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JOINT STANDING COMMITTEE HEARINGS

EDUCATION PART 1 1-393

1979 INDEX

REP. GOODWIN: (continued)
two live mikes. One here at the majority leader's seat and one here at the minority leader's seat and I would ask you to keep your statements fairly brief. At the present time the list is not so overwhelmingly long that I think we need to keep you to three minutes but I think if we could try to keep it to four or four and a half, something of that sort it would be very helpful. Senator Schneller.

SEN. SCHNELLER: Thank you Madam Chairperson. For the record my name is Dick Schneller, I'm State Senator from the 20th District, and I'm here to speak concerning Bills 7586 and 7544 and the related bills dealing with school equalization. As you know I chaired the School Finance Advisory Panel that was created by the State Board of Education to develop a response to the Court's mandate in the Horton Meskill case which held that Connecticut's present system of financing elementary and secondary education was unconstitutional. The recommended response is contained in this yellow document, A Plan for Promoting Equal Educational Opportunity in Connecticut. I took the opportunity to read it word for word this weekend. It's not too long and it's not too dry. And I really would adivse anyone who is seriously interested in this subject and the finding a solution to this problem to get a copy of it and read it. It will give you an understanding of the subject.

It's not my intention this evening to summarize the recommendations that are in the document. Most of them have been around since November of December, and I think most of your are familiar with these recommendations. In all honesty I don't believe any member of the School Finance Advisory Panel certainly not its chairman ever anticipated or expected that this General Assembly would adopt in toto and without change this package of recommendations. I look upon it as a series of recommendations, as a guide or a plan for this General Assembly to use in developing its own recommendations. There's nothing sacrosanct in this program.

As we're all aware the Supreme Court has said that it's the responsibility of the General Assembly to enact legislation to implement the requirement that the State provide a substantially equal educational opportunity to its youth in its free public elementary and secondary schools. That was in April of 1977. In September of 1978, Judge Rubinow ordered the General Assembly to have such legislation in place by

SEN. SCHNELLER: (continued)
May 1, 1979. Our time frame is short. Major decisions must be made within the next 60 days. Having been deeply involved in this process for more than two years and hopefully having developed an understanding and sensitivity to the issues involved, I think I can best serve this committee and this hearing at this time by pointing out those areas that I feel this General Assembly must address to implement and satisfy the Court's mandate. To do anything less means that we run the risk of the Court rejecting a portion or all of our proposals, and possibly imposing its own solutions.

These then are the areas I believe we must deal with. First a plan of financial assistance to local educational agencies that narrows the present wide range of disparities that exist in per pupil expenditure, as well as school tax effort amongst the school districts of our state. This assistance must be of sufficient magnitude to indicate on some reasonably applied scale that it will in fact narrow these disparities. The Revised Guaranteed Tax Base Plan recommended by the School Finance Advisory Panel and the State Board of Education is one such plan. It can certainly be modified.

Second, because we do not have fiscally autonomous Boards of Education in Connecticut, it is necessary to provide some mechanism to insure that funds going back to towns, particularly in low spending districts, will be used for educational programs. The minimum expenditure requirement recommended by the School Finance Advisory Panel and the State Board of Education is such a mechanism.

Three, because the Courts have found that our present system for providing state aid primarily through the ADM Grant and other categorical grants, have no equalizing effect. Significant changes in these grants are required. The School Finance Advisory Panel and the State Board of Education have recommended elimination of the ADM Grant and the inclusion of current ADM and GTB funds with new State aid into a single equalizing general aid program.

Additional recommendations call for reimbursement of transportation and Special Education. The State's two major categorical grants to be equalized by paying school districts on a sliding scale according to their ability to pay. Transportation on a scale of 20 percent to 60 percent. Special Education on a scale of 30 percent to 70 percent.

Four, while the Courts have not indicated a specific time

SEN. SCHNELLER: (continued)
frame, prudent judgment demands both a good faith and immediate effort and a reasonable period for implementation of the remedial process. The School Finance Advisory Panel and the State Board of Education recommend that the fiscal aspects of its recommendations be phased in over a period of five years, and be fully in place during the 1983/1984 fiscal year.

And finally five, while in its narrowest sense Horton Meskill deals with a school districts ability to finance educational programs, to provide substantially equal educational opportunity, we must also address the education aspects of the problem. Some mechanism must be provided to insure that a suitable program of education is made available to every child in the state. The series of recommendations of the School Finance Advisory Panel and the State Board of Education dealing with educational equity provide such a mechanism and are an integral part of any response to the Court's mandate. There is one major difference in the recommendations of the School Finance Advisory Panel and the State Board of Education and that deals with a guaranteed minimum level of per pupil grant. Both recommend a minimum of $250 per pupil grant to those towns that would receive less than $250 per pupil as part of the guaranteed tax base grant. The State Board of Education recommends phasing out such a minimum grant over a five-year period. The School Finance Advisory Panel recommends retaining a guaranteed minimum level of $250.

This decision is presently before this Education Committee. In the weeks ahead I will try to convince you to take the recommendation of the School Finance Advisory Panel and retain the $250 minimum.

This committee has an exceedingly difficult assignment to complete in a very short time frame. These are not easy concepts to grasp. They take a great deal of study and understanding. Compromises will have to be made. There is no scientifically correct formula. This is a process that is subject to your collective judgments. Frankly I believe we owe it to the citizens of this state to provide a legislative response to the Court's mandate. One that will meet future Court standards. Failure to provide such a remedy on our part becuase of our inability to agree on a course of action or because we lack the courage to face the realities of the situation, would be an abdication of

SEN. SCHNELLER: (continued)
our responsibility and would demean our entire legislative process. I stand ready to assist the committee and its most able co-chairmen in any way that I can in the completion of this task. Thank you very much.

REP. GOODWIN: Thank you Senator Schneller. I want to say that Senator Schneller is always a tower of strength in these things and I don't think we can go forward very easily in this without his help and backing. He is one of the legislators who really has informed himself of this issue and I want to thank him particularly for that superb summary of the questions before us. Senator Bozzutto.

SEN. BOZZUTTO: Representative Goodwin, Senator O'Leary, members of the Education Committee. I might just begin by saying that I have great sympathy for the task you have before you, because it certainly is an epic one and certainly is one that is going to be controversial during the course of this session, and I know the time constraints under which you are working it is very difficult and I would wish you well in your task.

I am here tonight to speak in favor of equalized educational
Belt 2 opportunities for all Connecticut students. Therefore, I must oppose H.B. 7544 and H.B. 7586, and all other school funding formulas that adversely impact on the majority of school children.

H.B. 7544, Governor Grasso's proposal for equalizing educational opportunity, is simply an urban aid formula that was devised following the elections so as to channel substantial increases to the large cities at the expense of the majority of Connecticut's towns and cities. The Governor's Bill, which changes the implementation timetable set up by the School Finance Advisory Panel, provides for an increase of $30 million in state educational funding next year. However, a computer printout simulating the Governor's Bill by the non-partisan Office of Legislative Research, reveals that $31 million in additional state educational aid will be sent next year to the four largest cities at the expense of 101 towns that will receive less state educational aid. Quite simply, 101 communities will experience a decrease in their ability to provide quality education for their children. H.B. 7544 clearly does not meet the Court's mandate for equalization of educational funding. And in no way does it provide equal educational opportunities for all of Connecticut's

SEN. BOZZUTTO: (continued)
children. In fact, under the Governor's Bill, five of the 25 poorest towns, Griswold, Brooklyn, Sprague, Pomfret and Putnam, will actually lose money next year. For example, Putnam ranks 149th in terms of wealth, but will actually lose 22.3 percent of its grant next year if the Governor's bill is adopted.

H.B. 7586 which encompasses the proposals endorsed by the School Finance Advisory Panel also should be rejected. The reasons are quite simple. The formula is overloaded with factors that shift the emphasis to the major cities. These factors fall outside the Court's mandate in Horton vs Meskill. The Court simply directed the legislature to address the inequities inherent in the property tax method of funding education. The Court did not say that we had to develop a formula that recognizes municipal overburden, welfare rolls and/or socio-economic ills. The fully funded School Finance Advisory Panel formula provides $60 million by one estimate as much as $80 million by another estimate for municipal overburden, and $88 million for school overburden. Thus, $148 million or nearly 40 percent of the total equalization funds are set aside for socio-economic problems that mainly occur in the large cities.

The Senate Republican Caucus believes that municipal overburden factors do not belong in a school equalization formula. If you want to provide increased aid to the cities, to address these problems, it should be in a separate grant not in an educational grant.

Additionally, the SFAP proposal ignores the fact that over $25 million will be spent this year for educational programs for the disadvantaged. Again most of these funds will go to the larger cities.

Distributing urban aid in this manner leads to a situation where the city of Bridgeport will recieve $40 million in school funding despite having a local educational budget of approximately $25 million. Clearly, the money will not be spent to equalize education.

The net impact in future years, if either of these formulas is adopted, is that the majority of the residents of the medium and small towns will have to make a greater property tax effort to keep pace while the cities will virtually be fully funded by the State. The Republican members of the

SEN. BOZZUTTO: (continued)
State Senate recognize the necessity of meeting the Court's mandate in Horton vs. Meskill. However, we feel obliged to oppose any formula that adversely affects the majority of our citizens, particularly the students, to appease big city power brokers. Madam Chairlady, Senator O'Leary, members of the committee, thank you very much.

REP. GOODWIN: Thank you Senator Bozzutto. I want to assure you that we stand ready to work with you to develop a formula that at least tangentially or peripherally we can agree on. I suspect we will have disagreements, but I think they will be disagreements in good part and that we can work together towards a conclusion that will be reasonably satisfying for all of us. I want to re-emphasize the fact that the figures that you have cited are based on data which will be out of date in another couple of weeks. And at that time we will share with you -- when we know -- what the revisions in those figures will be.

SEN. BOZZUTTO: Representative Goodwin, that brings up a very good point and I note you mentioned that the figures will be outdated because of tax assessment rolls, but on the other hand, I think most towns and cities in the state are going through a budget process right now and in fact will be having hearings on budgets themselves, and I think it's absolutely urgent that we have some leadership, some direction and perhaps even using the figures from last year at least for this first year's formula. And then perhaps alluding to new figures in some future year, because I think it's absolutely urgent that when these towns go to their budget meetings, that they have real dollar figures to work with rather than a guess, and as you know there are 50 guesses out there as to what the final figures will be. It is very disillusioning and very difficult for communities to establish a budget base.

REP. GOODWIN: That's why the deadline is May 1. Thank you very much.

SEN. BOZZUTTO: I appreciate the opportunity. Thank you Representative Goodwin.

REP. GOODWIN: Our third speaker is Mr. Duke of the State Board of Education.

MR. DUKE: Thank you very much Madam Chairperson. Members of

MR. DUKE: (continued)
the Education Committee, I bid you good evening. For the record I am Herbert J. Duke, a member of the State Board of Education. And I do appreciate this opportunity on behalf of the Board to outline what we see as the key provisions of the Plan for Promoting Equal Educational Opportunity already reported to you and now incorporated in Raised Committee Bill 7586.

The plan is the result of eighteen months study by the State Board and its School Finance Advisory Panel. The process was an energetic and deliberate one, with ample opportunity for public review and comment. We believe the resulting recommendations reflect in a balanced way the varied interests and concerns of the people of Connecticut for their schools.

This is as well an appropriate time to again express our gratitude to the 25 members of the School Finance Advisory Committee, and particularly to its chairman, Senator Schneller. They did an outstanding job with a most difficult and complex subject. Their recommendations with some modification form the basis for the Boards final Plan.

In presenting its recommendations, the State Board of Education focused on four objectives. The primary objective was to respond reasonably and fully to the Connecticut Supreme Court decision in the Horton suit. In other words, to provide a means of state funding which assures educational opportunities more nearly equal for all students in Connecticut.

The recommended revisions in the guaranteed tax base or GTB formula will provide every town with the ability to pay for education equal to that of the state's wealthiest town. All general state aid for education will be equalized by folding in the flat $250 per pupil ADM grant now distributed to school districts regardless of wealth, effort or need.

The flat grant was cited by the Courts as having a fundamentally disequalizing impact on school funding. For this reason, the State Board also proposes the phasing out the minimum or hold harmless factor otherwise proposed by the School Finance Advisory Panel. Mindful of taxpayer concern, this would also reduce the ultimate cost to the state by some $10 million annually.

MR. DUKE: (Continued)
Our second objective was ensuring that, while some or even most funds could be used for tax relief in the face of excessive local tax burdens, additional State dollars be used to improve education. The State Board of Education proposes phasing in a minimum expenditure requirement. Connecticut must not repeat the experience of New Jersy where massive new State aid failed to reach the classroom.

A third objective was that the plan relate fundamentally to quality. To meet that objective, we propose a comprehensive process for effective planning, implementation and evaluation of school programs. With this process, reflecting the best traditions of educational excellence in our local school systems, Connecticut can fulfill its legal responsibility to provide each child in the State a "suitable" program of educational experiences.

Finally, it was the State Board's objective to identify clearly the dynamic partnership of State and local governance. The fifteen equity recommendations finds the State taking a more active responsibility for setting goals, providing quidance and technical assistance and evaluating school programs. Local districts strongly retain the responsibility to plan and manage programs and to meet student and community needs and aspirations.

Of critical importance is the recommendation calling for a remedial process which could be initiated, with full "due process" guarantees, whenever there is failure or inability to fulfill the educational interests of the State.

The State Board of Education proposes that its plan be fully implemented within five years. The plan would raise the level of State support for public education from some 31% at present to over 42% of total State and local educational expenditures.

More important, the proposed plan will provide that the dollars spent on education at least give each student and equal opportunity to receive a quality of education suitable to his or her needs.

The State Board of Education, the Commissioner of Education and the State Department of Education are pleased to be part of this most important process. We are ready to assist further the difficult decisions ahead and, above all, we are

MR. DUKE: (Continued)
confident of your continuing commitment to accept the historic opportunity before you this session. Thank you, Madam Chairman.

REP. GOODWIN: Thank you very much, Mr. Duke. I appreciate the statement. A couple of things I had forgotten to say. One is, please turn in the copies of the statements to the clerk so that it can be put into the record without having to listen to it on the tape and I would ask previous speakers also to do that. I have been told that there is a technical error in the Governor's bill which will be corrected. So, if you came upon that error and, offhand at the moment I don't know where it was, ask about it and we'll see if that is the thing that is going to be corrected, because it's just plain a mistake. And, the third thing is, I don't know how vorciferous you are likely to get tonight, but I think we will make a ruling that there will be no applause and no other comment of displeasure on the part of any speaker as we move forward. And, I would very much appreciate your cooperation in that. The next speaker is Representative Emmons.

REP. EMMONS: Thank you, Madam Chairman, lady and Senator O'Leary. I express my appreciation to the other members of the Education Committee who will be sitting here late at night when I hope I will be home. I have to talk on proposed bill 7156. This particular bill is a foundation grant proposal to take into account our problems on equalizing education funding. We have not, as a State, discussed the foundation grant type of program very much and have pretty much discussed only the guaranteed tax base. However, I would like to draw to your attention that throughout the nation 24 states use the foundation type program for equalizing education opportunity or
Belt 3 educational funding whereas only twelve states use the GTB formula only. Then, of the other states that are left which are about fourteen, they use a combination of the two so that the foundation type program is a program that has been used successfully in many states and I think if you were to go through some comparisons of other State fundings, you would see that Florida has a very elaborate and unique program using the foundation grant.

The basic part of a foundation grant program is that the proceeding grant equals the difference between the minimum expenditure requirement and a specified mill rate that a town can raise using the amount of money that the town would raise using this particular mill rate. The difference between us using this example of what we were discussing today of the 1480 which appears to be the minimum expenditure requirement based on historical data and a specified mill rate which in my particular formula that has been developed by a few of us which is about 14.8, you have the difference between what the 14.8 would raise and the $1,480 that would be your equalized

REP. GOODWIN (Continued): and profoundly careful exercise of developing literally dozens of concepts from which we can choose and sort of them out. What we think when we get the basic figure, we will steer the money where we think the money ought to go in terms of need, and I really do think that there is a surprisingly number of legislators who really quite sincerely want the money to go where it is needed not where it is not needed.

And so I say this to try and ask you not to focus on some of the publicity you're getting now, because it is not based on anything that is going to be the final result, and with that, we will call on the first speaker who is Julia Rankin, a member of the State Board, and we'll ask her to use this mike over here.

JULIA RANKIN: My name is Julia Rankin of the State Board of Education. I'm the newest member of the Board and I haven't been on the Board for very long so perhaps I'm not the one to be speaking here, but I am going to try my best to present the State Board's position.

I would like to take this opportunity to outline the key provisions of the plan for promoting equal educational opportunities to be incorporated into Committee Bill No. 7586. The Plan is a result of eighteen months of study by the State Board and the School Finance Advisory Panel to which Dorothy referred. The study was energetic and deliberate and gave ample opportunity for public review and comment at several stages in the process. I believe the resulting recommendations truly reflect the varied interests and concerns of the people of Connecticut for their schools and their school children.

This is an appropriate time I think to express again the State Board's appreciation of the tremendous amount of work that the twenty-five members of the School Finance Advisory Committee -- is the chairman and they did an outstanding job and it was a most difficult and complex subject, and the recommendations with some modifications form the basis for the State Board of Education Plan, as presented in Committee Bill 7586.

In presenting its recommendations, the State Board of Education focused on four objectives. The primary objective was to respond reasonably and fully to the Connecticut Supreme Court decision in the Horton vs. Mascal Suit to provide a means of state funding which would assure as equal as possible educational opportunities for all students in Connecticut. We recommended revisions, and the guaranteed tax base formula will provide every town with the ability to pay for education equal to that of the State's wealthiest

JULIA RANKIN (Continued): town. All general state aid for education will be equalized by using this formula, which will be implemented with equal percentage installments over a minimum of a five year phase-in period, within a five-year phase-in period.

The flat $250 per minimum average daily membership grant was cited by the courts as having a fundamentally dis-equalizing impact on the school funding. For this reason, the State Board proposes phasing out the minimum or hold harmless $250 grant proposed by the School Finance Advisory Panel. This would also reduce the ultimate cost to the State by about $10 million annually.

The two major categorical education grants for special education and for transportation will also be equalized over the five-year period, thus at the end of the five year period, 94 percent of all state funding will be granted on an equalized basis.

Our second objective was ensuring that while some or even most funds could be used for tax relief in the face of excessive local tax burdens, at least some of the additional state dollars would be used to improve education. For this reason, the State Board of Education proposes phasing in a minimum expenditure requirement. Connecticut must not repeat the experience of New Jersey where massive new state aid failed to reach the class-rooms for which it was intended.

The third objective was that the plan relate fundamentally to quality. To meet that objective, we propose a com-prehensive process for effective planning, implementation and evaluation of school programs. With this process, we are effecting the best traditions of educational excellence in our local school systems, Connecticut can fulfill its legal responsibility to provide for each child in the State the suitable program of educational experience.

Finally, it was the State Board's objective to identify clearly the dynamic partnership of state and local governments. The 15 equity recommendations find the state taking a more active responsibility for setting goals, providing guidance and technical assistance, and evaluating state programs, while local school districts strongly retain the responsibility to plan and manage programs, to meet their own individual student and community needs and aspirations. Of critical importance is the recommendation calling for a remedial process which

JULIA RANKIN (Continued): could be initiated with full due process guarantees, whenever there is failure or inability to fulfill the educational interests of the state.

The State Board of Education proposes that its plan be fully implemented within five years. The plan would raise the level of state support for public education from about 31 percent at the present time to about 42 percent of the total of state and local educational expenditures.

Most important of all, the proposed plan will hopefully provide that the dollars spent on education will at least give each student an equal opportunity to receive an education suitable to his or her needs. The State Board, the Commissioner and the Department of Education are pleased to be a part of this most difficult and important process. We are ready to assist further in any way that we can in the decisions that lie ahead, and above all we are confident that the General Assembly will accept this historic opportunity to come to some decision this session. Thank you.

REP. GOODWIN: Thank you very much.

Now we will have Senator Schneller's companion piece to this general information presentation.

SEN. SCHNELLER: Thank you very much, Representative Goodwin, for giving me this opportunity to address the Committee, which I did two nights ago, and also the citizens of Eastern Connecticut who came out this evening to discuss with the Committee their concerns dealing with this issue, and as you've indicated, I did chair the School Finance Advisory Panel that was created to develop a response to the Court's mandate, which basically held that Connecticut's present system of financing elementary and secondary education was unconstitutional, and the recommended response basically was to develop by the School Finance Advisory Panel and adopted with some modifications as in this yellow booklet. I hope that some extra copies are here tonight for those that are not going to take the trouble to read it and having read it word for word, let me say that it's not too long or too dry, and I'd really advise anyone who is seriously interested in understanding the totality of this issue, to get a copy and to read it.

It's not my intention to summarize the recommendations that are in here. I think Mrs. Rankin has given you a summary of those recommendations, and I also think that

SEN. SCHNELLER (Continued): per pupil grant. It does recommend a $250 per pupil minimum grant to those towns that would receive less than $250 per pupil as part of a guaranteed tax base grant. The State Board of Education recommends phasing out such a minimum grant over a five year period. The School Finance Advisory Panel recommends retaining a guaranteed minimum level of $250.

This provision is presently before the Education Committee. In the weeks ahead, I will try to convince the Committee to take the recommendation of the School Finance Advisory Panel and retain the $250 minimum.

This Committee has an exceedingly difficult assignment to complete in a very short timeframe. These are not easy concepts to grasp and they take a great deal of study and understanding. Compromises will have to be made. There is no scientifically correct formula. This process is subject to the collective judgments of all the people involved, on the Education Committee and ultimately the 187 members of the General Assembly.

Frankly, I believe we owe it to the citizens of this state to provide a legislative response to the Court's mandate, one that will meet the Court's standards. Failure to provide such a remedy on our part because of our inability to agree on a course of action or because we lack the courage to face realities of the situation, would be an abdication of our responsibility and would demean our entire legislative process, and I certainly stand ready to assist the Committee and its most able Co-Chairman in any way that I can on the completion of this task. Thank you very much.

REP. GOODWIN: Thank you very much.

The third speaker is Representative Polinsky from the Appropriations Committee.

REP. POLINSKY: Janet Polinsky, 38th Assembly District from Waterford. Representative Goodwin, ladies and gentleman, I come here tonight to speak for my town of Waterford. I come here tonight to speak against the Committee Bill, House Bill 7586. The Robin Hood formula contained in this bill, unlike the School Finance Advisory Panel's recommendation, does not hold harmless the 250 ABM grant. Instead, it phases down that state grant of $250 per student per year to only $91 with the present figures that we have, by the end of the fifth year. To

REP. POLINSKY (Continued): add insult to injury, the equalization package will contain two other Robin Hood style bills. One, that again over a five-year period reduces my town's share of transportation reimbursement from 50 percent of total costs to less than 22 percent of that cost. The second bill would reduce Waterford's reimbursement for special education from approximately 58 percent to something a little over 30 percent. Even worse, when the newest update on tax assessment ratios comes out next month and gets plugged into the computer, there is no doubt in my mind that Waterford's position will be negatively impacted, and what will Waterford and towns like Waterford receive for this loss, they'll receive mandates. Mandates that cost money, lots of money. For instance, there is the proficiency testing law, that's already in effect. Each municipality, beginning next year, must test its students and offer remediation to all who fall substantially below grade level. This will cost money. Again, maybe lots of money.

