), available at http://www.capitalworkforce.org/youth_jobs/documents/WhitePaper-FINAL.doc

(A-45). "In New Haven, one out of three . . . [are] high school dropouts." *State of the Workforce Report 2003, supra*, at 1. It is clear, even by its own standards, that the State must do more to ensure that all of its students, regardless of where they live or the socioeconomic status of their families, graduate and are prepared for the workforce or higher education.

III. THE STATE'S FAILURE TO PREPARE ITS STUDENTS TO SUCCEED IN WORK PUTS SIGNIFICANT BURDENS ON CONNECTICUT EMPLOYERS.

Because the State is failing to provide adequate educational opportunities to many of its schoolchildren, Connecticut employers struggle to find sufficient numbers of qualified employees and are compelled to expend significant resources in providing remedial education to their workforces. Many students even lack the basic job skills for entry-level service sector or retail employment.¹ This is a direct result of the State's failure to provide adequate educational opportunities generally, and career counseling and job training services more specifically.

Employers across the state are having an increasingly difficult time finding the employees necessary to grow and develop their businesses. As the South Central Regional Workforce Development Board has stated, "findings show that employers will face continuing problems recruiting workers due to the lack of development of the labor market potential of young males." *State of the Workforce Report 2003, supra*, at 2. According to a recent report from the Connecticut Business and Industry Association (CBIA),

¹ For a description of basic job skills that have been identified as minimum standards for entry level positions, see Capital Workforce Partners, *Career Competency Standards* (A-49). Among the skills listed are basic reading, writing, math and communications skills along with computer literacy, problem solving and decision-making skills, and job-seeking skills.

"Connecticut's manufacturers are extremely concerned about a shortage of skilled workers to fill new positions and replace retiring employees." CBIA, *Blueprint for a Healthy Connecticut Economy* (2008), available at <http://www.cbia.com/gov/1images/GAP-08-Port.pdf>. Employers in various sectors of the economy are finding that their employees are simply unprepared. A recent survey of healthcare employers in South Central Connecticut found that the majority of employees chosen to participate in incumbent worker training were poorly skilled and insufficiently prepared to perform 9th grade level coursework. See Workforce Alliance, *State of the Workforce Report 2007* at 9-10 (A-62-63).

The burdens placed on Connecticut employers are especially severe because the failures in the State's educational system are primarily concentrated in the major cities. Employers are particularly dependent on the labor pool arising from cities such as Hartford and Bridgeport – the state's two largest school districts that together serve nearly 44,000 students and in which districts student performance is lowest. See *Future Workforce Investment Overview, supra*, at 1 ("Forty percent of Connecticut's future workforce will depend on the career and workforce readiness of young people emanating from Connecticut's five major cities.").

IV. THE STATE'S FAILURE TO PREPARE ITS STUDENTS TO SUCCEED IN HIGHER EDUCATION INCREASES COSTS AND DECREASES OUTCOMES

The failure to properly educate students when they are in the public school system significantly raises the cost of higher education, both for students and the institutions, while simultaneously diminishing its effectiveness.

The problems are most acute in Connecticut's major cities, where unmet needs of students are greatest. In Hartford, for example, 60% of students that complete high school

proceed to a two-year community college. See *Future Workforce Investment Overview*, *supra*, at 1. Of these students, fully two-thirds require remedial services. *Id.* For students who enroll in four-year colleges, even with remedial classes, more than 50% drop out before receiving a college diploma. *Id.* Even in smaller cities, the problems exist. “More than 50% of the Waterbury graduates attending Naugatuck Valley Community College are placed in remedial levels of mathematics.” See Waterbury Public Schools, *On the Need to Replace Remedial Courses with More Rigorous Courses in Waterbury 5*, Presentation to Waterbury Board of Education, June 20, 2005, <http://www.waterbury.k12.ct.us/Final%20Presentation%20need%20to%20replace%20remedial%20courses.pdf>.

The costs of maintaining these remedial programs are significant. Estimates suggest that Connecticut community colleges spend over \$12.5 million per year on remedial courses. Alliance for Excellent Education, *Paying Double: Inadequate High Schools and Community College Remediation 6* (August 2006), <http://www.all4ed.org/files/archive/publications/remediation.pdf> (A-65). And despite these major cost outlays, urban and at-risk students are still at substantially higher risk of dropping out. See CBIA, *Connecticut State Scholars Fact Sheet*, <http://www.ctscholars.org/factsheet.htm>, (last visited Jan. 3, 2007). As one recent report highlights, “the need for remediation is a considerable barrier to completing the associate’s degree,” which it emphasizes “has become a critical necessity to move from entry level to professional positions.” Capital Workforce Partners, *The State of the Workforce in North Central Connecticut 2* (2007), available at <http://www.capitalworkforce.org/documents/StateWorkforce-9-27-07FINAL.pdf>

In sum, the need for remedial education due to the State's failure to ensure that students are adequately prepared during their PK-12 school years significantly detracts from the core mission of higher education, raises costs and places obstacles in the path of student success.

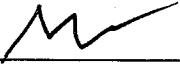
V. THE COURT SHOULD RECOGNIZE THAT THE STATE HAS A CONSTITUTIONAL DUTY TO PROVIDE CONNECTICUT SCHOOLCHILDREN THE OPPORTUNITY TO SUCCEED IN WORK AND HIGHER EDUCATION

To meet the demands of modern society, Connecticut students must be equipped with the necessary communication, analytical and technical skills to succeed in today's global marketplace. Connecticut's school system, however, is failing to prepare many of its students to succeed in this challenging environment. This failure not only harms the individual students, but also places great burdens on the State's employers and institutions of higher learning. The State Board of Education recognizes its duty to Connecticut public schoolchildren. It has declared that the mission of Connecticut high schools is to "ensure that each student graduates with post secondary skills, prepared for . . . success in the global economy." Connecticut State Board of Education, Framework for Connecticut's High Schools: A Working Guide for High School Redesign 5 (June 9, 2006), *available at* http://www.sde.ct.gov/sde/lib/sde/word_docs/curriculum/hs_redesign/hs_frameworks_revised_Feb_2007.doc. However, it continues to fail to take the necessary steps to make this mission a reality. Thus, the Court should recognize that the State is constitutionally obligated to provide educational opportunities that prepare the graduates of Connecticut public schools to succeed in work and higher education.

Respectfully submitted,

THE WORKFORCE ALLIANCE, THE
WORKPLACE INC., THE BRIDGEPORT
REGIONAL BUSINESS COUNCIL, and
THE CONNECTICUT WOMEN'S
EDUCATION AND LEGAL FUND

By: _____


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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Brief for the Amici Curiae was sent, by U.S. Mail, postage prepaid, on January 11, 2008 to:

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This is to further certify that this brief is in compliance with all the provisions of § 67-2 of the Practice Book.



Steven D. Ecker