But unlike those cities that will receive hundreds of thousands, even millions of additional equalization dollars, Waterford will be receiving even less than it presently gets.

Next, there is the minimum expenditure per pupil. Waterford presently is spending above that minimum. But sure as God makes little green apples, that minimum will go up. However, unlike those other cities, Waterford will be receiving less than it presently gets. And then of course there will be bills like House Bill 5911, an act concerning minimum standards for suitable education. Here, the bill would establish minimum standards in all school districts requiring the employment of qualified teachers possessing special subject certificates in the area of art, music, physical education and library school media sciences.

I haven't checked, but I would bet my town does that already. I'm sure though that there are towns that don't.

This book, the yellow book that Senator Schneller referred to, holds reams of other such suitable program recommendations. With them, home rule goes out the window. All this is kind of sadly funny. You know that old saying. "He who holds the purse strings", well, I suppose if you were giving my town something extra, we would swallow the mandates and say thank you for the dollars. But in this case you are stealing those dollars and still proposing to

REP. POLINSKY (Continued): ram those mandates, regulations and minimums down our throat.

One final comment concerning the formula and its component parts. It is all so heavily weighted towards the cities, the big cities in particular, that it can only be called a Rube Goldberg contraption. Philosophically, that really bothers me. Certainly the cities have problems, but to attempt to correct them all in the equalization formula is totally unrealistic. I will continue to fight to see that my town does not get penalized, to see that my town gets its fair share. Thank you for your time.

REP. GOODWIN: Thank you, Janet. I think you can see what kind of a political problem we have. I hope Janet will forgive me that remark.

The next speaker is Senator Beck, Chairman of the Finance Committee.

SEN. BECK: Representative Goodwin, Senator O'Leary, members of the Education Committee. Since I'm also a member of the committee which will be considering the formula, I will have ample opportunity to be discussing with the Committee and working with the Committee, and I just briefly wanted to place on record in a formal way, my concern as a member of the School Finance Advisory Panel that there must be a refinement and improvement in the formula as presented to the Education Committee for its consideration. And I would briefly restate the major points that I made in the concluding meetings of the Advisory Panel.

Namely that medium-sized towns with an older established industrial base, seem to have been omitted in the refinements of the formula, and I cite as specific examples Killingly, Winchester, Naugatuck, Putnam, there was a list also cited by the PTA at the public hearings, which I urge that the Education Committee restudy for additional examples.

As a specific example and bearing in mind, as Representative Goodwin and as we all know, that these numbers will change. Nevertheless, it is an example of universe with which we are concerned. Let us compare the impact of the formula as it now stands on Killingly and West Hartford as indications of the universe. West Hartford had in 1976 a net equalized per pupil 90 percent greater than Killingly. In 1974, the ninth highest estimated per capita income in the state, Killingly had the 13th lowest, West Hartford spent the most per pupil in the state in 1976,

GRACE CURRAN (Continued): career education is not amply addressed in the Committee Bill 7586. The impact of the Federal Law 94-142 which addresses the handicapped, to seek out and find those children who have been overlooked and denied education in the past, does not seem to be amply addressed by 7586. More money is definitely needed. All those people trying to figure out how -- these certainly have my blessings, how to figure out where this money is going to come from, certainly have my blessings.

Thank you very much for your time.

REP. GOODWIN: Thank you very much, Mrs. Curran.

The next speaker is Gabriella Schlesinger.

GABRIELLA SCHLESINGER: Representative Goodwin, Senator O'Leary, distinguished members of the Committee. I am Gabriella Schlesinger from New London, speaking on behalf of the League of Women Voters of New London, which includes members from Waterford and East Lyme.

We wish to express our support of the State League's position already expressed to this Committee, and to underline several points. First, we strongly agree that the state government should underwrite a much greater share of the local school expenditures than it does now. Secondly, we endorse the concept of a guaranteed tax base funding system to achieve this goal. However, we do wish to seek a minimum expenditure requirement for all local school districts as proposed by the School Finance Advisory Panel and approved by the State Board of Education.

In New London, with approximately 50 percent of property tax exempt and with many of the problems of older poorer cities, we are very concerned about adopting factors that will take into account municipal overburdens. In fact, we think it essential to use an income factor modifying property wealth and to consider tax efforts for the GTB.

The League has for a number of years supported sales assessment ratios, however we hope that the Committee will not succumb too much to political pressure, jockeying for position among various towns. We hope that the guidelines for setting the formula would be established on the basis of equity and then tested against reality in particular field. If additional new sources of revenue are needed to equalize school financing, the League supports personal income tax as a part of a thorough report of our state's tax structure.

MR. ESDALE: (Continued)
The $30 per pupil the state now gives does not recognize a district's ability to pay for the cost of education - a familiar ring, I'm sure. Therefore, I would urge this committee to look at equalizing this grant and support the proposal to reimburse school districts on a sliding scale of 20-60% according to their GTB ranking. One position would be -- which the State Board of Education and the New Haven Board of educaction agree upon.

Tonight, the Mayor's representative, the Superintendent, and I have given you a real picture of our city, our schools, and our needs. The school system must press the city to pick up its share - I will be going that shortly; and all of us together must ask the state to pick up its fair share. Thank you.

SEN. O'LEARY: Thank you very much Mr. Esdale. The next name I have on the list is John Toffolon, Chairman of the State Board of Education.

MR. TOFFOLON: Mr. Chairman O'Leary and Chairman Goodwin, members of the Committee. I'm John Toffolon, Chairman of the State Board of Education. I appreciate this opportunity to appear before you and to promoting equal educational opportunity. Already reported to you is now incorporated in raised community Bill 7586. The plan is a result of eighteen months of study of the state board and the school board and the advisory panel. The process was energetic in delivery with extensive public review I believe the resulting recommendation reflects in a balanced way the very interest and concern of the people of Connecticut for their schools. Just about every viable group in Connecticut has input into the formation of this plan. Every person in the community has an opportunity to critique this plan and comment upon the plan at public hearings such as this. This is probably an appropriate time when the State Board of Education expresses graditude for the State Advisory Panel and particularly it's chairman, Senator Schneller for all the work and the outstanding job. They did it on a most difficult and complex subject. There are conditions with only a very few modifications are the basis for our final plan. In presenting its recommendations the State Board of Education focused on four objectives. The primary objective which repond recently and fully to the Connecticut Supreme Court decision in the Horton-Meskill suit. In other words, by the means was state to assure the education opportunity, will be more new for all students in Connecticut. The revisions recommended and the guaranteed

MR. TOFFOLON: (continued) tax base for provide with the ability to pay for education, equal to the state's wealthiest town. That's quite a chore. All general state aid for education will be equalized by voting in the Plan ABM $250.00 grant, now distributed to school districts, regardless of wealth or their need. The flat grant $250.00 per pupil, was sited by the court as having a fundamental , disequalizing the impact of school funding. For this reason, the State Board proposes phasing out the new , otherwise proposed by the School Board Advisory Panel. Mindful of the taxpayers concern, this would reduce the opening cost to the state by some per year. We also recommend that the state-aid for special education and pupil transportation is scaled in proportion to the abilities of the towns to pay, Rather than the present rate of reimbursement. With this change, the state law can face the scrutiny of the courts, assured that some Senator, ninety-five percent of all state-aid for education is payed in an equal basic manner.

Our second objective was insuring, that while it's an important, could be used for tax relief in the face of excessive tax burdens and state dollars be used to improve education, an important issue. The State Board of Education followed the study of the Advisory Panel and is proposing phasing in a expenditure report. The committee -- it must not only meet the experience of those states, particularly New Jersey, where massive state aid, failed to reach the .

The third objective we bring rates fundamentally equality. To meet the quality of comprehensive process for effective planning, implementation and evaluation of school programs. With this process, reflecting the best traditions of educational experts in our open-school systems, Connecticut can fulfill it's legal responsibilities to provide each child in this state with a suitable program of education experiences.

Finally, it's the State's Board's objective to identify clearly the dynamic burdenship of state and local governments. The fifteen recommendations, I and the state, have taken a more active responsibility for setting goals, for providing guidance, for providing technical assistance and evaluating school programs. Yet, local school districts, strongly retain the responsibility planning it's main programs

MR. TOFFOLON: (continued) to meet student and community needs in this . Of critical importance is the recommendation for immediate process which could be initiated with full due process guarantees, when their is a failure or inability to fulfill the education interests of the state. The State Board of Education proposes that this plan be fully implemented in five years. The plan would raise a leval of state support to public education, from thirty-one percent at present, to over forty-two percent of state and local educational expenditures. A giant step forward, yet not out of line with the rest of the states in this country. More important the proposed plan will provide that the dollar spent in education, at least give each student an equal opportunity to receive a quality of education suitable for his or her needs.

The State Board, the Commissioner, the Department of Education are pleased to be a part of this most important process. We're ready to assist further in the difficult decision, you have ahead. Above all we are confident of your continuing commitment to accept the historical opportunity before you in this session. The studies are over. These public hearings are just about over and the data collecting, is now at an end. The recommendations are set before you. It's time for debate, time for decision, it is time for action. It's now up to you. Thank you.

SEN. OLEARY: Thank you, Mr. Toffolon. The next speaker on the list is Stanley Heller.

MR. HELLER: Good Evening. My name is Stanley Heller. I'm President of West Haven Federation of Teachers. On behalf of my organization I would like to speak in strong opposition to both the GTP Plan and the Foundation Plans. Because neither can equalize education across Connecticut. First, in studying these plans, we see that their all woefully unfunded, even in the legendary fifty year. Equalization grants in theory should make it possible for all towns to have the same school taxes, the richest towns in this state, and in thier sudsidy that they get from the state and then they would all have equal money per pupil. It just doesn't isn't so. We've calculated for West Haven and even in that fifth year, we don't have the money, that a Greenwich have. We would have only, forty percent of the money, if every penny went to the Board of Education. But even if these concepts were properly funded, we reject the idea, because there's fundamental flaws. One, in considering relative ability to pay, which is the heart of the Horton-Meskill

MR. COGEN: (continued)
Our fifth principle is called for recognition of the fact that an education overburden, the excessive costs of educating certain problem children, dependent children, the cost of special. Teachers, for example, monitors, extra-ordinary school maintenance and so on. The sixth principle calls for recognition of the concept of municipal overburden, which recognizes that there are only two basic types of demands upon tax dollars, and that to the extent that you have to spend a portion of a given property tax dollar on non-education expenditures, you have those dollars unavailable to spend on education expenditures, and so on. And then seventh, the last point in the principles, that any school equalization should allow for actual use of educational equalization aid for property tax levels, as well as for increasing education expenses in
and spending the amount on education because they have very high taxes, or because they have to supply other needed services of funding.

I will point out that we now, having finished the principles, that we have now in your package there, two summary sheets. The beginning of our analysis of the proposal before you today. The first one, called the Critical Analysis of H.B. 7544 is also -- it's provisions pertain equally to -- what's the other bill, all the numbers are distorted -- 7544 which
Belt 7 is Representative et al
which pertain to 7586 (inaudible)
that criticize the School Finance Advisory Panel's recommendation because in most particulars, 7544 and 7586 are the School Finance Advisory Panel's recommendations. There are some important differences and they're commented upon in the memo.

The second memo of criticism is a preliminary criticism is the foundation plan incorporated in Bill 7156 and of the so-called Bozzuto plan, the S.R. 2 which is not yet embodied in a bill. Everyone of these proposals fails to meet at least one, if not several, of the principle text that we ennunciated and therefore, we believe undesirable in relation to the existing statutory scheme. Now we're all going to be talking about things maybe differently
and to a degree and only to a degree, we're all playing a game until we see where the numbers come out, after the present ratio figures are in, but I say only to a degree, because they really are principles. You know, we're talking here about the equity, we're also talking about politics, we're also talking about equity, and there are some things

MR. BOYCE: (continued)
What your going to have to do. They need a opinion and the majority rules in some cases (inaudible) I think he really puts it right to the point -- it's all money after you get the foam off the top of the beer, but the main thing is what I found here, in Connecticut state law, we have an article 8, section 1, is that we should provide free education. Actually it's not free. Either the state pays a small percentage and the towns pay the balance, so it's really not free. Where they used to pay 50% and we pay 50% in the towns, or you pay 70/30, it's still not free -- somebody pays for it in the end. Whether you have an education tax or you use part of the sales tax, part of your gambling tax, whatever, it's still being paid by the people of the state. So it's not free.

It might be that you could change the Connecticut state law, which would help you out, I don't think (inaudible) If you change section 1, article 8, amend it, and not make it free -- it's completely not free, you might make it to do that (inaudible)
I don't really feel, my own opinion -- I'm not a lawyer, I studied the law, went through college, hobby, and I don't think that the (inaudible)
article 8, section 1 because (inaudible)
the state must provide 100% possibly if you want -- the state has delegated to the town to do so, and they given them rights, and tax buildings, and do all the things education is supposed to be doing. (Inaudible)
lt 10 They mention also a case in California and a case in New Jersey and of course lawyers can turn things back and forth and use semantics and one judge can have one opinion and another judge could have another opinion, but they're doing -- and I think they found out, and there is something in here (Inaudible) many states who have good, formulas. Now I don't know whether he gave this state or your Committee or the legislature the name of the states. May be he should go back and say Judge, where are the names, do you have them, good. Do you have those?

REP. GOODWIN: Not off the top of my head.

MR. BOYCE: Do you have those at your disposal. Good. So evidently he must think some of these states are using a good formula. Maybe we should use one of those to make him happy. I don't know, unless (inaudible)

SEN. O'LEARY: (continued)
on the utilization question.

We cautioned all of the public hearings that we've been at that probably most of the figures that you have seen and most of what you have read in the paper is very, very tentative at this moment. Just today, the State Tax Department issued some of the raw data that we're going to use to determine the array of towns according to wealth which is a very, very critical part of this formula and we have not yet done that. The raw data has just been completed and brought to us and I would think within two or three days, we'll have the array completed. And, of course, how the ultimate formula is worked out will depend to a great extent on the way towns are structured on that data.

So, it's well worth noting that a good deal of information that has been sent out and that is possibly causing some great concern, may not be completely accurate and I think you would have to watch very closely for how your towns are structured on our new tax data and the array that will come from that.

Having said that, I will ask you to come forward and make your statements. There is a microphone down here which we'll ask you to speak into so that we can record your statement and our first speaker is June Goodman, a member of the State Board of Education.

MS. GOODMAN: Thank you Senator O'Leary and Representative Goodwin. I am very pleased to represent the State Board tonight and was given this privilege because Danbury is my home town and I hope you enjoy your visit here.

I appreciate this opportunity to outline the key provisions of the plans for promoting equal education opportunity already reported to you and now incorporated in raised committee bill 7586. We have a booklet on the plan which is called the Golden Bible, I believe. I think Kevin you have it, sitting right next to you, you can hold it up.

The plan is the result of 18 months study by the State Board and its school finance advisory panel. The process was energetic and deliberate with ample opportunity for public reviews and comments. I believe the resulting recommendations reflect in a balanced way, the varied

MS. GOODMAN: (continued)
interests and concerns of the people of Connecticut for their schools.

In presenting this recommendation, the State Board of Education focused on four objectives. The primary objective was to respond reasonably and fully to the Connecticut Supreme Court decision in the Horton suit. In other words, to provide a means of state funding which assures educational opportunities more nearly equal for all students in Connecticut. In simple terms, equity was our main objective.

The recommended revisions in guaranteed tax base or GTB formula will provide every town with a way to pay for education equal to that of the state's wealthiest towns. All general state aid for education will be equalized by folding in the flat $250 per pupil AVM grant now distributed to school districts regardless of wealth, effort or need.

The flat grant was signed by the courts as having a fundamentally dis-equalizing impact on schools funding. For this reason, the State Board also proposes phasing out of the minimum or hold harmless other imposed by the school finance advisory panel. Mindful of taxpayer's concern this would also reduce the ultimate cost to the State by some $10,000,000 annually.

Special education and transportation also phase on an equitable basis which means that 95% of all state inter-education will be paid by an equalized basis.

Our second objective was insuring that while some or even most funds could be used as a tax relief in the face of excessive local tax burdens, additional state dollars will be used to improve education. The State Board of Education proposes phasing in a minimum expenditure requirement. Connecticut must not repeat the experience of New Jersey. The massive new state aid failed to reach the classroom. In fact, I think we have improved on all the plans that we've seen from other states. This is the best one.

Our third objective was that the plan relate fundamentally to quality. To meet that objective, we propose a comprehensive process for effective planning, implementation and

MS. GOODMAN: (continued)
evaluation of school programs. With this process, by selecting the best traditions and educational excellence in our local school systems, Connecticut can fulfill its legal responsibility to provide each child in the state a suitable program of educational experiences.

Finally, it was the State Board's objective to identify clearly the dynamic partnership of state and local government. The 15 equity recommendations find the state taking a more active responsibility for setting goals, providing guidance and technical assistance and evaluating school programs. Once the school districts strongly retain the responsibility to plan and manage programs, to meet student and community needs and asperations, of critical importance is the recommendation calling for remedial process which could be initiated with full due process guarantees whenever there is failure or inability to fulfill the educational interest of the State.

The State Board of Education proposes that its plan be fully implemented within five years. The plan would raise the level of State support for public education from some 31% at present to over 42% of total state and local educational expenditures.

But more important, the proposed plan will provide that the dollars spent on education arranges that each student has an equal opportunity to receive a quality of education suitable to his or her needs. The State Board, The Commissioner of Education and the Department of Education are pleased to be a part of this most important process. We are ready to assist further the difficult decisions ahead.

Above all, we are confident of your continuing commitment to accept this historic opportunity before you this Session. I would urge those who are here to testify to bear in mind that this bill is designed to provide equity for each child in this State. That it goes far beyond whether you represent a rich town, or a poor town and I hope that you will bear this in mind. Thank you.

SEN. O'LEARY: Thank you Mrs. Goodman. The next speaker on the list is John Ehrhardt and following Mr. Ehrhardt - Dr. Anthony King. Now, I've called the speaker, the next speaker could come forward and that will speed up our program.

MR. EHRHARDT: My name is John Ehrhardt. I live in Redding, Ct. and I guess you could say I represent one of the so-called wealthy towns - wealthy according to the formulas that I've been reading about. We're wealthy because our property values are high. Redding and Ridgefield in the Danbury area are the two towns highest average property value. The increase in the average price of a home in Redding between 1970 and 1976 was 142%. The average in the Danbury area was 72%.

Now, because of restrictive planning and zoning regulations in Redding, it has become a place where land is scarce and therefore highly desirable. The result of this is that property values have increased more than in the other towns and the result is that many working class families who bought or built a modest home perhaps ten years ago for $30,000 or thereabouts are now sitting on property that's worth $90,000. Needless to say their incomes and their ability to pay taxes have not increased in anywhere near that proportion.

So, if Redding is considered to be a wealthy town on the basis of the current market value of the property in Redding, then there is going to be some injustice by withdrawing aid from a town like Redding. By withdrawing aid and increasing the tax burden upon working class people, you'll only hasten the process of community disintegration whereby the less wealthy residents of this so-called wealthy community are forced to move elsewhere.

The usual concern that I have is not loss of state aid (inaudible-malfunction) whatsoever. Perhaps if there were no state aid, if we were free from state aid, we would once again be free to educate our children as we see fit. What does concern me is that taking state aid away from wealthy towns to give to the poor towns, cannot result in equal educational opportunities because the wealthy towns can continue to draw on their own resources to maintain the gap in school spending between them and the poorer towns.

Equality can be achieved only if there are ceilings as well as minimums put on the services and the per pupil expenditures that are permitted in the public schools. The current proposal which I have read about seems to me the educational equivalent of a strategic arms escalation treaty. According to such a treaty, we would allow the super powers to build as many nuclear missiles as they would like and then we would

MR. EHRHARDT: (continued)
guarantee the third world nation's parity - this the super powers, no matter how high the escalation goes.

Equality can be attained only if two people have the same amount of something. If you and I have nothing, we're equal; if you and I have $1,000,000, we're equal. Equality therefore can be attained just as well as by spending less money as by spending more money. By prohibiting the wealth communities, by continuing to escalate, continually to try to keep ahead of their poor neighbors, that is the way that equality of educational opportunity can be attained.

I notice in this explanation here that there is some, there's
elt 2 a statement that there will be some consideration given to income as well as to property values in determining what is a wealthy and what is a poor town, I certainly put support in such an adjustment. The final thing is, I don't quite understand why while if the state requires towns to provide equal educational opportunity, why the state regards as its responsibility to pay for that. The state requires towns to do many things but does not pay for them. A town can be required to provide a service at its own expense and if this results in an exorbitant level of taxation in some cities or towns, sooner or later the economic pendulum will swing. If a town goes bankrupt, the property values will fall, people will move out, sooner or later the proper value becomes so low that the town will then become an excellent investment opportunity, people start buying property and moving back in and the town becomes prosperous once again.

So, I only wish that I could find some more people who believed in the free enterprise will solve our problems more effectively than government meddling ever can. Thank you.

SEN. O'LEARY: Thank you. Dr. Anthony King followed by William Boyce.

DR. KING: Good evening, my name is Tony King. I'm Superintendent of Schools in Watertown. I want to talk to you this evening about educational equity. Let me first preface my remarks by saying that I really firmly believe that after 18 months of work, the School Finance Advisory Panel did honestly, diligently attempt to equalize educational financing in the

DR. KING: (continued)
State of Connecticut. I do believe that.

You've heard complaints that there is not enough money, that we need the money in three years not in five, that that does not keep pace with inflation, etc. I think it's very easy for any of us who are upset about the School Finance Advisory Panel's recommendations to take pot shots at the formula on the basis of lack of funds or not enough funds. That's not what I'm here to talk to you about this evening however.

The present GTB formula includes three components - wealth, effort and need. Everyone of the 169 towns in the State is ranked according to those three components. One assumes that when the court said that we must equalize educational financing in the state, it was referring to those towns in particular who were below average in wealth and above average in the effort that they made to finance education nobly and in the needs that town had. I'm certain that there are many towns who enjoy one or more of those characteristics but there are only 29 towns in the State of Connecticut who have all three of those characteristics - low in wealth and well above average in the effort that they make for education and in the need that they have for aid from the State to finance education.

Watertown happens to be one of those towns which is why I'm here this evening but I might as well speak out on behalf of the other 28 towns as well. The list includes Hartford, Bridgeport, Waterbury, New Britain, Bristol, Danbury, many of the larger cities in this State and rightly so, they are not wealthy. They have municipal overburden. They have a large welfare case load and these components should be taken into account when looking at the equilization of educational financing. But, the incredible thing is that on that list of 29 towns who are low in wealth and well above average in the effort that they make and in their need, and incidentally, in Watertown we are not necessarily throwing away money; our per pupil expenditure is about $200 below the statewide average, but given those characteristics, there are 21 of those 29 towns who according to the School Finance Advisory Panel's formula stand to get a lower percentage of the educational pie. Oh yes, more money, granted, because the state is being asked to put in $30,000,000 or $39,000,000

DR. KING: (continued)
in state aid but the size of the educational pie diminishes for 21 of those 29 towns who are low in wealth and above average in effort and need.

Notice, by the way, that that list of 29 towns does not include New Haven which is only ranked 139th in the effort that it makes to subsidize education in that city. It does not include Stamford which is only ranked 136th in effort and 26th I might add in wealth and yet both of those two cities stand to get a larger percentage of the educational pie.

Municipal overburden, yes, it should be taken into account. AFPC children perhaps they should be counted three times rather than once or once and a half or twice. But the formula, while taking into account those indicators, does not take into account the poorest towns with making the greatest effort and having the greatest need.

In short, it would appear to be as it has been criticized previously, a big city formula that does not equalize educational financing in this state. Thank you.

REP. GOODWIN: Dr. King, uh I think what you've said is extraordinarily interesting and we are briefed through the sheet that you've provided to us but I do want to remind both you and the audience that this is based on the old assessment data and that there will be many changes in that most crucial part of the array and a lot of what you're talking about may change and I say this merely as a caution to everybody to be a little careful about what you take for granted at the moment, but some of the ideas you've promoted are things we should be thinking about and are thinking about and will continue to. Thank you.

DR. KING: The figures that I have given you are the figures from the agency.

REP. GOODWIN: I understand that.

SEN. O'LEARY: The next speaker is William Boyce followed by William Moore.

MR. BOYCE: Representative Goodwin and members of the Education Committee. Recommendations and suggestions and comments to the Committee on Education - proposed bills 991, 5004, 5993, 6577, 7156 publish and (inaudible) , 7544, 7586 - I would recommend to reject the above proposed bills for consideration since most all of the bills will substantially increase the amount of public education costs borne by local property taxes. In a sense the proposed bills will fail the constitutional or interpretation J. Rubinoff are referenced to Horton vs Meskill inappropriate formulas inappropriate dollar amounts as of now so far, as I study them.

H.B. 7544 submitted to implement the Governor's proposed budget is both technically the same as the School Finance Advisory Panel's recommendations. Two differences are the phase in, which is slower and the amount of funding. The Governor wants to put in 29.3 (inaudible) 3954 on first year.

From bill no. 7156 is undesirable alternative (inaudible) Towns will be required to raise substantial amounts from property taxes such as from the CCM reports (inaudible) Since in not in these groups here, to provide for less equalization than the other GTB proposals. By not taking into account the town, any overburden considerations (inaudible) too many towns with more need get some more grants than towns with less need get larger grants under this proposal.

Bill 7586 introduced by the State Board of Education will not equalize educational financing or achieve equity in educational opportunity. The State Board of Education proposals for including education opportunities is not necessary or needed at this time and in fact, if the bill is passed as proposed, it would come down to problems we are facing right now to say the least. A greater educational burden would be created in every school district with the resultant decrease in the amount of public education. Costs borne by local property taxes - this is the of the Horton Meskill bill, to reduce it.

I really am more concerned with the equity in education opportunity section in this bill than any other problem we

MR. BOYCE: (Continued)
are facing at this time. Enclosed is a copy of bill 7586 with notations and comments. I'll give it to you after I'm finished. Some of the principals
1. Substantial funding - the amount of funding must be sufficient to counterbalance the inequalities of town's property tax bases and thus provide for equalization of education opportunity. Funds must more than keep up with inflation otherewise the equalization of education opportunity cannot be achieved hence you increase the education spending or reduction of property taxes which will only bring it from most local public education.

Unless very large increases in equalization funds are provided, many lawyers believe that the reducement of the $8,000,000 flat grant will not meet the constitutional test of Horton vs Meskill. This means that towns will share an interest in preserving have a strong interest in sufficiently large funding of GTB equalization grants.

Time of phasing is another big problem. The funds should be provided in a relatively short time not more than two or three years. Otherwise cities and towns will not be able to reduce the spiriting of educational spending. This will be especially true if they're in a low funding level for school finance equalization - true equalization.

The formula should be to provide educational opportunity in terms of recognized criteria - a town's property wealth which I think that they're doing.

The intention of the ABM most affluent can afford property tax increases would result from taking away the ABM grant. Its elimination would disrupt finances in most of your towns. It would appear to reduce education spending and programming in these towns also and it will make other towns bear undue property tax burden.

Educational overburden, the formula should recognize the expensive children - that is the additional education services and expenditures are required by certain children for those who take advantage of education opportunities. For example, special teachers, monitors of extraordinary school maintenance etc. Towns having to provide such services

MR. BOYCE: (continued)
for these children have higher costs than those which don't and thus have less dollars available for normal educational services. In this way, we're burdened. The family should recognize that many overburdened municipalities have high non-education public services which compete with education demands for other resources and which leaves a small portion of every tax dollar available to pay for education services. These town educational services are necessary due to inherent conditions in these municipalities running into for example - high density of population, plans, equal housing (inaudible)

if we are to achieve the same kind of education spending. Lastly, optional use of educational equalization aid for property tax relief. Towns should be able to have the option to use education equalization aid to reduce property taxes or to pay to non-educational services as well as to pay for increased education services. Many towns have to over tax in order to adequately fund both education and municipal services. At present education is a state duty, Connecticut constitution article 8 section 1 - there shall always be free public elementary and secondary schools in the state, the General Assembly shall implement these principles by appropriate legislation. The state towns so as to provide these free public educational schools. With very little financial help it is apparent at present, I feel, the local taxpayer has had the major burden of Meskill

The State must increase its share
funding for general education and transportation and 100% for special education in all special mandates over and above inadequate or suitable education to comply with the Horton-Meskill decision of Judge Rubinoff in my opinion because I read the whole decision and the majority of the states that he's referring to are using for education by the states.

Suggestions - the legislature and your Committee especially has a difficult task before it. You may or may not succeed.

MR. BOYCE: (continued)
I will recommend possibly Horton-Meskill
(inaudible)
We are supposed to judge ourselves (inaudible)
in reference to Horton-Meskill, I think 16 April 1977 -- I
think you might -- your Committee (inaudible)
make possible changes in the Constitution and possibly repeal
article 8, section 1 -- it may sound funny, but it is a
possibility. (Inaudible) I don't see why we have to have it
in ours. (Inaudible) It's going to be a continuing thing, I
think, for years and years to come, all over the United
States, including Connecticut. (Inaudible)
that he's got them in his mind. I called him today. He
couldn't discuss the things because I understand it's not
finished. His decision is going to be final in May, so the
case is not over really. His final decision is not made as
you know. He has a number of . He has ideas.
Why waste time and go on for another four years, as we've
done so far.

The Constitutution article 1, section 2. political
power is inherent in the people and all state governments
are founded on their authority, and it's a privilege for
their benefit, and we have at all times -- at all times,
undeniable and indefeatable rights to alter their form of
government in such a manner as they may think expedient.
The reason I'm referring to that --
state Constitution remark about changing
the Constitution. We have a right. The people have a right.
One more point I'll leave you. (Inaudible)
other judges and other lawyers disagree with Judge Rubinow.
(Inaudible) We cannot lose sight of the fact that the issue
is not on children are not getting a sound education, by
reasonable standards which will enable them to exercise fully
their rights in of the country.
whither because the state laws allow some towns to furnish
a broad spectrum of choice that other towns desire to furnish,
(inaudible) But the system has to tumble down. Both the
trial court and my colleagues state that the system needs may
be only be changed to allow equal opportunity to each child
in the state. The reality of the matter, as I see it, is that
after (inaudible)

I think that sums it up pretty well. (Inaudible)
Thank you.

SEN. O'LEARY: Thank you Mr. Boyce. Is Dr. King still here? Senator Beck had a question for you. Alright. The next speaker is William Moore, followed by Arthur Colley. If you have a brief statement, would you be kind enough to leave it with us.

WILLIAM MOORE: Senator O'Leary, Representative Goodwin, members of the Committee. My name is William B. Moore. I'm Vice President for the Greater Waterbury Chamber of Commerce, which is an organization that represents over 750 businesses and industries in greater Waterbury area. I thank you for the opportunity of appearing before you this evening, and I would now like to turn to my prepared text.

The Connecticut Supreme Court has ruled that the inequities resulting from the reliance on the local property tax as the primary means of financing public education is unconstitutional. The court further ordered the General Assembly to formulate a plan to comply with the court's decision by May 1, 1979. The plan devised by the legislature must meet the mandate of the court, and yet should be cautious in the consideration of proposals that have urban social-welfare implications which should be dealt with as such, and not be part of a debate over methods to equalize educational opportunities throughout the state. In the consideration of all proposals, the legislature must consider the need for accountability of educational quality through a means other than financial resources and expenditures.

Providing all children with a "suitable program of educational experiences" does not imply equalizing per pupil expenditures. The court, in its decision, realized the uncertainty of a relationship "between dollar input and quality of educational opportunity". Legislation must address itself towards equalizing educational fundamentals and opportunities, as well as equalizing local tax efforts. In view of this, the Greater Waterbury Chamber of Commerce questions certain proposals put forward in H.B. 7586. Two items that I'll just mention are included in Section 17 (A) which states that "in the public schools, the following subjects, programs of instruction shall be taught ... the teaching hygiene and the effects of alcohol, nicotine or tobacco and of controlled drugs, as defined in Section 19-443 on health, character, citizenship, and personality" Section 17 (A) also mandates "instruction in the humane treatment and protection of animals and birds, and their economic importance".

MR. MOORE: (continued)
Programs such as this not only are costly, but are generally provided for in the same bill. H.B. 7586 allows for such other subjects as may be prescribed by thelocal or regional Board of Education. The Greater Waterbury Chamber of Commerce believes that a suitable program of education experience should include, English, including literature and writing requirements, mathematics, science, including general science courses, biology, chemistry and physics, social studies, including American history, government and politics and sociology, technical skills, including engineering drawing, blueprint reading and drafting, business including typing, stenography, accounting, business english, and foreign language. The Greater Waterbury Chamber of Commerce believes that by providing this basic educational experience to all students, one of the equity mandates of the court (that of providing substantially equal educational services and opportunities) will be satisfied. Other courses of instruction could be included upon the recommendation of the local Boards of Education without negatively impacting on the court's decision.

Addressing the question of equalized spending, the Greater Waterbury Chamber of Commerce believes that the goals of student equity and taxpayer equity have to be established. A school finance plan must be formulated which will distribute and raise state and local education revenues in a just and equitable manner. Recognizing the constraints upon the current tax structure, such a formula should be implemented over a period of several years. In this respect, the Greater Waterbury Chamber of Commerce recommends that the Committee continue to explore the means of implementation, predicated upon the guaranteed tax base formula recommended by the School Finance Advisory Panel. In so doing, the funding mandate of the court shall be met, and Connecticut shall be able to educate students in a fair and equitable manner, providing each child with an equal educational opportunity. Than k you once again for this opportunity to appear before you.

SEN. O'LEARY: Thank you Mr. Moore. The next speaker is Arthur Colley, followed by Bill Remmick.

ARTHUR COLLEY: Members of the joint Committee on Education, I'd like to welcome you to Danbury and say that I appreciate your coming here so we don't have to run to Hartford for a change. Thank you.

MR. COLLEY: (continued)
Tonight we're discussing a proposed plan for equalizing educational opportunities in Connecticut. This concept is not a new one. It has been proposed in one form or another to the Connecticut legislature at least since 1970. Now we are acting on a proposal that is the result of the Horton vs. Meskill court case. It's rather unfortunate that the state of Connecticut has had to wait until the court forced the legislature into action. This was brought to their attention as much as 10 years ago. It has been established in Connecticut and just about every other state in the union, that education is a function of the state, therefore, the state must see to it that each and every student is provided with a basically equal education. In our society today, everything costs money. And these costs continue to spiral upward. Education is no different than any other part of our government or our daily life.

This creates some very definite and serious problems in many of our less wealthy towns and cities. Especially in the area of expenditures for education, where we have discrepancies or differences rather, from $950 per pupil, to over $2,100 for pupil in expenditures for local communities. The plan put forth by the state Board of Education in its attempt to equalize education, has adopted the Robin Hood theory, which has drawn massive opposition from local political and educational leaders across the state. It is a grave concern that this diminishing in funding in some of the state's communities will encourage the eventual segregation of our public schools, and a proliferation of privates schools in this state. At the present time, the public schools of Connecticut are a microchasm of our society. A meshing of the white, the black, the spanish speaking, and in our particular area, Portugese and the middle eastern nationalities, Lebanese and Syrian. People of these backgrounds learn to live and work together in our schools, far more quickly and more easily than they do in other of our societal organizations.

I would hate to see them begin to segregate into private schools of different groups. If we enter this Robin Hood process, we will, in fact, be diverting the funds to basically one type of class needs, and instead of forcing a leveling up of education, we will only be accomplishing a leveling down of educational opportunity. We are one of the wealthiest states in the nation. We've a proud history of providing good education with local control, which places us in the top

MR. COLLEY: (continued)
ten educationally. Please, as a responsible legislature, do not enact legislation that will reduce our educational systems to mediocrity for the sake of equalization. And to our educational funds, by only bringing everyone up to a level, and not averaging. Bring everybody up. Please don't average it down. Remember, that the most important single asset of any state is its children. And we should be attempting to increase the support to every child in this state, not taking from some and giving to others. I find it rather mind boggling as I sat here this evening and listened to some speakers suggest that we should eliminate all requirements for education in our great state. It seems to me, and I would be rather sure that when this is accomplished, only I'm sure our legislature is not about to do it, that we would re-enter the dark ages of . Unfortunately -- or fortunately, I think we have an enlightened legislature. I would thank you for your attention and wish you well on your deliberations, as I know you must complete them by May 1st. Thank you.

SEN. O'LEARY: Thank you Mr. Colley. Mr. Colley, do you represent anyone here tonight -- are you speaking for yourself?

MR. COLLEY: I work for an organization, but I am not representing them this evening.

SEN. O'LEARY: Thank you. Mr. Colley, one more question.

REP. GOODWIN: Well, this isn't really a question, it's just a comment. You commented on the relationship of the court to the legislature. I think it is worth noting that Connecticut is one of the few states, perhaps the only one, that started down this road before it was a court case. It was in 1973 that the first commission to study this problem was established and reported at the end of 1974, and the first Horton vs. Meskill case came on slightly after, I think, that first report. So we aren't homefree, but we're ahead of the game.

SEN. O'LEARY: Thank you Art. The next speaker is Bill Remick, followed by Chris Fulmer.

BILL REMICK: My name is Bill Remick, and I'm Vice Chairman of the Ridgefield Board of Education, and I'm also Chairman of the Southern Fairfield County Area CABE.

MR. REMICK: (continued)
The introduction to your issues and answers statement states we want Connecticut to maintain and improve continually on an excellent educational program. I would agree with you on that. Now, in the interest of logic and fairness, is it sensible to deduce that a formula which will reduce the educational funding by over a million dollars in a given community in our state, could possibly end in a result which would justify your statement here. The following resolution represents the sense of the meeting attended by school board members who were present at the Southern Fairfield County area meeting of CABE on January 20, 1979.

Be it resolved, that the representatives of the school Board of Southern Fairfield County, actively and cooperatively, in support of legislation which provides equalized opportunity for every student in the state of Connecticut, and which: 1) recognizes the state's responsibility to support education in all communities with a realistic, minimum grant of not less than $250, include a hold-harmless provision for all current state aid, maintain local control of public education, and minimize the cost which will be passed on to the local community, through additional state mandated programs. And be it further resolved, if the legislature adopts a finance reform plan that eliminates the guarantee of $250 or reduces support for special education and transportation, that the school Boards of Southern Fairfield County explore the possiblity of legal action to reverse the effects of such legislation. Thank you.

SEN. O'LEARY: Thank you. The next speaker is Chris Fulmer, followed by Annaliese Westhofer.

CHRIS FULMER: My name is Chris Fulmer. I am President of NEA Danbury and am speaking as the representative of Danbury's 700 teachers. I would like to express some concerns the local and state education association share. It is important to remember that the of financial reform is educational opportunity, not the provision of some elaborate new management system. We are deliberating means of providing the best possible educational system for Connecticut students. The National Education Association has taken the position which favors funding for public education being shared equitably by federal, local, and state governments. Since 1972, our state's share of current operating expenses has averaged about 25%. We urge the state's

MS. FULMER: (continued)
share of educational expense be increased. Our concerns into the are as follows: first, figures that have been released are not very realistic. The final formula will be based on the local grand list as of March 1, 1979. Final reports on these figures will probably not be published until mid-March. Current statements show that Danbury will receive $873 per pupil. This is not an accurate reflection of our grant after the report will be released. The city may not receive the existing amount as is currently appropriated. Secondly, the Associations feel that the five year phase in plan is too long. With inflation at the current rate, state aid, based on today's dollars, will be totally inadequate in five years. Thirdly, the total dollars proposed are too few. The Board's proposal of $40 million dollars is too little for adequate state funding, and Governor Grasso's additional $10 million dollar cut would be disastrous.

State and local associations also feel that separate and sufficient new funding must be provided for special education and transportation. And finally, we favor a basic grant to each town, regardless of ability, willingness, or any other factor. Appropriations for education must be designed with an educational system of individual towns may be escalated to the standards of their more affluent neighbors, not downgraded to lesser, inadequate programs of education.

SEN. O'LEARY: Thank you. Annaliese Westhofer, followed by Robert Franklin.

ANNALISE WESTHOFER: Thank you. I represent the Brookfield Board of Education. I feel duly honored to have one of our residents as a member of your Committee. As a representative of the Board of Education of Brookfield, I, too, would like to thank you for coming down here to Danbury to hold the hearings. All too often, input throughout the state is negated because we have to travel to Hartford, and most of the time, we are part-time employees or volunteers, so I really thank you from the bottom of my heart for coming out, because an issue that is this vital importance -- to the state of Connecticut, most importantly to the children in our state, all the input you can possibly receive is absolutely necessary. My only hope tonight is that you've come here with a completely open mind. It is extremely important that you

MS. WESTHOFER: (continued)
listen to what is said. The Brookfield Board of Education recognizes the need to provide equal opportunity, educational opportunity for all children. However, in providing that opportunity the state must be extremely careful that it does not reduce or eliminate personal motivation to improve oneself. Herein lies your dilemma, and I don't envy you. How does one provide for equal educational opportunity without resorting to outright socialism. I don't know the answer myself. The Brookfield Board of Education supports the concept that all educational systems in the state have the opportunity to provide a good education regardless of wealth, however, we do not support the present GTB formula because it has been used as a political pawn to garner additional funds for cities, regardless of educational needs.

In seeking to satisfy Horton vs. Meskill, the GTB formula must not be designed to benefit any one segment of our state at the expense of another. Since property assessments are the intrical part of the formula, the Brookfield Board of Education believes that there must be standardized measures of assessment. Furthermore, assessments must be
Some of our cities have used statutes to delay re-evaluations for almost two decades. If a town or city abuses this law, every effort must be made to bring them into the fair market value. The Brookfield Board of Education does not support the arbitrary escalation rates as a fair way of measuring such escalations. It is absurd that under the present formula, Danbury, one of the fastest growing cities in the entire nation, will escalate at only 3½% under the present formula, while Brookfield, only a few miles to the north, will escalate under the formula at 8%, and a few miles north, New Milford will be escalating only 5%.

Horton vs. Meskill stresses equity. Use of out-dated assessment and arbitrary escalation rates is not equity. The GTB formula incorporates expenditures, but there must be a standardized budget from which it is agreed what items will be funded, because what one town's frill might be another town's necessity. Further, it is not enough to just compare expenditures. At some point, an analysis must be made of programming and its costs. Why should a physically prudent system be penalized for another town's irresponsibility. If they are both doing a comparable job. With the information which will be received from proficiency testing results, we

MS. WESTHOFER: (continued)
will be able to compare children of like ability and ascertain in which system they achieved the best for the least amount of money. Somewhere in the method of financing there must be a for physical responsibility. Under the present GTB funding and formula, a town is penalized if they have become cost effective. At the other extreme, the GTB formula must be realigned to reduce the heavy emphasis placed on under-privileged children. While we recognize the additional expense including these children and educating them, including these children up to three times is excessive, because no where in the formula are the funds received from the federal government incorporated. Many towns and cities receive money for these children, and looking through CPC I notice that in 1975-75 Bridgeport received 11.6% of its budget from federal funds. That's $4 million dollars. New Haven received $8 million dollars, or 21.5%. Hartford received 11.7% or $7 million dollars in federal funds. Compare this to Brookfield in that same year, we received $97,000 or 1.7% of our budget.

Recognition of under privileged children must be made, but not to such an extent. Federal funds received, as well as any additional state funds, must be incorporated or weighted students removed. The state Board of Education esteems the special education fund and transportation allotments must also be funded under the GTB. The Brookfield Board of Education opposes such a move because the uniqueness of these grants. I cannot state more strongly at this particular time the difficulty that will be placed on special education in the state if it goes on a sliding scale, because at a time when the federal government has thought and changed the law to such a great extent, special education costs are escalating at double any other costs. Not only that, just because a town is wealthy or a town is poor has nothing to do with the number of students it has with special needs area. It has nothing to do with wealth. Funding should be maintained for special education, as it is now, with perhaps, additional allotments to those towns which have been unable to initiate funding according to 94-142 because of property poor assessment.

But I must re-emphasize to you -- and I can't emphasize to you more strongly -- there's no where in the federal law, is there any room for compromise. We are forced to offer programs with very, very specific guidelines. Should the funding be reduced, towns which do not make up the difference

MS. WESTHOFER: (continued)
in funding, will be forced to finance special education children first, and all other children second. The transportation funds might be incorporated into the GTB formula without any relationship to the percentage of children bussed or the miles covered is ridiculous. 100% of Brookfield students are bussed. Recently the state made us reduce our and in doing they mandated that we bus certain students door to door. Once again, Brookfield was put in that vice. We are told that we must have stronger regulations and less money. Mandatory bussing must be or reduced if the funds are to be reduced. We cannot have both. In conclusion, unless the legislature is willing to make the GTB formula truly equal -- equal for all -- it should not embark on any Robin Hood plan to reduce present funding. Further, it is time this state, which ranks second in per capita income and only 47th in total state output for education -- it is time for this state to meet its responsibilities. $250 per student, even to the richest town, is appalling.

SEN. O'LEARY: Mrs. Westhofer, one point that I'd like to make with regard to your comments on assessment. You make some very accurate statements. However, the legislature also recognized the problem of the assessment question, and requested that the Tax Department begin a year long study which they just concluded and this will give us some idea of the true market value of property in each town, and we can more fairly compare them. There are few abberations -- we may have two or three at this point, but the data that we got today appears to be infinitely superior to anything that we've been ...

MS. WESTHOFER: My only concern -- I understood that pressure not be given -- political pressure not be given to this is what I'm trying to say. Brookfield has got no qualms about equalizing education, provided it's done equitably. And I mean equitably, not weighting one way. I don't want you to weight it to me, I don't want you to weight it for the cities, I want it fair for all children, and then no one looses.

SEN. O'LEARY: Well thank you. I think we'll have a good One more observation by Representative Goodwin.

REP. GOODWIN: You happened to have zeroed in on a number of essentially mechanical problems that we have worried a great deal about. And I'd like to mention three that I think we have corrected, and one is Senator O'Leary mentioned the assessment ratio studies. They replace the inflation factors which you cited which we know, just as well as you do, really, and we had to use them because we had nothing else. But know we have something else, and we think the data, really, very good, but we think they'll get better all the time. So I think you can monitor what goes on in the future, but you can forget about those inflation rates. They won't be used again. The second thing is, and I think this is only part of what your observation was, but I think it's germaine to it, when you were talking about the town accounts. My own school superintendent said to the newspaper once, well, the way to beat this game is to load everything you can onto the school budget. So we passed a law last year that instructs the state Department of Education to design standardized accounting forms, so that if the town plows the snow in one town, and the school plows the snow in another town, it will be counted the same way with respect to the budget.

The third item is the question of federal funds. They are adjusted for in the formula because they are excluded from the numerator of the school tax rate. So that when the school tax rate has that current education expenses, less state and federal grants, so it is expenses from the local property tax itself. Now, maybe that's not enough on an adjustment, but at least we did it together, and I wouldn't want to leave the impression that we hadn't addressed some of the very astute questions which you've raised. Thank you.

SEN. O'LEARY: The next speaker is Robert Franklin, followed by Peter Molinaro.

ROBERT FRANKLIN: Thank you very much Mr. Chairman. I'm Robert Franklin, Executive Director of the Connecticut Public Expenditure Council, and I'm grateful to seeing so many members of the Committee here this evening for this hearing. The Connecticut Public Expenditure Council opposes H.B. 7544 and H.B. 7586 which are supported by the administration and the state Board of Education, presumably to meet the equity guidelines of the Connecticut Superior Court, Horton vs. Meskill decision.

MR. FRANKLIN: (continued)
These bills do not equalize the ability of towns to finance education, which the court relates to equalizing tax rates. These bills do not guarantee a substantially equal educational opportunity for all public school pupils, which the court directly relates to reducing the variation from town to town and for pupil expenditures. These bills do not guarantee that towns use their state aid to equalize either school tax rates or for pupil expenditures, because except for minimal expenditure per pupil requirements, each town can spend the money in any way it sees fit. These bills do require huge increases in state aid to Connecticut cities, based on the number of children on state welfare, per capita income, tax effort for non-school purposes, the number of children in low income families -- none of which can be classified as directly related to the court's findings.

These bills are an incentive for towns to escalate the cost of education in years to come because the more a town choses to tax for education purposes, the more state aid it will receive. We should remember that the constitutional issue at hand is one of educational equity, or equal protection of the law for both pupils and property taxpayers. The court does not require the state to provide more dollars, or to require the state to give massive amounts of state aid to the cities to be used for non-educational spending or non-school property tax relief. The only measurement which the court found directly related to property taxpayers ability to pay for schools was that of equalized school tax rates. The only measurement it found relative to guarantee equal educational opportunity was per pupil expenditures.

As these bills can assure neither equalized school tax rates, nor equalized per pupil expenditures, they fail to meet both the spirit and the letter of the court's guidelines. Equalized school mill rates and per pupil expenditures are the key measurements used by the Superior Court to show the inequitable burden on property taxpayers, and the unequal opportunity being provided public shcool students. The table attached at the rear of the statement show the Superior Court's 1974 findings on per pupil expenditures and net school tax rates for 18 selected towns. In comparison with those predicted under a formula recently approved by the School Finance Advisory Panel, as part of a state Department of Education study to develop a suitable educational program, the top table shows that back in 1974, the data reviewed by

MR. FRANKLIN: (continued)
the court showed that per pupil expenditures of these sample towns varied over a range of 2.03 to 1 (or from $1,570 to $775 per pupil). The net school tax rates varied over a range of 3.98 to 1 or from 37.4 mills down to 7.4 mills. In the bottom table, the predicted results of a new state formula approved by the Advisory Panel show only a slightly diminished disparity -- a 1.67 to 1 range in per pupil expenditures and 2.53 to 1 range in school tax rates.

Now just as an aside, the data that we will publish later this month on per pupil expenditures shows in relationship of still at least 2.5 to 1 in per pupil expenditures for the net operating purposes by our analysis. The Chairman and others have already noted the importance of the Tax Department data today which will, of course, bring about a different kind of evaluation for school tax rates as they currently stand. In 1972-73 data reviewed by the Superior Court included a state general aid formula for public schools, totaling $144 million dollars, based on a flat grant of $250 per pupil. In 1978-79 the state's general aid grant will total $190 million dollars, the proposed formula would double the present cost to an estimated $387 million, but the largest percentage increase in state aid would not uniformly go to towns with the heaviest tax effort for education.

In fact some of the existing disparity would be aggravated. For example, the Superior Court found the estimated school tax rate for Hartford in 1972/73 to be 15 mills, and for New Haven to be 14.6 mills. Under the proposed new formula, Hartford's state aid would increase five-fold, and New Haven's increase four-fold, with a sharp reduction in school tax rates, while Bethany and Newington, for example, which had above average school tax rates in 1972/73 would get much smaller increases in state aid, and would continue to have greater than average school tax rates. Further, the formula puts no upper limit on per pupil spending, while a reluctance to impose such a limit may be quite understandable. The fact is that if towns which already rank high in per pupil spending are left free to raise their per pupil expenditures and the level of educational opportunity to even higher levels, the statewide equalization of either school tax rates or per pupil expenditures will be extremely difficult to achieve and will be still more costly to maintain.

MR. FRANKLIN: (continued)
Basically, the new formula would more than double the amount of state aid to towns. Except for minimum per pupil expenditure requirements, each town would be permitted to spend at whatever level it sees fit. No assurance would be required from the towns that the increased state aid was used to equalize per pupil expenditures, or school tax rates. In fact, as shown above, the large increases projected for Hartford and New Haven could only serve to widen the variance in school tax rates. Parents, pupils, and taxpayers alike would be asked to wait several years to find out how the program worked. The state would not be able to guarantee even minimal compliance with the court's guidelines. Meanwhile, the total price tag for public schools would grow rapidly, making a solution in later years even more costly.

The proposed criteria for state aid has a number of factors. In the formula approved by the Advisory Panel, the amount of state aid in each town receives depends on 1) its adjusted net grand list per capita, a higher ranking decreases the amount of state aid. 2) It's per capita income is estimated by the U.S. Bureau of Census, a higher ranking decreases the amount of state aid. 3) Its adjusted or equalized property tax rate to support public schools, a higher ranking increases the amount of state aid. 4) Its adjusted or equalized property tax rate to support all town functions, a higher ranking increases the amount of state aid. 5) The number of public school pupils, a higher ranking increases the amount of state aid. 6) The number of children on state welfare, a higher ranking increases the amount of state aid. 7) The number of children from low-income families, a higher ranking increases the amount of state aid.

Only two criteria are needed under the court's decision. Item 3 and 5, above, equalized school tax rates and the number of public school pupils are the only ones needed to meet the equity guidelines of Horton vs. Meskill, which calls for the state to eliminate the disparity in the ability of towns to finance an educational program, based on adjusted school tax rates, and to provide a substantially equal educational opportunity to public school pupils, based on per pupil expenditures.

MR. FRANKLIN: (continued)
The faults of the other criteria. Item 1 - adjusted net grand list per capita fails to consider that property is owned and taxes are paid, by homeowners and businesses rather than the population at large. Item 2 - per capita income fails to consider that a town's ability to finance education is a function of taxable property values and mill rates, rather than the income available to all residents. Item 4 - adjusted property tax rate to support all town functions fails to consider that the court was only concerned with the property tax effort for education programs. Items 6 and 7 - the number of children on state welfare, and the number of children from low-income families fails to consider the constitutional requirement of offer an equal educational opportunity for similarly-circumstanced pupils. The special education needs of children on welfare and from low-income families are already being met through separate compensatory state aid programs.

The Council suggests that a new state aid formula be designed which uses only the education-related factors identified by the court -- namely per pupil expenditures and equalized property tax effort for schools. At the same time, if there is a need to distribute aid to urban municipalities to finance police and fire protection, health, housing, and other municipal overburden factors, then a separate formula should be designed to accomplish that goal. A new state aid program for education, aimed at carefully complying with the court order to finance a fundamental right, should be separate from any program of state assistance deemed necessary by political or social pressures.

Whatever plan is enacted should be phased in over a period of years. During that time, the results can be reviewed and adjustments made in the formula and control provisions. Connecticut should profit from New Jersey's experience. There, two years after the income tax was enacted, and $400 million dollars of increased aid to schools was distributed, an evaluation showed that the gap between the high and low spending municipalities for schools had not been closed. Rather, the towns which received the aid used the funds for property tax reductions. Now, in 1979, New Jersey faces another court case to solve its school finance problems, and the final cost to New Jersey taxpayers will be much, much higher.

MR. FRANKLIN: (continued)
All of the present proposals imply an unbridled increase in state expenditures for aid to municipalities. They incorporate spending increases which would soon outstrip revenues of either the existing tax plan, or the revenues of a personal income tax if one were added onto the present system. Thank you very much.

SEN. O'LEARY: Thank you. The next speaker is Peter Molinaro, followed by Gerald Sirkin.

PETER MOLINARO: Good evening. I suspect we should have had this hearing at the South Street School, rather than this school, so that you could get an adequate representation of the type of facilities that we have here in Danbury. This is not representative of the total facility that we have, but we do welcome you to Danbury, on behalf of Mayor Boughton. I'm Mayor Boughton's administrative assistant, and Mayor Boughton regrets that he was not able to be here this evening, though he did send along this letter, which I have already given to your stenographer.

Dear Committee Members - I regret that I am unable to attend this evening's public hearing due to a prior commitment, however, I do wish to offer several comments concerning the complex issue of school funding. Notwithstanding the difficulty of the task before you, there are certain basic concerns which I, as the chief elected local official, must impress upon you. As you know, most Connecticut communities are now in the process of preparing their fiscal 79-80 budgets, which process must generally be concluded by mid-May. Since the estimation of revenues has a direct effect upon projected expenditures, it is essential that each community have at least an approximation of its expected level of state assistance so that expenditures can be accurately forecast.

Secondly, I urge you to take care in measuring the "wealth" of each town. Although temporary market conditions may cause one to assume that Danbury is a "wealthy city", there are other considerations which may affect our ability to pay the cost of education. Taxpayer resistance to increased local government expenditures is not confined to small towns with small grand lists, so in determining ability to pay, you should also consider willingness to pay as a valid criteria in establishing a school funding formula. To do otherwise could actually promote inferior education in working class communities such as Danbury.

MR. MOLINARO: (continued)
In closing, I wish to emphasize our need, despite a rather dramatic increase in our grand list, to be continued at a level of funding at least equivalent to this year's. Any lesser amount would only jeopardize the quality of all municipal services. I do not envy you for the decisions that you must make. I only hope that you will look beyond the mere appearance of wealth, and truly satisfy the wishes of the courts. Very truly yours, Donald W. Boughton, Mayor of the City of Danbury. Thank you very much.

SEN. O'LEARY: Thank you. Senator Beck has a comment. Senator I think you'll have to use this mike.

SEN. BECK: I just would appreciate it, Senator O'Leary, if you would convey to the Mayor this concern -- at least, I would think some members of this Committee -- for the issue that you raised, namely the dramatically escalating value of property, and its ability to measure ability to pay in a community, and recent sales assessment ratios released today, probably highlight that problem, and maybe I can use this as an opportunity at least to say that although Bob Franklin who preceded you referred to the concern of the CPEC was using income as a partial measure of that ability to pay -- a particulary poor city like Danbury which has a mixture of well-to-do and older families, working class families, that the income measure does attempt to get back to that. And I think we all are deeply concerned where that measurement lies and I would hope that you would convey to the Mayor that although whatever we use is not the answer, the point is terribly important, here and around the country, and I think it's going to lead in a few more years, to very serious reassessments of all equalization programs around the country.

SEN. O'LEARY: Thank you. The mere fact that you are here attests to the fact that you are aware of the gravity of the situation. Thank you. The next speaker is Gerald Sirkin, followed by Karen Weiss.

GERALD SIRKIN: My name is Gerald Sirkin. I live in Sherman. I want to make two simple points. First, that the Horton Meskill decision, like similar decisions in other states, does not make sense, and second, that it is not a proper response for the legislature to implement a court decision that does not make sense, but to find some means to decide.

MR. SIRKIN: (continued)
It does not make sense because it confuses educational opportunity with educational expenditure. This point has been made before tonight, and on many other occasions, that all studies of the matter show that educational achievement is not correlated with educational expenditure. And as also has been said tonight and on other occasions, that we cannot define educational opportunities. We do not even have the ability to define what we mean by educational -- a minimum education, or the state responsibility for an education. Consequently, for the court to evaluate educational opportunity in terms of the amount being spent, is not sensible.

The proper response for the legislature would have been, I think, to find some constitutional means to set aside the court decision. I think that could be done. Otherwise, you have what you observe. You've gotten into a terrible snag. But how to handle this court imposed problem, and you're having this continued conflict over what kind of formula is fair. There is no formula that's fair. You have a policy which is going to lead to increased expenditure without increased quality of education. You will increase tax burdens for no useful social purpose. Finally, you have accepted court of the legislature's function. It is not the business of the court to determine our fiscal structure. It is not the business of the court to determine educational policy. It is long past the time when we ought to have stopped this kind of behavior of the courts. It will get worse if it is not stopped, and I would urge you to take this occasion to stop it. But, if you cannot bring yourselves to take that strong approach, then, at the very least, you should minimize the difficulties that have come out of this, by taking a moderate view of what the court requires.

It may be that there is at the tail end of the income and property bases in the towns in this state, some proportion of towns, 10% or 15%, which find it extremely difficult to meet an educational standard which we would define as necessary or as state required education. The function of the state should then be to help those towns, not to help 85% of the towns, clearly not defined, but define that small portion of towns which have a genuine problem, and then help those and no one else, and you will solve, I think, the difficult problems that you are facing. Thank you.

SEN. O'LEARY: Thank you. The next speaker is Karen Weiss, followed by Harry Kessler.

KAREN WEIS: Good evening. I'm the mother of two children in the Danbury school systems. In the name of progress, we have down zoned, sewered, and opened our waterways to pollution to achieve the industrial and business level which now has broadened our tax base. With all our achievements, we are still laden with growth problems. Many of the newcomers to Danbury have come in with incomes far exceeding those which our long-time residents ever would hope to receive. Not only have our long-time citizens felt pressured by the rising cost in everyday living, but they feel threatened continually, year after year, with the loss of their homes. The taxes in Danbury have grown and doubled within the past ten years. For our older residents, they are four and five times as high, because of re-evaluation and the rising local budget.

Danbury's tax history of referendum, I am sure, is quite familiar to you all. The climate for tax revolts are being heard around Connecticut, as well as many other states. There is no way the citizens of Danbury would or should expect a plan whereby, because of their wealthy taxbase, they deny them their equal share of funds from the state for education. The tax reassessment has left this town with such inflated property values that there is little hope for any young families to be able to come into this town to raise their families. Unfortunately for those who have been here for years, the thought of what our prosperity or our property will sell for is little satisfaction when we know we will struggle for many years to come to be able to meet the taxes we will have to pay.

Equality has been tossed around in the bureaucracy for so long, I think people have forgotten what it means. Equal - of the same measure, quantity, value, quality or number. If the state's decision is to equalize the educational system in dollar amounts, then it must give each student within the state the same dollar amount, regardless of their wealth. Trying to achieve from tables, charts, figures, growth patterns, towns tax base, or any other method appears to be futile. Rushing into a funding program which will be so intricate that it requires another build up of bureaucracy to handle it, is not the way to go.

MS. WEISS: (continued)
The method must be simple and should not depend on anything except head count and statewide per student average cost. I would suggest that the additional funds for educational system be obtained through the sales tax. Sales tax reflects so well the condition of the economy. With a on state government spending and local government spending, I believe we would be able to establish an even and orderly growth pattern. There will be times when our sales tax will fall well below expectations, and at this time, the state will deal out what can be available equally to every student. For those towns which cry for more funds, I am indeed sympathetic, however, many times these are the same towns which have refused any type of industrial growth, and have zoned to eliminate the undesirable growth.

I believe the state will be moving into dangerous waters should it decide to rob productive Peter to pay passive Paul. The should not be punished because they allowed growth. Our local traffic congestion, polluted air, and high taxes are punishment enough. Our school budgets have reflected tremendous growth. If the state pulled back funds from Danbury now in any manner, it will send a shock wave throughout the system. We have become increasingly dependent upon state and federal funds, due to the continuous dictates from the decisions being made up in Hartford. We, as citizens, cannot be continuously up in Hartford, begging for consideration, and we fall victims to never-ending mandated programs, which are now draining local tills dry.

Partial funding for special programs is no longer satisfactory. If the state mandates it, and stands behind it 100%, then it best start putting a 100% funding into effect. In conclusion, I would suggest this Committee, and any Committee which is working with this decision take serious note of these comments. They reflect what I believe is the common-sense look at equality.

SEN. O'LEARY: Thank you very much. The next is Harry Kessler, followed by Jean Petrie.

HARRY KESSLER: I believe I'm representative of the senior citizen, retired, living on fixed income, and I believe the impact of the state's decision should take that into account. This has been mentioned that property tax, based on property inflated values, is a bit on the ridiculous side.

MR. KESSLER: (continued)
The state of Connecticut is against the income tax, yet when you face the taxation on supposed income by property values, it is an income tax. Now, I live in a $15,000 home. It was something like $3,000 when I got it. I put my money into it. When my wife and I were working, we retired to have a fairly comfortable home. It is now worth $15,000 because that's what it cost me, but some guy who thinks of my clean air and cool summers is going to make me wealthy, decided that it's now worth $40,000. I could get more than that, but I can't eat that much. I am living on fixed income, and so many of us, and my number is legion, are getting tax breaks from the city of Danbury so that the grand list is a fallacious thing at best.

Now, right now, in the city of Hartford, there is a senior citizen in my particular case, who is suing the city, saying that the grand list should include all tax free buildings -- all these civic buildings. There is no reasons why the state shouldn't pick up the school tax on the grand list value of the buildings in every or any other city that has to support such buildings. In other words, separate the school tax from the general operations tax. Take the case of the senior citizen, such as myself. I came here as a summer resident, having a home in New York City, I can afford both at the time. I was supporting two schools systems. I did it for many, many years. Some few who are fortunate, or unfortunate, quit paying for those school systems, they up and died.

Now, there should be a time, such as in the federal government, when they give you extra exemption when you pass the age of 65, for the state to pick up the retired senior citizens school tax. This is the sort of a plea for charity. Now let's get down to relative wealth. Since we can't use the grand list as relative wealth, then we have to use the individual towns attitude to their school systems, and that can only be expressed in the form of cost per pupil. Now, according to what we have here, Danbury is thinking in terms of $2,000 per student, which implies it's a pretty wealthy town. But that isn't true. One of the bad parts about this is that you have all those state mandated or city mandated or ethnic group mandated special education bits, where you have a ratio of students -- rather teachers to students of one to five, or one to ten.

MR. KESSLER: (continued)
This of course, really kicks up the relative cost per student. It's not a realistic figure, but it is an indication of the wealth or rather the arrangement made by a very convincing school community and the compliance administration. And that results in higher taxation. Now, if you're going to equalize the education throughout the state, then everything must be equal. For instance, in the case of Danbury, and these figures are approximate, at $2,000 per student, $1,800 is salary administration and other expenses. $200 goes to the student. So if you're going to equalize things throughout the state, then you have got to equalize the amount, the proportion going to the salary expense, fringe benefit expense, and the amount going to the student.

And this is going to take a bit of doing, because you have a very tough lobby to fight. A lobby that is so powerful that in Danbury, we have members of the school Board who are teachers or related to teachers, we have members on the city council who are teachers or related to teachers, as a matter of fact, one of them tried to squash an investigation of wasteful Board of Education expenses. Now, if you're going to make it a statewide thing, your job is to make every thing equal -- complete investigation of expenses. I belong to a group who is trying to do something about this.

Well, that's the story on that. I belive I have one other point. (I'm looking at my notes). Well I did point out -- but I will reiterate in this particular case -- when you equalize the money per student, you must equalize the proportion of that money per student. In other words, you've got to have a regular and equal teacher load to pupils. Oh, it's that point I wanted to come to. Special education -- as a taxpayer I believe it is my moral obligation to see that each child gets an education -- a fundamental education. My folk came to this country, they didn't run into instant welfare, they didn't run into bi-lingual education. We had to adjust to the culture of the country. Now it seems the country has got to adjust to the culture of the incoming students. Now, this is a wonderful things, but I don't believe I, as a taxpayer, should have to pay for this. Therefore, I think that all special education with an inequity of teacher to pupils proportion, with its inequality of great expense -- all that should be borne by the state,

MR. KESSLER: (continued)
because the state mandated. I'm perfectly willing and happy to pay for the general, normal education. I believe all taxpayers are or should, but I can't see paying for these special things, most of which seems to have been implanted in the legislators mind by the educational lobby. Thank you.

SEN. O'LEARY: Thank you Mr. Kessler. The next speaker is Jean Petrie, followed by Michael Buccieri. Is Jean Petrie here? Michael Buccieri, followed by John Fairchild.

MICHAEL BUCCIERI: I'm Mike Buccieri, one of the real wealthy persons that lives in Redding. I had to come up from Florida. I'm saying that tongue in cheek, you know. I'm hanging off the pole there -- I work for a living -- I'm a lineman. But living in Redding, I guess that makes me super wealthy, according to some of the people on the panel up there. First I have a few questions. I'm going to read my speech tonight, I hope you bear with me. I usually do. Why can't we leave things alone and -- two questions I have -- why can't we leave things alone, and who will go to jail if we don't listen to this judge, and adhere to his ruling.

SEN. O'LEARY: I'm afraid that I might go to jail if we don't adhere to his ruling. Possibly, the legislature would be in contempt. I'm not an attorney, and I'm not absolutely certain of that answer, but I do think he could ordered -- hold the legislature in contempt.

MR. BUCCIERI: Do we elect legislators or do we elect judges?

SEN. O'LEARY: Legislators.

MR. BUCCIERI: Are the legislators supposed to make the laws of the state and the land?

SEN. O'LEARY: Yes.

MR. BUCCIERI: Who makes the judges?

SEN. O'LEARY: Well, you know, I don't think we'll continue the dialogue. I see your point, and if you want to get to that point quickly, go right ahead.

MR. BUCCIERI: Well, I'm asking questions.

SEN. O'LEARY: Go ahead.

MR. BUCCIERI: Who elects the judges?

SEN. O'LEARY: They are appointed. They are appointed by and confirmed by the legislature.

MR. BUCCIERI: Appointed by whom?

SEN. O'LEARY: By the Governor.

MR. BUCCIERI: And they'll turn around and put you in jail.

SEN. O'LEARY: Well, I don't know if they'll go that far, but they'll hold us in contempt.

MR. BUCCIERI: Does anyone sitting up on the podium there know how long the average American has to work this year, to pay his federal taxes, his state taxes, and his local taxes? They have to work up to May 11th of this year to pay their taxes. That's food for thought. Has anyone ever heard of Commissioner Fred Burke, State Education of New Jersey? Well, I have an article here from a newspaper, and what it says in so many words is that money does not make better education. It's a proven fact that in New Jersey, in Tenafly, New Jersey, which has the highest per child spending wasn't the highest in scholastic scoring. In fact, a town where $332 less per child rated higher. Do you understand what I'm trying to say?

President Carter made a speech February 28, 1978 -- it's time to get back to the three R's in education. We seem to be getting further and further and further away from that. Everytime the legislators come up with a bill or they mandate something, by the time it gets down to the local level, it costs us so much money and it gets further and further away from basic education. Does anyone know how much they spent since 1950 on education in the United States? $75 billion dollars and American education is failing. Many high school graduates entering college these days, they cannot read a textbook used in high school. But years ago, and I consider myself one of these people, not that far back, when most new people come into this country, there were 80 or 90 pupils per classroom. They spoke Polish, Italian, Russian, Jewish and what have you. They were taught English in the schools. My parents, may they rest in peace, until the day they died, they spoke Italian. I had to go to school and learn in English. And I'm proud of the education I got

MR. BUCCIERI: (continued)
in Port Chester, New York. I'm sorry I didn't try harder, but I'm proud of what I got. We're talking about inflated cost. The gentleman beat me to it. I bought my house six years ago in Redding for $37,500. Now it's supposed to be worth about $75,000. I cannot go to a grocery store and say give me groceries, take it out of that money. I can't do it. If I sell a house for $75,000, where am I going to go. I wish you people up there in the state, would get out of the education business, leave it to the educators, at the local level. What I want you people to do is make the highways in this state passable. You buy a car, you cannot drive down the highways for the potholes. Where is that money going? We pay the highest gasoline taxes in the country. And road taxes -- that's what we want. Let the local educators take care of education. You take a ride around Redding and Litchfield and you'll see one They're closed now, but years ago they did a hell of a good job, and we weren't around.

I happened to be watching a program Sunday and they were interviewing Face the Nation or something like that, and there was a politician on, and one of the gentlemen says: "Do you think the feeling of the American public toward politicians is getting better?" And he said: "It's not much -- but it is picking up a little bit." Now my type of job, I'm all over Stamford, Darien, I've talked to a lot of different people, and I'm ashamed to say what they think of politicians. Not you, in particular; I don't know any of you people, but in general.

You're not doing the job you were elected for; you're letting the judge tell us what to do. (Applause) I think that's about all I've had, let me just check my notes. Yes, that's it. I hope I gained the impression on you that the average working person wants nothing for nothing; he wants a good education for his children; he wants you to stay out of the education people, leave it up to the people in the local level. Every time you mandate something, it costs more money than you can imagine. Just leave it up to the local level. Thank you. (Applause)

SEN. O'LEARY: Did Jean Patrie show up yet? John Fairchild, followed by Charles Stogall.

MR. FAIRCHILD: Good evening. I'm John Fairchild, First Selectman,

MR. FAIRCHILD (continued):
County of Fairfield. January 31, I got a letter from the Senator from our district, who tried to explain the formula. I just have to read the last paragraph to you:

"I hope this type of information is of benefit to you. However, if you feel at this point the information along with the is not only sketchy, but is not even totally correct, and would cause more problems than it would solve, I would appreciate knowing it." That was the contents of the letter.

I believe the problem we have in Fairfield, with 84% of our budget, according to Connecticut Public Expenditures Council, goes to education. Last night they recommended a budget to the Board of Finance, which will add another $126 per student. Now that's $352,000 more. We have yet to count the schedules

questionable how we budget. We're at 42 mills right now in the town of Fairfield, assessed at 65%. We go for revaluation in 1981. It does make it very difficult for us to provide for the aging, everyone else, rec programs,and so forth on down the line. We're edging at $1268 I believe per student. But it is increasing, that was last year's total, it is increasing. We still have the problem, I'm not against giving equalized money for education,but it looks to me like the town of Fairfield will be penalized because we are providing payment toward. We increase our student enrollment 25, within a decrease going to get wiped $800 and some odd dollars this year. Am I right, Mr. Brenner? Somebody from that nature.

Is that equalized education?
If you look at the building committee where you're building in the State of Connecticut. Where you've already taken to reduce monies in construction. If you put in this money for off-track, etc. etc. maybe this is the proper formula. If you want to have special education, if you want to have within the school of your education, it's always interesting. It's considered that if you the 4 R's. the 3 R's, anything above the basic education be considered on a percentage basis, and then if your school provides it, then you might be able to get some type of benefit toward it. But in the County of Fairfield, we're going to be penalized. I thank you for your time and welcome to Danbury and Fairfield.

SEN. O'LEARY: Thank you, Mayor. Charles Stigall, followed by Dr. Louise Soares.

MR. STIGALL: Good evening, and thanks for the opportunity to address you. I'm Charles Stigall, Chairman of the New Milford Board of Education, but I'm speaking for myself. The court seems to have assumed that education equity is measured by dollars per pupil, and the question of education equity needs to be studied much more than dollars spent. The possibility of a constitutional amendment should be explored as a possible solution to the court order. Assuming a constitutional amendment as the solution is unfeasible, I favor local control and local funding as much as possible. Money passing through the state or federal government never returns 100% for education or any other needs.

I do not support the minimum of $250 per pupil, but favor phasing down over a five-year period the towns which receive less. A maximum grant should be set and certainly should be no more than the amount spent for median pupil of last available data. Special education should be total cost formula, and should be current funded by the state. I don't feel incentives for regional school districts should be included. I don't feel a minimum expenditure requirement should be established, but that quality education should be defined, and goals established.

Time should be spent on establishing goals, course offerings, or some means other than money to measure education equity. I feel technical schools are too competitive for pupil enrollment, and they should be expanded so that more students can be vocationally trained.

In closing, I urge you to emphasize local control and local funding as much as possible. Thank you.

SEN. O'LEARY: Thank you. (Applause) Dr. Soares, followed by Paul Timpanelli.

DR. SOARES: Good evening. My name is Dr. Louise Soares, and I am President of the Trumbull Board of Education. The Trumbull Board of education recognizes the need for financial reform and approves, with reservations, the deliberations of the Connecticut

DR. SOARES (continued):
School Finance Advisory Panel. The board expressed a major reservation with regard to the Wealth, Effort, and Need Equalization Formula which has been developed by the panel. For one thing, the formula does not adjust itself to the problem of declining enrollment. Basing a school district's State aid entirely on the average daily membership, without regard to the fact that enrollment is declining, will reduce the aid received at a time when inflation and other factors are causing an increase in expenses.

The Trumbull Board is opposed to the State Board of Education's proposal that would phase out the $250-per-pupil guarantee. This proposal would result in a leveling down of education in many Connecticut towns. Yet the level of State support of public education will be raised from 25% to 36% of net current operating expenses to a percentage which is well below the national average of 51%. It is doubtful that the State can overcome the expenditure and tax inequities pointed out in the Horton versus Meskill decision without providing more funds to improve the current State aid system. The Trumbull Board of Education is concerned about the panel's recommendation that transportation be reimbursed on a sliding scale of 20% to 60%, in a manner similar to the equalization of school construction grants in 1978.

The provision of transportation is mandated by the State, and thus becomes a nondiscretionary item in the Board of Education's budget. The sliding scale will reduce the level of state support for many school boards, forcing them to take money away from instructional programs to fulfill the State's requirement. Likewise, the Trumbull Board of Education has reservations about the finance panels recommendation that the reimbursement for Special Education be on a sliding scale, based on ability to pay, of 30% to 70% for grants reimbursing towns for the total cost of Special Education.

Because the Special Education programs are federal and state mandated expenses funding are nondiscretionary. The Trumbull Board of Education, in order to fulfill these mandates from
Belt 9 Special Education, will be forced to spend less in standard education programs if our reimbursement is reduced by equalizing it in this way. The board does support the State Board of Education's concept of current funding for Special Education, and does see the recommended change from the net cost formula to a total cost formula as a benefit to equalization.

DR. SOARES (continued):
However, the Trumbull Board would urge the Education Committee to go one step further and implement a plan whereby all state reimbursement goes directly to the local Board of Education rather than to the town. Such a procedure would guarantee that all equalization funds would be used for education rather than for other purposes dear to the hearts of municipal officers.

In the matter of providing a suitable educational program, although quality education has not been sufficiently defined, the Trumbull Board sees the unique genius of education in Connecticut, that is, local autonomy, as seriously threatened. The approval of local goals by the State Board, the provision of state models for staffing and state guidelines for instructional resources, mandated proficiency tests at certain grade levels, all of these aspects of the equity plan represent a severe encroachment on local responsibility. Just as the Minimum Expenditure Requirement could well become the maximum expenditure in many towns, the establishment of specific minimum educational standards could encourage mediocrity in school districts which are "lighthouse districts" under our current system.

In Summary:

Point Number One. We are opposed to a formula which remedies the problems of one set of "have nots" by creating a new set of "won't haves."

Two. Children should not be penalized for living in any particular town or city where the community is unable or unwilling to fund adequately.

Three. Equalization funds should go directly into school budgets rather than municipal treasuries in order to avoid the temptations of so-called windfalls.

Four. There must be continued recognition of the local school board's decision-making authority in educational matters.

Five. Where there is a problem of equalizing opportunity and/or funding adequately for quality education, the State should be given authority to investigate and to mandate rectification even when the fault can be clearly placed on the shoulders of the executive powers in the municipality. Children should no

DR. SOARES (continued):
longer be made the hostages of political intrigue.

Six. If the above points are considered and the necessary modifications result, then the State of Connecticut can legitimately acclaim its performance in the direction of equalization, equity and partnership for its most important natural resource -- its children.

I bid you goodluck and -- at the risk of not maintaining separation of church and State -- I bid you Godspeed.

SEN. O'LEARY: Thank you. Paul Timpanelli, followed by Patricia Weiner.

MR. TIMPANELLI: Good evening. I'm also from Trumbull. I represent a community group in Trumbull that presently serves as a sounding board and advisory body to our Superintendent of Schools. The group represents a cross-section of our community that meets regularly to discuss current issues relative to public education in the town of Trumbull. We have attempted to make a concerted effort to keep informed on the issue of equity and educational funding in Connecticut, and we must say that on the whole, we are supportive of the concept of equalizing educational opportunity and recognize the State's responsibility to act decisively and fairly to implement the program that will allow each child the opportunity to benefit from the sound educational system.

What we find somewhat disheartening under the present proposal is not so much the direct, overall loss of funds to a town such as Trumbull, although we do state clearly that we oppose any dollar reduction in State support to any school district and urge that any program that reduces the present level of State support be rejected, what we more emphatically take exception to is the underlying trend of a levelling down of programs because of decreased support. Therein lies the danger. Although the program successfully addresses the problem of levelling up support in a so-called property poor towns, we should not accomplish this with an accompanying level down in other towns. While we would prefer to offer a more responsible alternative to the proposed sliding scale of funding for special education, the information presently available seems so much misunderstood that even the concerned citizen cannot be well-informed enough to react rationally. More specific information needs to be disseminated regarding

MR. TIMPANELLI: (continued)
effect of this particular part of the plan. While we appreciate the need for the less affluent communities to be better able to properly fund special education, the possible damaging of existing productive programs which already exist throughout the state must be avoided. We do not feel assured of this as the present proposal has been presented. When the localities receives less money from the state the tendency will be to cut programs in order to absorb the loss. We are confident that this is not certainly the intent of the Legislature, nor was it the Court's intent, but nevertheless, this is a real possibility.

It is this particular leveling down possibility that we oppose. In addition, we take serious exception to the controls being imposed upon the towns in the main compliance under the present plan. We don't recognize the need to strengthen the state's position in terms of contorlling what goes on educationally at the local level as a result of the court mandate. The towns do not need, nor do the people want, increased state control. What the towns do need is some increased state assistance. Thank you.

SEN. O'LEARY: Thank you. Patricia Weiner followed by Richard Winokur.

MS. WEINER: Senator O'Leary, Rep. Goodwin, and members of the Education committee of the Legislature. I am a resident of Danbury and I'm speaking as a parent and a taxpayer and a citizen concerned about the future leaders of our society, our children. We are living in an era where it is fashionable to become concerned with taxes and so-called fiscal responsibilities. This fiscal concern most times results in some degree of social irresponsibility. This has been demonstrated very vividly in the Town of Danbury. When it comes to financing schools the rapid growth of the area has created a problem. Taxes in that entire population has the ability to pay and the town finds itself in need of funds as the municipal over-burden grows. Then, we have faced a referendum twice this past year contesting the new monies and even though we have received over a million dollars in GEB money, there is much concern about the upcoming school budget.

This raises the question if GEB is to be successful, should the state grant local education agencies complete fiscal automony. If not, one can find even wealthy communities

MS. WEINER: (continued)
who do not regard education as a top priority. Not providing their children with the necessary educational opportunities. And, after all, equalization is being designed hopefully to benefit the children and not the town.

The state is required to supply -- to provide -- a suitable education for all children that is equal under the law. How can one define a suitable education? I personally define this as the ability to develop each child to the limit of his or her potential, in order that they may function as well adjusted and contributing members of our society, ranging from the most intellectual achievements to physical labor. Until recently this state has had the responsibility to mandate certain requirements, but the towns had to finance those programs themselves.

The state does have a valid role in establishing of education and statewide goals. I feel that it is necessary for the towns to lose some autonomy in the saving of required standards.

There is no reason why a student in Bridgeport should not have the same opportunities to develop his potential as a child in Westport. It is the obligation of all people to recognize the responsibility to the future of our country. That future lies in seeking out and developing our potential leaders, many of whom might well rise out of the ranks of the so-called underprivileged if given the opportunity and the means for providing that opportunity lies in your hands.

Thank you.

SEN. O'LEARY: Thank you. Questions?

REP. DYER: Pat, there's a great deal of talk about Danbury's growth. I believe we are growing at a rate of somewhat around the area of 15% more than the rest of the state. If I'm not mistaken, isn't the student population for the coming year in a decline. Do you know the figure?

MS. WEINER: I think that the student population for next year is something like 200 students less which does not really do anything to the budget because it's not one block of 200 students. They're 200 students scattered throughout the school system, which is not going to make any appreciable difference to class size or the size of services that are needed.

REP. DYER: I wanted to bring that up.

SEN. O'LEARY: The next speaker is Richard Winokur followed by Edmund Tomey.

MR. WINOKUR: My name is Richard Winokur and I'm Chairman of the Weston Board of Education.

I appreciate the opportunity to be here tonight and our first selectman apologizes for his conflict with his scheduling, but he'll be in Norwalk where I understand you are going to have another hearing.

I'm not going to cover the issues that have been made by so many people tonight. We would love to spend with our board an entire evening with you to discuss some of the philisophical implications of an important decision. We are a so-called rich town, and yet I can assure you it doesn't mean that everyone in town is rich and that has been pointed out to you. In our type of community where education is our only business, we have elderly residents who are going to be forced out of the community unless we can manage the increases in our budget and through a loss in state aid, hence, is projected under various formulas and various plans, it is really going to be impossible for us to obtain any kind of a semblance of variety in the community. It's going to force us into a homogenious-type community because of the cost of education.

I'm not going to discuss some of the issues which I think are very relevant to the type of formula that is ultimately adopted. They have been eluded to in part the differences in cost of living from one part of the state to another. The differences in salary schedules, the implications of the tenure law, a host of problems that are associated but don't really fall into an analysis of just raw data.

In our community, for example, we don't have the municipal over-burden because we don't have any municipal services. Only within the last four or five years have we provided a police department and we have a small road department. A volunteer fire department; we have no municipal facilities for children or for athletics, everything is school oriented. The school facilities are used. We don't have a school -- we don't have a town golf course or town tennis courts. We don't have recreational facilities other than school buildings. So, that's the nature of our problem and that's really what our community has opted for. But there are two areas that I would specifically like to call to your attention.

MR. WINOKUR: (continued)
One appeal and very briefly, and that is the cost of implementation of the kind of a program recommended by the state board. Our Superintendent made an alalysis and came up with a figure of $224,000 for our school district to comply with the various administrative-type programs that will be mandated in connection with the Commissioner's recommended program. That is in excess of $100 per pupil. And when he discussed this with the oepole in the Commissioner's office, who challenged his figures and then compared the data to the costs of administration in other communities in other states where they have similar types of mandated programs, he found that our figure of $107 per pupil was pretty comparable to what it was actually costing.

I'm talking about teacher time, administrative time, computer time and time to process records, provide information and report it to the state. I just caution you as legislators because I know what you're involved with when you're dealing with trying to come up with a fair and equitable piece of legislation, not to lose sight of what the cost will be to the local communities to implement that legislation.

The second area I would like to talk about. It's been mentioned before, but I would like to demonstrate it for one community -- a small community, as Weston, in the area of special education. I've been on the school board, this is my eighth year. In 1971 our special education costs were
Belt 10 $71,000 and this year they are $489,000. By comparison, our budget went from $3 million to $5 million for '78. We've had a seven times increase in the cost of special education, where our budget has gone up less than 1.8 times, less than double which includes special education costs.

Whereas in 1971, special education represented 2.3% of our total budget, this year it represents 9% of our budget. Whatever plan that you ultimately adopt, we sincerely and strongly advocate 100% funding of special education on a current basis. Special education has gotten out of hand, and it really is the tail wagging the dog now. The implementation of the special education statutes both state and federal by the state bureaucracy has tied our hands in so many areas that we are now spending legal time, board time, administrator time, teacher time, PPT's and the whole ramification that goes with special education involved in hearings, court cases in an effort to keep the controls and a lid on special education costs.

MR. WINOKUR: (continued)

Now, if reimbursement formula to a town such as Weston and other lower Fairfield County communities is reduced from its present level, which works out to be approximately 50% if that formula reduces the reimbursement for special education, it is going to have to come from the regular program, because our taxpayers are just not going to replace state aid that is lost. It means that the bulk of the students in the regular program are going to suffer because of the increased cost of special education. So I urge you to consider very seriously the implications of what is recommended in regard to special education in towns, particularly those towns that are going to lose aid. Thank you for your attention. (applause) Thank you.

SEN. O'LEARY: Thank you. The next speaker is Edmund Tomey.

MR. TOMEY: Thank you. Ladies and gentlemen on the dais. Before I get into the main part of my speech, Mr. Dyer asked a question a few speakers ago, and I would like to give you those facts.

As of January 1, student enrollment in Danbury went down by 440 students, and its ironic, we had a request for 85 new staff. Make sense out of that.

I'm aware of the fact that you have a difficult decision ahead of you as to who gets how much money. The local property tax in every town is smothering the taxpayer, especially the middle-class taxpayer. This is a job you are going to have to get done. I don't envy you. But you have that responsibility to everyone concerned, the children, the educators, and most of all, the people that foot the bill, the taxpayer.

It's a double-edged sword that you're dealing with. While listening to everyone, I decided to write what I was going to ask as the program went along, and I wondered in my mind: will the state's rule of allocating funds diminish or eliminate the role of local education officials? Or the taxpayers, what will they have to say about it? Will the taxpayer be burdened with ineffective state education programs which will in effect increase already inflated school bureaucracy? I have checked into so many of the programs that are within the school that I don't know what they have to do with education. Things like cosmetology, ceramics, babysitting, audiovisual,

MR. TOMEY: (continued)
which is three-quarters a waste, all of them with a justification of someone having an extra cup of coffee. There are certain areas where it's needed, such as languages. But most of all, it's a program where the children lose contact with the individual who is supposed to be in the class.

It's odd that we became the greatest technological society on this earth with basic education. Why we deviated away from that, I'll never know. Will the same liberal spending policies of education officials bring on a tax revolt in Connecticut if fiscal restraint is not exercised at a state level?

I won't speak about the state programs which have been mandated. I think you have heard enough. But I don't think that there is a check on the effectiveness of the state programs. I think the issue -- and without regards to are they effective, are they worth the money and effort we pour into them? Will the state increase the role of the parents in the educational process and decrease the role of educators?

It seems that the children are spending more time away from home and less time in -- more time in school -- I'm sorry -- less time away from home and more time in school, away from the parent. The parent is no longer becoming the dominant factor in the child's life. It seems like the spector of 1984 is already upon us, ahead of schedule. The bureaucracy at times has become so insensitive and cold to the needs of the individual. Now the strength of our society, and the family structure, especially the middle-class taxpayers, they are the creators of that strength, and they must not be ignored in your evaluation.

And, finally, I'd like to say it is not the people who are on trial, but you the watchdogs of our state government. Thank you for this opportunity. (applause)

SEN. O'LEARY: Thank you. That brings us to the end of our speakers' list. I want to thank you for your attendance tonight and for the information you have provided with us. At this point, we will adjourn the hearing.

SELECTMEN'S OFFICE

Town Hall, Bethel, Connecticut 06801 · (203)743-9231

Francis J. Clarke
First Selectman

William P. Shannon
Selectman

Herbert F. Berg
Selectman

February 26, 1979

State Representative David Smith
9 Fleetwood Lane
Brookfield Center, Connecticut 06805

Dear Dave,

Unfortunately, on Thursday, March 1, 1979, the Town of Bethel is holding a public hearing on the feasability of building an addition to our Public Library and, therefore, I will not be able to attend the hearing scheduled at Roger's Park Junior High on School Finance.

I would, however, like to express a few thoughts on the subject on School Finance.

First, in all the proposals set forth so far, I find it hard to believe any of them would be acceptable to the courts. The current proposal, I believe, unfairly allocates monies to the larger cities, thus defeating the requirement that there be equal opportunity for education in all communities. I feel that some of the ingredients in the formula being postulated in the Connecticut School Finance Advisory Panel and the Connecticut State Board of Education's plan do not belong there.

While the social problems of the cities are certainly valid concerns, I believe they would be better addressed by separate legislation and funding to solve these problems.

The recommendations of all plans presented so far do not, I feel, adequately assign the proper share of the financial burden to the State.

If one accepts the premise that education is a State responsibility, then I feel it is logical to follow that the State is responsible to fund the cost of operating a school system. It seems to me that rather than trying to develop formulas that require all types of sophisticated information at considerable expense to local communities, which requires constant updating of statistics which at very best is questionable (i.e. census), it would be more practical for the State to establish what it considers to be an equal opportunities standard and then have the State assume that fiscal burden. Beyond those basic standards, each community could fund programs it feels it should have.

The proposition that if the State funds all or a large portion of the school finances, a town will loose control over its local educational program, is about as valid as saying that towns currently control their educational programs. Currently, the State determines the number of days a school system shall operate, the number of hours in a school day, the basic courses that will be taught, etc. It even has legislation mandating the number of sick days a year to which a teacher is entitled. Special Education as well as bussing are other examples over which the local communities have virtually no control.

In summary, it is my feeling that the General Assembly should shoulder its responsibility and establish basic standards applicable to all students in all towns and then pay for those costs. Anything over and above these requirements would then be the responsibility of the local communities.

One final thought, and while not directly on the subject, it is related to it. I suggest that the State of Connecticut establish at least three basic designs for high, middle and elementary school buildings that would be used whenever a new school is to be built. This would eliminate a lot of duplication of effort in architecture and engineering. A town that is faced with having to build a new school could thus save a considerable sum of money. The State, since it participates in funding the cost of school construction, would also save.

If a town were to choose not to use one of these designs, it would be free to have their own individual plans drawn, but would be obligated to pay for the difference between the standard plan and the more sophisticated plan.

Sincerel_

Francis J. Clarke
First Selectman

FJC:bm

MS. GOODMAN (Continued): by fiscal year 1985-86, as many as 48,000 gifted and talented youngsters could be served. The cost, once the mandate is fully implemented five years from now would be $12.4 million in additional state dollars, and $10.6 million from local district's funds. The funds would be phased in gradually over the next five years, supporting services to a larger and larger percentage of youngsters, until up to 10% of the student population have been served. Regulations limit the number of eligible gifted talented students to 10% -- 5% gifted, 5% talented of the total student population.

The State Board of Education considers Senate Bill 415 essential if we are to fulfill our legal and moral commitment to equal educational opportunity, and we seek the committee's support.

I believe that there are some misunderstandings about education for gifted -- for the gifted. Education for the gifted is related to education for the handicapped in that both the gifted and the handicapped are children with exceptional needs, however, many of our special education children are in special classes throughout their schooling. For most of the gifted, programs are a supplement -- are supplementary to their daily education. There is absolutely no comparison in necessary teacher - pupil ratios or extra classrooms or numbers of teachers.

You have several other measures before you today, having to do with eligible costs and methods of funding for special education. By way of comment on these measures, I would like to draw your attention to the State Board's comprehensive proposal on equal educational opportunity, House Bill 7586, an act concerning equalization of educational financing equity in educational opportunity. In that bill, the board has proposed the state move from funding a portion of excess cost to funding a percentage to be determined on an equal rights basis of reimbursement to current funding of special education.

In the view of the board, both these changes would not only provide a more equitable way of funding special education, but would result in the more efficient and more effective distribution of funds to local districts. I thank you for your time and for your thoughtful consideration of our request, and I would like to say that our consultants for the gifted and talented program, Dr. William Vassar is here in case I can't answer any questions that you ask.

REP. BERTINUSON: Thank you Mrs. Goodman.

JOINT
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EDUCATION
PART 2
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1979

CONNECTICUT GENERAL ASSEMBLY 1979
JOINT STANDING COMMITTEE HEARINGS
ON EDUCATION PART 2
CONNECTICUT STATE LIBRARY

REP. GOODWIN: (continued)
We do know that there are some towns where the sample was so small that we are going to have to look at it again. But I think we do have good data now, and on the basis of the new data, we are able to look at the whole formula process with somewhat fresh eyes.

Now let me see, if I can find out quickly here -- what I have in front of me is cumulative percentages for the towns in Connecticut. And I think it is of some interest to know--and I'll give you this one figure, and then if some of you want to see some of the rest of it later, I'll be happy to show it to you after the hearing is over--that 31% of the population of Connecticut is in the biggest ten towns. So we are not talking about 10% of 169. We are talking about 10% or 15% or whatever percent you want to talk about--of 2.3 million, and they are obviously clustered in the big cities, otherwise they wouldn't be big cities. So when you talk about money going to the big cities, remember that they are big, and that most of the population is there.

If we go down to the 50 percentile, 22 towns contain half of the population of the state. So, think about that when you hear people talk about the big cities. Well, having said that, I would now like to call John Toffalon, the Chairman of the State Board of Education, who will give you some very general background on how we got where we are today in this question.

MR. TOFFALON: Thank you Madam Chairman. Members of the Committee. I am John Toffalon, Chairman of the State Board of Education. I again appreciate this opportunity to stand before you and plug for equal educational opportunities. You have the plan before you, that is raised Committee Bill 7586. Now this plan is the result of eighteen months of study by the State Board and the State Finance Advisory Panel.

This process was an energetic and deliberate one. Extensive public review and comment -- I believe like any plan it is not a perfect plan -- but we believe, we on the State Board believe, that the resulting recommendations reflect in a balanced way, the varied interest and concern that the people of Connecticut have for their schools.

In presenting its recommendation, the State Board of Education focused on four objectives. The primary objective was to respond reasonably and fully to the Connecticut Supreme Court

MR. TOFFALON: (continued)
decision in the Harden versus suit. This was of prime importance--in other words, to provide a means of state funding which assures that educational opportunity will be very nearly equal for all students in Connecticut.

The revisions recommended in the guaranteed tax base, or GTB formula, would provide every town with the ability to pay for all education equal to that of the state's wealthiest town--wealthiest in property, of course.

All general state aid to education will be equalized by voting in the flat $250/pupil ADM grant now dispersed to school districts regardless of wealth, effort, or need. The flat grant was cited by the courts as having an unduly disequalizing impact on school funding.

For this reason, the State Board also proposes phasing out the minimum or hold harmless, as unpopular as it may be, which was proposed by the School Finance Advisory Panel. Mindful of taxpayers concern, this would also reduce the ultimate cost to the state by some $10 million annually.

We also recommend that state aid for special education and pupil transportation be scaled in proportion, again, to the ability of towns to pay, rather than the present flat rate.

With this change, the state can face the scrutiny of the courts assured that some 95% of state aid to education is paid in an equalizing manner. This result, of course, is really the name of the game. If you want to equalize school funding, you just have to equalize it, recognizing that everyone will not be happy with every plan.

Our second objective was insuring that while some funds could be used for tax relief in the face of excessive local tax burden, additional state dollars would be used to improve education. With this in mind, the State Board of Education proposes phasing in minimum expenditure requirements. Connecticut must not repeat the experience of New Jersey and other states whose massive new state aids failed to reach the classroom. Although there is real concern by many to insure that all state funding be expended by school districts, it is virtually impossible to accomplish this without fiscal autonomy for the LEAs.

MR. TOFFALON: (continued)

However, a minimum expenditure requirement can be adjusted from time to time to meet the problem.

My third objective was that a plan relate fundamentally to quality. To meet this objective, we propose a comprehensive process for effective planning, implementation and evaluation of school programs.

Belt 2 With this process reflecting the best traditions of educational excellence in our local school system, Connecticut can fullfill its legal responsibility to provide each child in this state suitable programs of educational experience.

Finally, it was the State Board's objective to identify clearly the dynamic partnership of state and local governments. Of fifteen equity recommendations find the state taking a more active responsibility in setting goals and providing guidance and technical assistance and evaluating school programs, local school districts strongly retain the responsibility to plan and manage programs to meet student and community needs and aspirations. This leaves the school still belonging to the local districts.

Of critical importance is the recommendation calling for an immediate process which could be initiated with full due process guarantees, again, with full due process guarantees, when there is failure or inability to fullfill the educational interests of the state. The state must protect its educational interests. The Constitution demands that.

The State Board of Education proposes that its plan be fully implemented within five years. The plan will raise the level of state support for public education from at present 31% to over 42% of total state and local education expenditures. This is a giant step forward, yet it is in line with other states in the union. More important the proposed plan would provide that the dollars spent in education at least give each student an equal opportunity to receive a quality education suitable to his or her needs.

Through all our deliberations, we were mindlful of a major variable that was beyond our immediate control, as has been alluded to, Madam Chairman, the Tax Department has now released the first sales assessment ratio survey. As expected, this information has a tremendous improvement over the present

MR. TOFFALON: (continued)
methods of determining local property wealth. However, there are notable shifts among the towns and an increase in overall discrepancy. Thus driving up the expected cost of the formula in its full implementation--driving up over $60 million. In no way does this new information call for any major overhaul of the proposed GTB. However, obviously some further refinement is in evitable.

The State Board, the Commissioner of Education, the Department of Education, are pleased to be part of this most important process. We are ready to assist you in any further details and in the difficult decisions ahead. Above all, we are confident of your continued commitment to accept this historic opportunity before you this year. Thank you.

REP. GOODWIN: Thank you very much. The next speaker is Mayor William Collins. Is he here? (Inaudible) Well, if he is not here, then we will move to the general public and allow him to speak when he comes in. For the general public, I would like to say that we--I will go through the list of public speakers and--I have twenty people on the list in front of me, I understand there are two more sheets outside, which gives us some idea of how many people want to speak and that we want to hear, and I assure you, we do want to hear you. I would urge you to make it as concise as you possibly can, and -- if you affirm someone else's statement that is very close to what you have to say, I think it is really almost enough to say that. If you have things new to say, we need to hear them.

One of the interesting things about these hearings is the different character of each hearing from each other hearing. This is the fifth in a series of five and they have all been different and we've heard different things from each one. So I do look forward to hearing what this part of the state has to say that no other part of the state has felt it necessary to say.

I will call the names in order--two names at a time, and ask the first person to come forward and speak and the second person to come forward and wait, so that we don't have to wait between speakers for people to come up. The first speaker is Richard Briggs and following him will be Ray Lenoue.

RICHARD BRIGGS: Madam Chairperson, ladies and gentlemen, it is a pleasure to appear here tonight on behalf of the Norwalk Board of Education and in response to what has just been stated, I will attempt to be as brief as possible. Norwalk Board of Education supports the concept of equal educational opportunity with the proviso that the funding for same be provided.

It is our conclusion that concepts presently being considered to bring about equity are steps in the right direction. The specific plan as approved by the State Board of Education as well as the recommendations submitted prior to that by the Finance panel show in our opinion, only a recognition of a concept. In no way can the amount of dollars being discussed thus far be considered as an equitable funding program if we really believe we want to provide equal educational opportunity.

It is no secret that the more urban centers of the state, have more comprehensive as well as diversified educational programs and problems. I'm speaking about special education programs, alternative education needs, the needs for bilingual education, more transportation, more out of district placements, and in general the many problems that come to bear upon any urban center. There is also, and Madam Chairperson, this is not new, the issue of inflation.

But I would like to share with you how this effects Norwalk. Using data compiled by the Connecticut Conference of Municipalities, and referring at that time as it did to the Finance panel's recommendation, Norwalk would receive for the coming year, approximately $263,000 more than is being provided under current funding. During that same period of time using a 7% inflationary factor, our budget costs would be increased by $1 million for that purpose alone.

That's the additional revenue under the proposed plan is only 25% of the additional costs resulting from inflation. Since we would receive the same amount of money based upon the State Board of Education's proposal, the same argument can be made. It should also be pointed out that during the 5 year period when we continue to get the same sum, that is $263,000, inflation over that period of time is estimated again by CCM as approximately 41%.

This would mean that in dollars we would be receiving five times $263,000 or $1,335,000 and during this same period

MR. BRIGGS: (Continued)
inflation would have run up by better than 10 million. It is quite obvious from this data to see that the funding under this plan is by no means adequate.

I would now like to address myself to the issue of transportation, and special education. First let me comment about special ed. We all know that in recent years, more and more legislation has been passed requiring more and better education of students with special needs, more and better facilities, more and more staff, both instructional and administrative, more supportive personnel, and on top of all of this, because of the nature of special education programs, the classes are naturally smaller, the ratio of students to teachers is less and in some cases there is about a 1 to 1 relationship depending upon the program and the specific situation.

These programs are needed and they should be provided but they are expensive. Even though state aid is greater right now than for regular educational programs, the fact remains it is too little too late. Until recently, the average state aid received by Norwalk for Special Ed. has approximated 58%, even though one might assume from reading the statutes that it's 2/3 of the cost.

It is also important to point out that based upon our review of some proposals, that by the end of the five year period, our aid would be reduced from that 58% to something nearer 44%. And lastly on this issue, it is equally important to mention that state aid for the most part is received the year subsequent to the year for which expenditures have been budgeted, and at the very least there should be a correction in the legislation which should make the payments of grants current and also pay a more reasonable share of the cost of education.

I would like to comment on some of these same points relative to transportation, but I will not do so because some of the comments would be repetitive of what's been said by others. As I conclude, I would like just to consider a couple of other aspects which the chairman of the State Board spoke about and which I would agree, as well as our Board, relative to the quality of education.

But here again we're talking about some issues where it does not appear that dollars is going to back it up. Let

MR. BRIGGS: (Continued)
me just talk about proficiency testing. In this area, in Norwalk, we will need in order to meet the requirement as we understand it from conferences, etc., additional staff, facilities, materials and supportive items. All of these will cost money, and in Norwalk we estimate an additional cost of something like $75,000 to $100,000.

Education is legally and historically a state function. And therefore I'm not as worried as some in my profession about the State taking over, because I think it can any time it wants to. But there is a need for additional costs to the local communities of mandates and requirements, and therefore each time that happens, there should be corresponding funding to take care of it. Unless this is done, inequality will continue to exist in many communities and the burden will continue to be on the local community, and thus the goal of achieving equal educational opportunity will not be realized.

Therefore we urge the State Legislature to recognize that formulae discussed thus far are little more than a concept since the funding for all these proposals appears thus far to be totally inadequate. Thank you again for this opportunity to come.

REP. GOODWIN: Thank you very much. The next speaker is Ray LeNoue, followed by Nancy Ambrose.

RAY LENOUE: Thank you, Madam Chairman. I'm Ray LeNoue, I'm chairman of the New Canaan Board of Education. My remarks are directed primarily to the two bills that I think have been filed, and I may have one of the numbers wrong. Mr. Toffolon referred to 7548, and I had it down as 7586 on what we had, but anyway, my reference is to the State Department bill and the Governor's bill that are before you.

My comments, with specific reference to the portion of the bill starting with Section 12 and comments relating to the finance part of both bills.

First in the area of educational program. The New Canaan Board of Education is deeply concerned with legislation which sees no alternative to vastly expanded roles for the State Department of Education. All experience to date strongly suggests that attempts to administer state-wide programs through state departments of education have been inefficient and ineffective.

MR. LENOUE: (Continued)
Actual experience in Connecticut demonstrates that educational program improvement is most effectively accomplished under the direction of a duly elected local board of education.

In regard to planning, the New Canaan Board of Education recognizes the desirability of expecting any organization to identify its goals and objectives, but questions the need for legislation in order to accomplish this obvious tool for effective planning. However, if the Legislature feels it is an essential need of the State Board of Education, it can then be safely assumed that local boards of education will develop related goals. Approval of local goals by the State Board of Education is unnecessary.

In regard to program implementation and program evaluation, the New Canaan Board could endorse legislation requiring periodic, that is every five years or whatever period of time you feel is right, on-site evaluation of local school systems and strongly suggests that this approach be substituted for all other program-related proposals for the following reasons:

1) All the proposed legislation related to establishing standards for a suitable program,(such as minimum offerings, guidelines, models, and suggested ranges) can be incorporated
Belt 3 within the process of a periodic on-site evaluation. In those local situations where periodic evaluation reveals a breakdown in the delivery of adequate educational services, State Department intervention is appropriate. This limited role can be carried out without significant increases in size and cost of the State Department.

2) Proficiency testing programs are superficial and extremely expensive devices that create the illusion of accomplishment without regard to real learning. The cost of contracting for this service and administering the tests on a statewide basis will be enormous. The impact on the quality of education will be minimal.

In the final analysis, the New Canaan Board of Education has two basic objections to program-related legislative proposals incorporated in Bill 7586: 1) this proposed legislation significantly diminishes the right of the local community to make educational decisions and significantly increases control by the state government of all facets of school operation.

MR. LENOUE: (Continued)

2) The implementation of this legislation will greatly increase the size and cost of the state bureaucracy with little or no direct benefit to pupils.

In the area of education finance: The improvement of the public educational system is the primary objective of a plan to equalize opportunity in the State of Connecticut. In accomplishing this objective, the state should continue to assist and encourage the communities already providing above average educational programs. To "equalize" at the expense of these communities is the equivalent of establishing mediocrity as the goal for the entire state.

The State of Connecticut has a constitutional responsibility to provide a system of public education for all pupils within the state. While the state government has appropriately delegated responsibility for specific program development to each community, the state retains a minimum obligation to provide all towns with at least some financial foundation on which to build. Thus a foundation grant to all communities of at least $250 as proposed in Bill 7544 should remain a part of any plan to equalize opportunity throughout the state.

Neither bill before the Education Committee recognizes that a major factor contributing to statewide differences in per pupil expenditures is the differing costs for the same services in different areas of the state. This condition is particularly evident in comparisons of the largest single factor in per pupil expenditures -- the costs for instructional personnel. Communities in the high cost areas of the state have, for many years, paid more for the same personnel because of the higher cost of living in those areas force them to do so. Therefore, it is recommended that cost differentials be recognized as a part of any equalizing formula.

Neither proposed bill appropriately deals with the relationship between state mandated programs and the cost of such programs to the local communities. An equalization formula which incorporates funding for special education and transportation appears to be more of an economic expedient than an effort to meet educational needs. When the state superimposes additional mandated programs on local school systems without providing additional state aid, the local community is faced with the need to withdraw support from basic program offerings to meet the additional state mandates. The net effect is to reduce program opportunities for all pupils.

MR. LENOUE: (Continued)
Connecticut should deal with the mandated programs for special education and transportation as separate issues, independent from the formula for funding equalization of educational opportunity. I thank you. I have copies of these remarks.

REP. GOODWIN: Yes, thank you, and you remind me that I should have said that before. If you have prepared statements, will you leave them with the clerk, to ease up the transcription process very considerably? Mayor Collins. Oh, wait a minute, I'm sorry, Bill, I had called one name before you came in, and I think we will proceed down the list that far. It will be Nancy Ambrose, then, followed by Mayor Collins.

NANCY AMBROSE: Thank you. Representative Goodwin, and members of the Education Committee, I am Nancy Ambrose, a local Board of Education member testifying on behalf of the Connecticut Association of Boards of Education as a member of its Legislative Committee. The Connecticut Association of Boards of Education represents school boards throughout the state, from wealthy towns and from poor towns. We therefore, enthusiastically support equal educational opportunities for all children.

However, we are alarmed and dismayed by the State Board of Education's proposals in their so-called equity plan. We urge you, while studying the complex financial formulas, to give equal attention and careful study to the equity plan portion of the proposal. CABE opposes the equity plans for these reasons: the equity plan diminishes local control. The Horton vs. Meskill decision calls for financial reform. Despite assurances in the decision that this reform need not diminish local control of education, the equity plan would do precisely that.

We do not believe the State Board should be involved in local decisions about staffing, supplies, fund allocation, in-service training, instructional time and curriculum as they have proposed.

Local school boards do not operate in a vacuum. School board members make decisions in public meetings and as elected officials are directly accountable to their constituency for these decisions. The State Boards cannot be as qualified as local boards to judge local needs, nor can

MS. HALEY: (Continued)
categorically through education and welfare budgets and more effectively reach where the trouble is.

Besides,weighting pupils is an inequitable game. If poor children should be weighted, next comes the plea for gifted children, and in its regular cycles, the lament for the average kid, short changed and ignored in the middle, who could really use the added nudge of funds and attention to rise to his full potential.

Regarding municipal overburden, this can and should be identified and focused on directly in the towns where it exists and remedied by such methods as State payments in lieu of taxes, which can better insure cost efficiency. We cannot solve all our social ills in an education formula.

By trying we will merely mask them and interfere with their solution by diverting unaccountable funds. Let us with clarity preserve and support the art of the educator, not the artfulness of the political statistical manipulator.

REP. GOODWIN: Thank you very much. William Boyce followed by Theodore Foot.

WILLIAM BOYCE: Representative Goodwin, members of the Committee, I've been to your last few meetings in Danbury, New Haven, Hartford, I didn't go to Norwich, and you're probably tired of seeing me. I try to say something different each time and I think you've found I was very short in New Haven, very short in Hartford, Danbury I didn't speak too long. Each point was different. Tonight I have some other points to bring out.

Recommendations and suggestions and comments to the Education Committee, I want to answer some of the questions asked before by Mr. Tolofon, from the Board of Education chairman, supported 7548. Is there such a bill in session or is that a mistake? Is it 7536?

REP. GOODWIN: I don't have the bill number in my hand, unfortunately, but -- 7586, yeah, okay.

MR. BOYCE: That 7548, I didn't have a copy, I wondered what it was, you know. Thank you. All right, reference to Bills 567, 5008, 5009, 5897, 6576, 7545, these all relate to special education funding.

MR. BOYCE: (Continued)
The bulk of bills should be consolidated and made into one bill, which probably you're going to do, I imagine. Recommend that all special ed. should be funded on the current basis, as other people mentioned before, at a 100% level. Others talked about special ed. I'm very gratified to hear that, we didn't hear much before in the last few hearings.

Special ed 76G should be repealed and/or not made mandatory. Another suggestion. Or require that it be optional, it should be optional. Let's see, state set up regional special education schools, paid and funded, run by the state, at no cost to the towns, repeal the present special ed, 76G. I just found out tonight that we have one of these regional centers is being set up in Westport, it's a good idea. I had this idea many times, and it can be done all over the state. And the state pays 100%, they're authorized by law, they're supposed to be by law pay for education in the state, and they're making these laws continually change year after year after year and making it very hard on the towns.

So this would be another way to solve it. Two, reference bill 5182, 6576, these pertain to transportation. All transportation should be funded on the current basis also, at 50 to 100% level.

Three, proposed bill 991, 5004, 5993, 6577, 7156, 7544 and 7586 and 1142. These refer to the Horton-Meskill decision or judgment. And in reference to Horton-Meskill, Judge Rubinow reject all bills concerning Horton-Meskill. Make up a new bill, use a separate formula. Do not take any funds away from any towns or cities. Give additional funds to towns, and cities that possibly need additional funds. They should show a proven need, investigation should be made by the State Board or some commission of our Legislature.

For example, small towns like Monroe, Bridgeport, they've had a tax decrease in the recent years and they have millions of dollars in surplus, yet they are going to get the biggest amount from any of these formulas, you know. They're hit by inflation, it's true, I know, but it's true of some other big cities, too. (inaudible)

Belt 8 Tax decrease in the last year, two or three years, surplus in the millions. Specifically and categorically, and definitely, do not consider Bill 7586, State Board of Education

MR. BOYCE: (Continued)
equalize education financing and inequity in educational opportunities.

Until tonight, very few if anybody spoke on equity educational opportunities. I was the first one to speak in Danbury, very briefly, and I a building mark-up with my comments, yesterday.I didn't talk, cause I was on the floor for 20 minutes. Tonight I'm very gratified to speak, everybody here has spoke about equity, the educational oportunity part of the bill, but this has been neglected almost in almost all the hearings. I didn't go to Norwich, I don't know what happened there. All of our talk's been on funding, funding and all monies. But the most serious part of this whole thing is that the State Board, I feel, is trying to push through this -- reinforcing this bill, which is about 23 pages, there.

Bills 7586 would take funds away from many towns and cities. Therefore increasing property taxes to be born by the people and possibly lowering the level of quality of education in these towns and cities. The greatest problem lies in the portion of the bill, how do you do equity in education opportunities? Up to now, hardly a person has spoken on this portion of the bill.

To eliminate inequity in educational opportunities would cost a great deal of money. The towns and cities would have to use, raise more taxes and pay more taxes. This would also violate the very judgment of Horton-Meskill by Judge Rubinow. His very was paying too much taxes in the towns and cities and the state should be paying more. You're compounding your problem worse if you do this, if you follow that formula.

The other factor is more and more state control. Too much power and control would be given to the State Board of Education, which is what they want. Mr. wants this. It's a plan, a conspiracy, I think. The recent and present statutes concerning education in Section 10 alone, I said that before and I say it again, the only thing I'm repeating probably the last three times. They are very great, we used them a long time, education I'm glad to say is doing a very, very good job in most of the towns and cities except for a few.

Leave those laws on, they're being changed too much lately.

MR. BOYCE: (Continued)
They've been going along a long time, I studied them over the last four or five months now and they are very good. Leave them alone. Do not require minimum expenditures to each town. Do not repeal 4A, 4B, 10-15, or Section 10-16B or 776G and so forth and so on. Do not consider pages 14 and 15 in the proposed bill.

Also there's one line I'd like to have you read again in the current statutes, it's on page 15 and it's written-the limits of existing expenditures in any one school year - it's very important to leave this line in and I know the State Board wants this out very badly because I talked to Mr. Sullivan and Mr. Rifkin. They're working and your attorneys for the Board Committee and the other one is working for the Board of Ed. He's a lobbyist, a man working constantly in the jury room. And I would say that that should be left in, that one line.

It's been there a long time and it should be there. You find out in 50 years you'll have problems if you don't leave that line in there. Do not repeal Section 10-16B as recommended by the State Board of Education. Present laws pertaining to the course of this study is very good. In reference to that, some of the changes there that I don't like, not that I don't like, but they're putting - they're setting up a course of study, they're putting in programs of study, which is all right but this proves what they're going to do to us in future years, they keep on slipping things, amendments, repeals, and amendments in there constantly.

They want to put the arts in there, career education, consumer education and the other changes in the second bill, concerning secondary in the statutes, they have one now, they're going to have vocational education and foreign languages, which I think almost every high school has them in the (inaudible) anyway. Your basic subjects are your math, language, I won't go on with them, they've been there for a long time and they're very good.

Okay, do not consider pages 20-38. That's the balance of the major portion of this document that they proposed. It mostly concerns special ed and also the other part I didn't care for is this remedial action, take us to the courts, $250 a day for a child and so forth. I just don't like the smack of it at all. It's not necessary. Our boards of ed are doing a fine job in the town and people are doing a fine job in trying to

MR. BOYCE: (Continued)
support education, with all these mandates come out every year. If there's anything they want to do is cut some of the mandates down and make less laws every year, and it'll be a lesser burden on the people in the state. And the children will still get a good education.

One point in the special ed part, our town had 4 or 5 special eds the last few years, now we have 33 in one year. It's jumped, and they've got them starting from 3 years old to 21 now. And if you really study the special ed laws as you've been doing, we have more special ed than we have regular education. They'd be all special ed schools. That's what it is coming to. I'm not against special ed by any means, but the bills really go overboard.

It's our scholars and our professional educators, our NEA, CEA, all these things, they're pushing for it because the population is dropping down, they have to provide more jobs. That's my own opinion. I think that's what's happening. In the guise of saying help the poor children.

All right. Implementation of these proposals would cost towns of these many tax dollars, compounding our situation and also breaking the law that Mr. Judge Rubinow has stated. We'll have to pay more taxes on town side. Unless the state wants to pay for the whole thing, which would be complete state control and I don't think it's a good thing.

Remedial action and poor action not necessary in this bill as they are proposing. Leave that out. You have the power to do so because you're legislators. The only thing I'm happy about so far, and I'm finished now, is that the full committee you had at the last three meetings are not here now. You'll notice the whole committee here, 20, 25, was very good. You only have 1/5 of 1/4 here tonight. I wish they could all hear. I hope that you instruct them to read the entire transcript and study it, the points that these people make. It's some of the best comments you had in the whole state.

Not that the other ones were good in the other parts, you had a few, you had a dozen speakers in each of the last meetings, but this is about the best you've had so far, of the speakers.

Okay, next thing. Now I'm making proposals off and on the

MR. BOYCE: (Continued)
last few times and some of these seem kind of far-fetched but they're not. I've been studying the Constitution, I got a copy of the Supreme Court decision, I got a copy of Rubinow's and I found it the other day and I read it very thoroughly and I think these people -- I'll re-emphasize it again, you should read Judge Rubinow's original December 26th thing, and read Supreme Court, and read our state laws that refer to those four.

And we had poor attorneys, the more I read about studies now, they use the wrong thing, what is it called? Oh, sovereignty immunity as the wrong way to attack that case. I think they would have won otherwise. But to eliminatefuture problems of the state, I went to the library today and I would recommend changing Article 8, Section 1 of the State Constitution under education. Our constitution was made in 1818 and it's stayed that way a long time. In 1902 we tried to change it and the people voted it down, on a referendum to change it.

Our next constitutional convention was in 1965. That's when they made this, we have a problem now. Ella Grasso happened to be floor leader and she was Secretary of State at the time that I mentioned, and Meskill was there and Beibel, all the other people, but I could go on and on. And they put this shade in Article 8, Section 1, and if they'd left it the way it was originally, it would have been all right. Right now. And it could be done, it could be changed.

You have 2/3 of the House and Senate vote a resolution, that goes before the people the following year, and they all vote it in, you change it very easily. Okay. Also, what I found out by reading the Constitution. Judges can be removed. Some man at Danbury brought it -- it was sort of funny, but it was, he was asking your Commission, your committee questions, and he asked them who appointed the judges and so forth and it came out that the Legislature does after the Governor appoints them, they approve it. And they also can kick them out of there, too. Out of office, if they made decisions that weren't proper.

Under Article 5, Section 2 it can be done by 2/3 of the Legislature. That's not what I'm saying we should do at this point, but if we continue to have problems with this type of a judge. Judge Rubinow rendered only directsupport of regulatory judgment, related to 10-240 and 2-241, which raises tax to operate for schools by towns. In Canton, now the case

MR. BOYCE: (Continued)
was in Canton only. They're trying to make a class action suit for the whole state but it's not really so. She still has this case open and which is . I talked to him and he couldn't talk about the case and I know he can't, but I just found out it wasn't closed.

And it's for Canton, you know. If they're satisfied with what they're going to get it can be dropped. Unless some other town wants to sue now, and use the same test now, they have all kinds of law suits coming up for the next few years, whatever formula you make out here. It's not reasonable. That's why I'm going back to Section, Article 8, Section 1, to change that as soon as you can. Make it take a year or so, and then continue as you are and fund education, get more money from the state and help all the towns and cities out.

REP. GOODWIN: Mr. Boyce...

MR. BOYCE: Okay, one more point and I'm almost done here, all right?

REP. GOODWIN: Please.

MR. BOYCE: All right, Judge Rubinow states, he says, he still retains jurisdiction of this court action. Legislature continues looking at problems. See what they said by May first, the deadline. You are still trying. I don't believe the Judge will really try to put the screws to the Legislature or call them in contempt or so forth, as you're worrying about, you know. If you're really working at it hard in this last year or so, maybe for three, four years let it ride by, but now we're getting down to brass tacks here.

I'm sure, I don't want you to listen to anything, because New Jersey has big problems and we could have big problems if we rush into some bad formula or some bad laws. So I would say haste makes waste and we've gone five years now it'll be December 26, this year, so I think another year, ahalf a year is not going to hurt anybody. I thank you.

REP. GOODWIN: Thank you very much. Mr. Foot followed by Mr. Stockham.

THEODORE FOOT: Madam Chairman, members of the Committee, my name is Theodore W. Foot. I'm the Superintendent of Schools in

S-142

CONNECTICUT
GEN. ASSEMBLY
SENATE

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1979

VOL. 22
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thereon and that the Agenda be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

Thank you Senator. Question is on adoption of the Senate Agenda. Will you remark? Hearing none, those in favor indicate by saying aye. Those in opposition to? The Agenda is adopted. You may proceed, Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, moving to the Calendar for today, we will take up just one item, the most important item, on page 29, Calendar 644. Mr. President, I would move for a Suspension of the Rules to allow for immediate consideration of that matter.

THE CHAIR:

The question is on page 29, Calendar 644, Suspension of the Rules for the immediate consideration of that item. Will you remark on Suspension? Is there objection to Suspension? Hearing none, it is so ordered. The Rules are suspended. The matter is properly before us Senator. HB 7586

SENATOR LIEBERMAN:

Thank you Mr. President.

THE CHAIR:

Senator Leonhardt.

SENATOR LEONHARDT:

1979 GENERAL ASSEMBLY

SENATE

APRIL 25, 1979

SENATOR LEONHARDT:

Mr. President, I rise to disqualify myself from this Bill and because it is a most important piece of legislation coming before this Chamber in this Session, I'd like to briefly explain, for the record. I'm a member of the same law firm as Attorney Wes Horton. He's not the attorney of record in the case in the State Supreme Court which precipitated this legislation, but he is the father of the plaintiff and the architect of the law suit. He continues to be involved in the law suit in the suit which is continuing its jurisdiction in the courts.

I personally don't believe that I have any true conflict of interest in this case in that it's not a paying case - Barnaby Horton does not pay his father for representing him and I have not had any personal involvement with the case myself. But the Attorneys' Professional Code of Responsibility says that Attorney Horton and I are considered as one and the fact that it's a probona case is irrelevant. And I think it could reasonably be suggested that there's an appearance of conflict of interest that my conduct in the General Assembly, if I were to offer an Amendment here today, might be considered to be building a record for further litigation. I think there could be questions raised about my own motives and, though I play a

most minor role in both arenas, I think my taking part in this matter could result in a blurring of the distinction between the Judicial and Legislative branches. Though we have no specific separation of powers clause in our State Constitution, as we do in the Federal Constitution, I'm uncomfortable on the one hand to have a role in fashioning legislative remedy and, on the other hand, having an involvement through a law associate, in the Judicial review of that remedy.

I think those who know Wes Horton, realize the importance of him - realize the importance to him and indeed, the importance to this case that it stay totally out of politics and I think that if I were involved in the General Assembly, it might appear as if there were a political extension into the General Assembly of his efforts in the courts. And if I became involved in any legislative negotiation on this issue, that it might carry the suggestion that my proposal would be adequate to stop any further appeals to the courts. Naturally, this suggestion, even on a tacid basis would be improper for Attorney Horton or for myself.

Some may say that the suggestion that there might be an appearance of conflict might be somewhat extreme, but sometimes questions are seen most clearly in their most direct form. However, Mr. President, because this is the biggest issue facing the State today and because neither Attorney Horton nor I have

any financial interest in the outcome of this case, beyond any normal person having children in the school system, I will depart from the normal tradition in cases of this law applying disqualification and reserve the right to speak out in the future as an elected representative on this issue. I should not, however, in my judgment, take any formal part in formal proceedings and for this reason, I disqualify myself under Rule 15.

THE CHAIR:

Thank you Senator. Pursuant to the Rules, you have a perfect right to absent yourself and you must also absent yourself from the Chamber, Senator. The Bill is properly before us. Senator O'Leary .

SENATOR O'LEARY:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill. HB 7586

THE CHAIR:

The question is on acceptance and passage. Will you remark, Senator?

SENATOR O'LEARY:

Yes, Mr. President, we are here to address a problem with the method by which Connecticut distributes its educational money to the cities and towns of the State. The Supreme Court,

in the Horton versus Meskill case, ruled that Connecticut's method of financing education was unconstitutional. The court found, and the Education Committee agreed with the basic findings of the Court, that the problem with Connecticut's distribution rests in three areas.

First, with Article 8, Section 1 of the State Constitution which reads there shall always be free elementary and secondary schools in the State. The General Assembly shall implement this principle by appropriate legislation. Also, the Court found that it violated the equal protection provisions of both the Connecticut Constitution and the United States Constitution. And finally, Section 10-4a of the Connecticut State Statutes reads each child shall have equal opportunity to receive a suitable program of educational experiences.

The Court took these various provisions and interpreted from them that the true meaning is the State shall provide a substantially equal educational opportunity to its youth in its free public and elementary secondary schools. And further, that we are not providing that opportunity today. I don't think there is any Senator in the Circle who would deny that today more than any other time in the history of this State, it would be unreasonable to expect that a child could succeed

in our society without having access to the equal educational opportunity. The Court found, and we agreed, that the amount actually spent on education in the State of Connecticut varies increasingly with the tax effort of the town so that a poor town has to tax at a greater effort to spend the same amount or less than a property rich town. And the wide disparity that exists in the amount spent on education by the various towns results primarily from the wide disparity that exists in the taxable wealth of the various towns.

The present system of financing education in Connecticut insures that regardless of the educational needs or wants of the children or their parents, more educational dollars will be allocated to children who live in property rich towns than to children that live in property poor towns.

The present problem has arisen from circumstances that have developed over the years, a great disparity in the ability of local communities to finance local education which has given rise to the consequence of significant disparity in the quality of education available to the youth of this State. The Court held, and this is very crucial, that there is a direct relationship between the breadth and quality of educational opportunity and the per pupil expenditures in the school districts.

Finally, the Court held that although the State may properly delegate some of its responsibility to education for

the education of local students, such delegation does not release the State of its primary duty and that primary duty is to provide an equal opportunity to receive a suitable program of educational experiences to each child. We feel that the Bill before us does this. If you will bear with me now, I'll go through the Bill briefly and then, on a series of yields, will have the opportunity to inspect the various provisions of the Bill in more detail.

Section 2 of the Bill which is the initial part of the Bill, deals with the GTB formula, the equalization formula. The Education Committee moved toward a GTB formula because it felt that it was necessary to address equity in two phases. Equity to the taxpayer and equity to the student. In the first part of the formula, we equalized all of our current State funds. The $150 million which is going presently toward a flat grant and the $40 million which is in our present GTB formula. In addition, the current formula will add $20 million in new money so that in the first year of the phasein will have approximately $220 million of State money which will be equalized.

We will also equalize to the 9th wealthiest town, that is the town with the 95th percentile. It was felt by the Committee that to go to the 100th percentile would require a monumental effort to equalize to 100 percent and that this kind of equalization for those last few towns was not required.

The formula will use the most current population and income estimates from the US Census. The present formula which

we are operating with uses data from 1970. Transportation costs will be added to the school tax effort. They are presently not added.

Tax effort will be adjusted for income. Need will be defined as the number of students plus one half AFDC. The formula will be phased in over a five year period of time. It's felt that this five year period of time is most suitable for several reasons. First, to meet the reality of the State Budget. Also, to provide the local towns to adjust their expenditures to meet the added or decreased money which will be coming from the State. The phase in period will involve 56 percent of the 100 percent funding the first year. 67 percent '78-89 and finally the fifth year, 100 percent.

As you know, there was a recommendation made by the State Board of Education that some towns receive nothing at all. Presently, most towns are receiving at least $250.00. It was felt by the Committee that to eliminate the $250.00 grant completely would be a severe blow to the budget of any town and also that it was in the interest of the State to provide at least $250.00 to provide the educational opportunity or every student in the State. The total cost of the formula is $391 million at full funding, in five years.

Beginning in Section 16, the Bill equalizes the very large categorical grants which are now distributed, the Court

noted, on a disequalizing basis. The first and most significant of these is the special education grants. That grant amounts this year, to $60 million. The Court found that that grant not only is not distributed to the towns on an equalized basis, but in fact, is exactly the opposite. Those towns which are best able to provide special education which have the most wealth, receive not equal to the poorer towns, but in fact, more State aid than the poorer towns. We've recommended an equalization on a 40 percentile spread from 30 percent to 70 percent. All towns would be arranged by their adjusted equalized net grand list per capita; one through 169 and will be assigned a percentage point between 30 and 70percent.

This aspect of the formula will also be phased in on a five year period. No town will lose dollars under this formula. There is a provision built in to hold all towns harmless at their present dollar amount. We also changed the percentage that we seek to reimburse. Presently, net excess costs of special education are reimbursed. The formula will move to net costs.

Also, in 1980-81, the formula provides that the State of Connecticut move to current funding for special education. This has been an ongoing problem, especially for the poor town which did not have the upfront money to begin the program in the first year. They have had to wait at least one year for

the State reimbursement. This will change it to current funding. Transportation is also equalized, again on a 40 percentage point spread. The scale used in transportation is 20 percent to 60 percent. There is a similar dollar hold harmless provision in the equalization of transportation.

There is, in Section 3 of the Bill, a minimum expenditure requirement. It was felt by the Committee that it would be not enough for this legislature to simply give funds to the towns without requiring that a certain sum be spent on each pupil's education, to help guarantee that that opportunity for equal education is there. The minimum expenditure requirement will be phased in over a five year period of time and it will range from $1640.00 to $1950.00.

The Court further found that it was necessary for the legislature to make sure and to examine that this educational opportunity be carried out in the towns and we've included in our Bill, an equity portion. The purpose of the equity portion is to guide the local districts in their spending decisions to better fulfill the State function of providing equal opportunity for each child. This equity provision is one which begins from the bottom to the top. Initially, there is a provision that the local Boards of Education develop goals. The State Board of Education will review those goals only insofar as they pertain to statewide goals. A further Section 10-16b will be

modified. We've had a number of courses that have accrued over the years through various legislatures. It's quite a hodgepodge. The Bill seeks to clear them up and to come up with some sort of comprehensive educational program. We include such things as the arts, career education, history, mathematics, economics, geography, government, etc. It's a more rational program of instruction than has accrued piecemeal over the years by the various legislatures. We require that the State Board of Education make available curriculum materials and other information to assist the local education associations in developing these goals and programs.

There is a due process provision in the equity portion of the Bill. Any local education association, resident, parent or guardian or the State Board of Education may initiate a complaint against the local community. The State Board of Education would determine whether the complaint is substantial. They would send an agent out to make an inquiry. A report would be made back to the State Board of Education. The local education associations would be given an opportunity to be heard, and if it was found that the complaint is verified, a remedial process would begin. Again, this is working from the bottom to the top. The remedial process would begin in conjunction with the State Board of Education to improve the

local community's education operation and to bring it into compliance. The State finally could go to court to seek an order to bring a local Board of Education in compliance, but when the State Board of Education would go to court, it could only be in very narrow and specific areas.

Those are areas where the local Board would be violating a specific provision of the Statutes that require the State Board to oversee certain operations of the local Board.

That is the main part of the Bill. At this point, Mr. President, I would like to yield to Senator Audrey Beck who would explain a bit more detailed, the provisions of the equity formula.

THE CHAIR:

Thank you Senator. Senator Beck, if you accept the yield.

SENATOR BECK:

Mr. President, in detailing the further components of the formula, we would lay out that the formula is based upon three building blocks; one local capacity; two local effort; three local need. One, local capacity - taxpaying capacity is based upon two measures. One, relative adjusted equalized Grand List capacity. Two, relative per capita income. This formula is intended to equalize the ability to raise school funds by comparing that wealth at the 9th town to the relative position from that town of each town in the State below that level and to distribute the State aid to education on the basis

of the principles of equalizing those funds which would be available per mill rate levied for local school tax purposes.

This legislation embodied in the formula, multiplies that measure of wealth taking into account relative equalized Grand Lists per capita, and relative income per capita, by comparing that to the equalized local mill rate. Having multiplied the measure of wealth by the local equalized local mill rate, we then multiplied those two components by the numbers of students plus one half AFDC student.

Turning to the specifics of the formula, the equalized adjusted net Grand List is to be that as determined by the annual sales assessment ratio study conducted by the State of Connecticut. That figure is to be divided by the per person count and that figure is to be determined by the total - the enumeration in the most recent Federal dicennial Census of Population or the current Population Report Series issued by the United States Department of Commerce, Bureau of the Census, whichever is most recent. That figure is then multiplied by the per capita income in 1974, divided by the highest town per capita income in 1974; that figure being for purposes of the beginning year of distribution, the most current data available to us. These components then, will have been multiplied for that town which is the 9th wealthiest in the State and, for

comparative purposes from then on, subtracted from that figure will be the adjusted equalized net Grand List for the particular town concerned, divided by the numbers of persons in 1975, times the per capita income in 1974, divided by the highest town per capita income in 1974. Having determined that component what we have achieved is relative position. We then multiplied that by the net current local expenditures for each particular town as defined in Lines 38 thru 45 in the Bill, subtracting from total current expenditures of the public schools, expenditures for pupil transportation, capital expenditures for land, building, equipment and debt service, adult education, health and welfare services for non-public school children.

That in turn, will be divided by the equalized net Grand List for the relative town, multiplied by the per capita income in 1974 over the highest town per capita income in 1974 and this will give us a ratio of relative local effort.

Finally, we multiplied those two components by the ADM for the preceeding year and one half the AFDC count in that particular town or city. The purpose of this formula, put more broadly, is that it is intended to provide an equal capacity to raise funds per local mill rate levied, from those resources which are realistically available from the State. By taking into account particularly both the local property tax

base, the Grand List, and local income. The State of Connecticut has developed in this formula, one of the most sophisticated and sensitive measures of wealth used throughout the entire United States. It is probably one of the best and most sensitive indicators particularly when combined with that same measure as applied to the local total school expenditures. That combination of sensitivity then yields a particular capacity to resp nd to local differences in taxpayer efforts and taxpayer capacity.

Finally, the components of this formula take into account to a limited degree, but a significant degree, a concept of municipal overburden because the division of the adjusted equalized Grand List is by the person count and, therefore, takes into account implicitly, the higher burdens and the higher population centers in our State. And secondly, takes into account the particular burdens and costs of having students who are severely disadvantaged by means of lack of adequate income and who are measured indirectly by use of the AFDC measure. Mr. President, the purpose of this formula is to provide the most reasonable within the capacities of one's judgment to put together, the most reasonable formula to distribute those funds which the State of Connecticut has available to its local municipalities. And it is intended by use of this legislation and this formula, that we shall achieve as referred to in the Court case, equalizing the ability of the various towns to finance education which would provide all towns, property poor and property rich, with the opportunity to exercise

a meaningful choise as to educational services to be offered to students. This, in the judgment of this General Assembly, is the intent of trying to equalize those funds available to our municipalities. This formula is intended to provide current data to meet that need as the situation changes and to seek the most reliable data available for purposes of local property tax measures, income measures, and expenditures. Expenditure count will be controlled by specific definition. Population count will be provided on as objective and meaningful basis as we have and the measure of wealth as determined by property will come as close as is reasonable given the capacity of the State of Connecticut to provide this information at this point in time with a meaningful and a fair measure of wealth.

I would like, Mr. President, to yield at this time to Senator Mustone who will discuss with this body the categorical grant formulas for distribution.

THE CHAIR:

Thank you Senator Beck. Senator Mustone, if you accept the yield.

SENATOR MUSTONE:

Yes Mr. President. Mr. President, in addition to the general aid which the State gives to the towns for the support of education and which we are attempting to equalize under the guaranteed tax base formula, we must also address the two large categorical grants which the State makes to the towns

for the support of special education and transportation. Let us deal first with the second largest grant program, special education, which in this current year's budget amounts to close to $60 million. This large chunk ofmoney is distributed to the towns in a way which not only is not equalizing, but is in fact, disequalizing; that is, it discriminates against poorer towns. State assistance, in fact, flows to the towns almost in inverse proportion to the town's ability to pay. The Supreme Court's decision in Horton versus Meskill, focused very specifically on the disequalizing impact of State aid for special education in the following statement.

Because of the two-thirds reimbursement provision of the State aid Statute for special education, towns that spend more on special education receive more State aid than towns that spend less. Higher education spending towns, towns such as Darien, were and are able to attain, able to afford, the one third portion. Better equipped to identify special education problems and better staffed to apply for the funds. An examination of present State funding for special education shows that, on the average, low wealth towns received less State aid per pupil than do wealthy towns. $44.00 per pupil in the lowest wealth category for 1975-76 compared to $66.00 per pupil in the high wealth category. We don't need a Court

to tell us that this is wrong. The fact that special education is not reimbursed until the following year, makes it more difficult for poorer school districts to come up with the initial cost of the range of special educational opportunities and indeed, this delayed payment causes difficulty for all towns.

Finally, the present formula for reimbursement is unnecessarily complicated and has the potential for influencing the type of program a child receives. Although we perhaps have all thought that our towns received two-thirds of the actual cost of the special education, this is far from the truth. Because of the construction of the present formula, the reimbursement of actual special education costs vary from a high of 67 to a low of 40 percent. Again, because of the structure of the present formula, towns with a very large number of full time special education students receive low percentage reimbursement. Towns with few full time students receive a high percentage. The formula, as you can see, is clearly not neutral to the placement of the child. The special education section of the Bill in the file, attempts to address all these problems. Referring to the last problem first, we are proposing that the grant for special education be based on the total special education expenditure for the town, subtracting out only Federal Grants and tuition received from other towns.

This makes the formula neutral; that is, it will not in itself influence the placement of a child.

We also recommend that beginning in fiscal 1980-81, towns will receive their special education grants on a current year basis. That is to say, in this year's budget, we will reimburse for last year as we have been doing right along. In next year's budget, we will pay for next year's expenses. The town will submit, in July of each year, its estimated special education expenditures for the coming year. It will receive its grant in three payments, with the final payment in April adjusting for over or under estimates. This should be a great help to the towns, particularly the not unusual case of a town confronted with several unexpected and expensive special education placements after the budget is already in place.

Finally, the proposal addresses the most important question of distributing the funds on an equalizing basis. As we are mandated to do so by the court's decision, and indeed, by our own sense of justice. In the proposal, the towns will be reimbursed on a sliding scale of thirty to seventy of the net cost of special education with the wealthiest town receiving 30 percent; the poorest town getting 70 percent and the other towns evenly along the line between those two percentages.

Obviously, if we were to make this funding completely equalizing and we don't know if the court may demand that, we would have to make the sliding scale stretch from zero percent to one hundred percent. The Education Committee feels that this would create considerable hardship for some communities and we reject that alternative.

We could also have chosen a narrow range of 40 to 60 for instance, but it seemed fair that the range would be too narrow to come close to meeting the mandate for equalization and would, in fact, be a lesser range than now exists and we rejected that alternative.

The 30 to 70 percent scale then, seems to be a range which we hope will satisfy the courts without causing serious dislocations to the towns. We should also note that all towns will be held harmless; that is, no town will receive less in dollars than it does this year. The grants for transportation will also be made on a sliding scale and a simplified formula. The scale will be from 20 to 60 percent of the total cost of transportation. Again, the range is not an accident but is directly related to current practice and the equalization mandate. As in all parts of the proposal before us, the changes are phased in over a five year period with the exception of the change to current funding of special education which will take place in one giant step in fiscal year 1981. Thank you Mr. President. At this time, I would like to yield to Senator

Schneller.

THE CHAIR:

Thank you Senator. Senator Schneller, if you wish to accept the yield.

SENATOR SCHNELLER:

Yes, I do Mr. President. Mr. President and Members of the Circle, one of the great debates that took place early on in the deliberations of the school finance advisory panel that, as you know, spent approximately 18 months developing a response to the Court's mandate , was subsequently presented to the State Board of Education was whether or not we should deal with the educational issues as well as the fiscal issues in providing a remedy to the Court's mandate. Should we attempt, in fact, to define what we mean by a suitable educational program and how are we to do this in the light of Connecticut's strong history and tradition of local control? And if we were to do that, what role should the State Board of Education and the State Department of Education play in this process? We asked ourselves if we would be discharging our constitutional responsibility of providing equal protection to free elementary and secondary education by merely providing money or should we, in addition, provide a responsibility to exercise oversight as to how this money is to be used.

We came to the conclusion that a process to deal with oversight of the educational aspects of this issue were as

important as the fiscal areas and I believe the manner in which this is to be accomplished as set forth in Section 10 thru 14 of the File copy still retains the important values of local control and local decision making in our educational process.

The two basic reasons why I believe that it is imperative to address the educational issues in meeting the mandate of the Court - you know, when you spend 18 months studying an issue, there are certain key statements, certain key elements that stand out in your mind that you remember. One of the most vivi that I remember is a brochure that was passed out to us some year, year and a half ago, that was published by the Educational Policy Research Institute of Princeton, New Jersey which is the consulting firm that worked with the School Finance Advisory Panel. And this is entitled "Money and Education, Where Did the Four Hundred Million Dollars go". The impact of the New Jersey Public School Education Act of 1975. And I used to ask myself time and time again, will some day, some other consultant write a similar brochure and study about what the school finance advisory panel has recommended.

And one of the things that I wanted to make sure in our work of the school finance advisory panel, that a similar study would not be conducted was to provide some mechanism to make sure that the Three Hundred and Ninety One million dollars

Connecticut is going to put into a school equalization plan is not frittered away. And in order to make sure that I feel it is imperative that some oversight in some reasonable way, be provided to deal with the educational aspects of this important issue.

The second major reason for dealing with the educational aspects is the Court decision itself. And there are a few key, selected passages from that Court decision that, in my opinion and in the opinion of many others, make it imperative that we deal with the educational issues.

The first is on page eleven of the Court decision which states - we find our thinking to be substantially in accord with the decisions of the New Jersey Supreme Court in Robinson versus Cahill and in the California Supreme Court in Sorano versus Priest and whether we apply the fundamentality test adopted by Rodrigus or the pre-Rodrigus test under our State Constitution or the arbitrary test applied by the New Jersey Supreme Court in Robinson versus Cahill, we must conclude that in Connecticut, the right to education is so basic and fundamental that any infringement of that right must be strictly scrutinized.

From our legal consultants, I have learned that a matter that is strictly scrutinized by the Court over rides all other matters unless there is a compelling State interest and nowhere

in the Court's decision does the court indicate that local control is a compelling State interest.

Second, very significant passage and, in my opinion, the key passage in the Court's decision - we must conclude that without doubt, the trial court correctly held that in Connecticut elementary and secondary education is a fundamental right that pupils in the public schools are entitled to the equal enjoyment of that right and that the State system of financing public education and secondary education as it presently exists and operates, cannot pass the test of strict judicial scrutiny as to its constitutionality.

Now, what the courts have said is that education is a fundamental right. Education. Not the abilities of towns to provide funds for education, although the Court does deal with that, but the Court says that education is a fundamental right and again, I have learned from our legal advisors that a fundamental right is one that cannot be denied unless there is a compelling State interest.

It's on that basis that the school finance advisory panel came to the conclusion that the educational aspects of this issue must be addressed. And finally, one final passage from the Court's decision - in which the Court indicated that the Rodrigus case is very relevant to the appeal before us and then further quoting from the Rodrigus case, the Court indicated

that two other observations in the Rodrigus majority opinion that also obviously had their affects on State action. The first is in the reaffirmation of the statements made in Brown versus Board of Education. And that is a Supreme Court decision of 1954 that for me, and many others, has been the guiding star in what we are proposing today. And what Brown said was that education is perhaps the most important function of State and local government and in these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

Such an opportunity where the State has undertaken to provide it is a right which must be made available to all on equal terms.

Mr. President, Senator O'Leary has outlined in his initial presentation those sections from the File copy that deal with the educational aspects. They are contained in Sections 10 thru 14. I won't go into those Sections in detail. They deal with the setting of goals by the State and the local education agency. They deal with a minimum curriculum. It adds an important definition to the educational interests of the State in that education must be financed at a reasonable level which will be defined as at least equal to the minimum expenditure requirement and then Section 14 sets forth a

procedure of the local community and the State in working through a process, a due process, in the event a suitable educational program is not being provided to students in any of our school districts.

There is great concern on the part of some that these sections dealing with the educational aspects of this issue impinge too heavily on our long history and tradition of local control. I think in our work in the school finance advisory panel and in the subsequent hearings and meetings of the Education Committee, of the General Assembly, we have been particularly sensitive to this issue because we recognize the important values of local control, local decision making and local input in our educational process. But I think we also recognize that it is necessary and important to have a measure of state oversight. I think that we have found a reasonable, workable balance in creating a true partnership and it's on that basis that I feel comfortable with sections 10 to 14 that we have in fact, addressed in a proper way, the educational aspects and at the same time, have retained the very important ingredient of local input and local control.

Mr. President, I yield to Senator O'Leary.

THE CHAIR:

Thank you Senator. Senator O'Leary, if you care to accept.

SENATOR O'LEARY:

Yes, Mr.President. That concludes our overview of the formula of the Bill. And I think that it's proper to note to the Senate, that the acid test of any formula is the distribution of the funds. And the array of the towns as recipients of those funds. When this formula is fully funded, 95 percent of all state grants to towns and cities in Connecticut will be distributed on an equalized basis. Presently, per pupil expenditures are paid for approximately 31 percent State, 6 percent Federal and 63 percent local. When fully funded, this formula will provide 42 percent of the funds thru the State, 6 percent Federal and 52 percent local. In any town the State's share of funds can vary from a low of 10 percent to a high of 70 percent.

Finally, the formula will make grants in amounts inversely proportional to the wealth of the community as measured by its adjusted equalized net Grand List per capita. This is exactly the opposite of what we are doing today, notably in the special ed section of the formula. This relationship, the inverse proportion distribution of funds to wealth, holds at both full funding and at the first year phase in. I think that we in this State owe a debt of gratitude to those parties who brought suit and to the Court for pointing out to us that we were not meeting our Constitutional mandate; that we were not providing

an equal opportunity for education for each child in the State, but the ultimate solution to this problem must come from the lawmakers and from the democratic pressures which they reflect. I think that the Bill which we have before us today responds in such a fashion. I urge you to support it.

THE CHAIR:

The question is on acceptance and passage. Will you remark? Senator DeNardis.

SENATOR DE NARDIS:

Mr. President, I believe the Clerk has a series of Amendments. We could take LCO 7661 at this time.

THE CLERK:

Clerk has Senate Amendment Schedule A, File 440, Substitute House Bill 7586, LCO 7661. 7661. I might add LCO 7660 had been distributed. This has also been distributed and is in place of 7660, offered by Senator DeNardis.

SENATOR DE NARDIS:

Mr. President, I would suggest a waiving of reading of the Amendment and I will explain.

THE CHAIR:

You may proceed, Senator.

SENATOR DE NARDIS:

Thank you very much Mr. President. The Amendment before

us makes a change in the formula as reported in the File copy of the Bill. What it does is to remove the one half AFDC from the formula and it would fund the formula or it would fund the towns to the 8th wealthiest town. The first year phase-in would be the same percentagewise as is listed or approximately the same as listed in the Bill and it would yield therefore, a $219 million payout. If I may be permitted to comment.

THE CHAIR:

You may Senator. You have the Floor. This is Senate Amendment, Schedule A.

SENATOR DE NARDIS:

Mr. President and Members of the Circle, the subject of school finance reform has been one that has been near and dear to me for a very long period of time. It is one that I have considered for many years to be one of the most important issues facing our State. I have behind me a poster board which is entitled "The Odyssey of Barnaby Horton". I somehow feel that that board could have also been depicted as the Odyssey of Audrey Beck and Larry DeNardis and more recently, Dick Schneller, Con O'Leary and Dorothy Goodwin. And many others. But I mentioned Audrey and myself because I think it is fair to say that Audrey and I, back in 1971, when the famous Serano case was decided in California, I think were the first two in the Connecticut General Assembly to see the implication to the

State of Connecticut, so much so that we bothered our respective leaderships that year to get some action, at least by way of study, and they pacified us by sending us to Houston, Texas to do some study on our own. Audrey and I went to a seminar in Houston shortly after the Serano decision and we met with the plaintiffs in that case, their lawyers and various experts who had been studying the subject for a number of years.

And we came back from that trip convinced that many states would be vulnerable to Serano type litigation but Connecticut would be particularly vulnerable. I might say that at this time, young Barnaby Horton who has caused all the stir in Connecticut, was but three years old and I'm sure not thinking about school much less the implications of school financing. And probably his father wasn't thinking too much about it at that time. Some of us were able, in 1973, to get a legislative commission established by virtue of General Assembly action and I can remember how proud Ruth Truex, Howard Klebanoff, Audrey Beck and myself and others were that for once, for once in our experience, we seemed to be anticipating a problem that would come to pass inevitably and that for once we might get the jump by doing some homework, by finding out precisely what was wrong with our current system and by coming up with some recommendations. As Homer said in the Odyssey, he serves the

most who serves his country best. And 1973 was the shining moment because it augered the possibility that this legislative commission would make some recommendations and beat the litigants to the punch. A few months after, we did have litigants. Wes Horton, on behalf of his son and other children in Canton, Connecticut, filed the now famous Horton versus Meskill decision or case. And even as he was entering the Hartford courtroom in late Fall early winter of 1973, the commission had started its work. And running on parallel tracks, the commission did its study and the court proceedings moved along.

And lo and behold, the eminent jurist, Judge Jay Rubinow whom we all have a great deal of respect for, gave us his verdict in December of 1974 and the verdict was as nearly everyone thought it would be, that our system of school funding is illegal and unconstitutional and must be changed.

Fortunately, the legislative commission had its work done by December of 1974 and recommended at that time to the incoming 1975 General Assembly that we adopt a guaranteed tax base system. When we read the decision in Horton, it was clear to us that we had chosen the right vehicle, as those of you who are familiar with school finance know, there are at least five differnet ways you can attack the school finance problem and the guaranteed tax base approach is but one. We anticipated the Court's decision that the problem would be one of achieving tax payer equity and the best, the cleanest the most efficient way to achieve taxpayer

equity is through a district power equalizing vehicle which we call the guaranteed tax base. And indeed, Judge Rubinow, in the Horton decision, adopted the rule of fiscal neutrality which directs that spending for education may not be a function of the wealth of the particular community and thus, a plan which equalizes the financial abilities of the various towns to finance education, that is to say at a given tax rate each town, whether property rich or property poor, would be able to raise approximately the same amount of money; that a plan of that nature would solve the basic problem in the case.

Now, there were a number of people at the time, who had a number of more complex formulas and approaches to the subject, but those more complex formulas and proposals do not go to the heart of the Horton decision. The Horton decision, which some of us have read and re-read - I'm sure more than we would like to admit, talks about fiscal neutrality. It talks about achieving taxpayer equity. The GTB that the legislative commission recommended to the 1975 General Assembly would have done that. But the 1975 General Assembly decided, in their wisdom, to make some changes in the formula. Still, even with those changes, it was a vehicle that many of us could live with. Unfortunately, in 1975, our incoming Governor said the cupboard was bare and

therefore, even though we knew we were faced with a momumental problem, we adopted a mechanism but we grossly underfunded it. In fact, if Bob Houley, who used to sit to my right hadn't taken a weekend trip to his native state of New Hampshire while the session was on and discovered that they had a special lottery there, an Instnat Lottery, and came back with the idea and told us - hey, I know how we can at least throw some money into the GPB by adopting this thing called the Instant Lottery which yielded some $7 million that year, we wouldn't have had any money into the formula.

We would have had a formula but no funding. But thanks to Bob Houley, we had a formula and $7 million. Hardly enough to equalize when we were spending about $150 million with the flat grant which does not equalize, which in fact, as we know, disequalizes.

For four years, '75, '76, '77 and '78, we fiddled with this issue. We fiddled with formulas. You know, in the story of the Odyssey, his wife Penelope sat weaving while Oddessus went on his ten year journey. Well, for four years we sat fiddling with formulas subject to this group and that group and the other group making their demands, trying to grab a piece of the pie and most of those groups sadly were not concerned with the letter and the spirit of Horton versus Meskill. They saw an opportunity to get some new bucks in a very tight

economy and they went after those bucks, under the guise of school finance reform.

Oddessus, during his hourney, was seduced by syrenes along the way and those of you who know something about Greek Mythology, know that the song of the syrenes always implied great promises and that's all we heard through these years were great promises. Fortunately, we were jolted back into a sense of reality in 1977 when the Supreme Court gave us its final decision in Horton upholding Judge Rubinow's decision. Meanwhile, Barnaby Horton, who was three years old in 1971 when Serano signalled to the country, including Connecticut, that we were going to be in trouble on this issue, and who was five years old in kindergarten when his father filed the suit, was already now moving through the grades and in the 4th grade. This year, in 1979,

Young Barnaby is in the fifth grade and he's still waiting for a resolution of this matter. And I'm sure Con O'Leary and Dick Schneller and others feel with all the intellectual honesty and sincerity that they can muster that we have a remedy for Barnaby Horton and the six hundred thousand plus school children of this state in our public school system.

But we must look at what the Court said and we must be honest with ourselves about what we are doing with this formula.

Is it legal? Is it fair? Is it adequate? Those are the questions we must ask. And when we look at the legality, we see that we have not adopted, strickly speaking, the rule in Horton - the rule of fiscal neutrality. We have gone beyond that. Now is there anything wrong with going beyond that. No. Not when you got a lot of money to spread around. When you've got a lot of money to spread around you can adopt a basic concept and as many add-ons as you wish. But when you've got two hundred million dollars to allocate over a five year period starting in the first year with the lowest amount of money - thirty million dollars, which incidently is not radically different from major changes that we've made in school funding from the 1950s to the 1960s through the early 70ies. I can remember years when we added more than thirty million dollars to the old ADM. So the amount of money is small. And we should have used that money and targeted it as carefully as possible.

Let's look at the formula. It has three components as have been cited here. Wealth, effort and needs. I might add that the formula, and take a look at it, and any of you who have the basic grasp of higher mathematics will see that it consists of three products, four multiplicans, a dozen or more numerators and denominators and about a dozen factors. And I submit to you that while I'm all for exact mathematical precisions, the more factors that you load into the formula, the more you make its results diffuse. And it's the diffuseness of the way the money is spread without carefully targeting those towns that are property poor by definition that is the problem in this.

Now, you're going to hear some talk now and following about the disapportionate amount of money that is going to the cities. And I want to say to Joe Fauliso and Sandy Cloud and to my friends from Waterbury and New Haven and Bridgeport that my remarks about this subject should not be confused or misinterpreted by any of them. And I'm sure that those with whom I have served with over the years know that there isn't a member of the Republican side of the aisle in the State Senate who has been more urban conscious than this Senator. But the issue is not urban aid. The issue is fiscal neutrality with respect to the way we raise and distribute money for public education. It does not have anything to do with the intense and dire problems of the north end of Hartford or the seven inner city communities of the city of New Haven. Those are legitimate, important, neglected issues by this General Assembly and they should be addressed. And any major proposition to address those cities, to address those problems, always has, and always will have, my support.

Look at the formula. When we look at the question of wealth, what do we do? The Courts said that the easiest, simplest measure of wealth was to take the Grand List and divide it by the number of pupils; but when you do that the cities don't come out quite as poor as they would like to in terms of the formula and the take. So what did we do? We went through a "more sophisticated measure of wealth" by taking not pupils but people and then along the way we modified it by P.C.I. Per Capita Income and at one point we modified it by Median Family Income. Naturally different measures of wealth affect different kinds of districts differently and it's obvious in defining wealth under the formula we have defined it in such a way as to aid some cities.

Look at the question of tax effort. An effort is really supposed to be the heart of a GTB because we are supposed to move away from wealth as a prime determinate to effort as a prime determinate. What have we done with respect to tax effort? We have factored in something called municipal overburden. To what extent should municipal overburden be a factor? Some say that to the extent that the burdens of the tax dollar of non-educational services reduces the ability of the school district to raise funds for education, the issue of municipal overburden should be a consideration.

Look at the decision. The decision does not say that it should be a prime consideration. In fact, the issue of the heavy demands of the tax dollars for certain central cities was not explicitly dealt with by the court. It has been given considerable weight in the formula.

The third and final component is that of need. How do we define need? Well, that is the simplest of the three products that we have before

us in the formula. We have defined need by the number of students,but again to help the cities the proposed formula adds extra credit for students whose family is on welfare. Not withstanding the fact that we have a seven million dollar additional program called state aid to disadvantaged children which targets educational, federal and state educational relief money for this kind, for cities that are heavily impacted by welfare and low income families. So in each one of the three products we have an urban weight, not an insignificant urban weight in each one, a heavy urban weight which influences the determination of wealth, effort and need. All we are doing in the amendment before us is saying "Alright, we are not going to fight a losing battle on all fronts, leave the urban weight in for wealth. Leave the urban weight in for effort but with respect to need let us be a little bit more precise and say let's talk about students." We therefore, in the amendment before us take out the AFDC from the formula and if you look over the figures you will see that the cities are not going to be losing their shirts, in fact there are very hefty increases even under our amendments. The city of Hartford which has been the subject of so much discussion, currently gets 9. 7 million , would under the file copy get 14.7 million next year, would under our proposal get 13.5 million. Still a major increase. I ask you, in Hartford, and any other city that is experiencing the dramatic increase, does any city know how to spend that kind of money intelligently , sensibly and geared to produce increases in after all, what is the object of all of this, improved student achievement.

I don't think so. And I know a little bit about the state of art

in education. I don't know how this money is going to be used for education purposes. It is not going to be used for education purposes. It is going to be used for property tax considerations. Do I feel that property taxes in our cities should not be reduced. No, they should. But not under the guise of finance reform. Let's be parsimonious with what we have. Let's go without to meet a problem. Let us not waste it. We live in an era of limits. We live in an era of scarcity. We can't afford to spend any more money for any particular problem than we have. If we have to give a block grant to Hartford, for special problems, or New Haven or Bridgeport or Waterbury or wherever, let's do it and let's call it by what it is for what it should be used for. But not for educational equalization. Because it doesn't apply by my reading of the decision. I submit to you that H.B. 7586 - and I don't pretend to have divine judicial wisdom on this, I'm not even a lawyer butI've been involved with this issue so long I feel I know something about the legal aspects of this particular issue - I don't think it's legal and I know there are a number of thoughtful people in this Circle, some of whom I've mentioned and referred to earlier here, who have serious reservations about whether it is legal.

Is it fair? Does it meet the test of equity? It doesn't meet the test of equity as long as we have overweighted the formula. The towns of eastern Connecticut in Audrey Beck's district and Jerry Murphy's district, in Mary Martin's district, those were the towns that should have been the principle beneficiaries of school finance reform. Those are the towns that time and time again were used in the decision, in discussions, throughout this whole several year period as the examples of property-poor. Property-poor beyond belief.

It's almost as if eastern Connecticut is another state. It bears so little resemblance to central and western Connecticut. It is - pardon the expression - and I don't mean this in any denegrating way - the Appalachia of Connecticut. And it should have been the primary focus of our reform efforts. Much more. And I would support any amendment coming out today that would help those cities and those towns. I've driven through them. Dorothy Goodwin on the Education Committee is fond of saying to us one of the best things we can do as members of the Education Committee is drive the state of Connecticut and see the vast differences from town to town. Well, I haven't done all the towns. I think she's gone east to west and north to south surveying the towns. But I have driven many times the towns of eastern Connecticut and even the poorest towns I know of in the New Haven area do not reach the level of poverty and want and need as do the towns in Audrey Beck's district and the others that I've mentioned.

The formula does not help those towns the way they should. And they are being short-changed and indeed the formula in the final copy is a fraud in that respect.

We can make some change by adopting the amendment. The amendment does not make radical changes in the formula. It does though distribute the money a little more fairly. Is it adequate? I don't know. No one knows whether the amount of money we're devoting to this is adequate.

Audrey Beck has told me time and time again, we don't have to spend anymore new money if we took what we are spending, eliminate the, ah, ADM and distribute it according to an equalized system. Well, we are not doing that. We are holding harmless. We know what we are doing. We are bowing to political reality. But when you hold harmless, you can't add just thirty million more. So, do I think it is adequate. No. At least if we had taken, instead of thirty million, fifty million the first year, - I can remember Lew Rome standing in this chamber last year saying, "Why don't we take fifty million dollars off the top before we do anything else in any other program area before we touched anything else." I think he had the right idea. I think he knew that this had to be the priority item. This is not the priority item this year; rhetoric notwithstanding. This is, ah, we are trying to satisfy for the time being school finance and also we are trying to satisfy a number of other things. We can't have our cake and eat it too because we haven't got the money. It's April 1979. We are about to pass something under the gun of a court mandate by May first and we are probably going to pass a formula which willbe found wanting. Meanwhile, Barnaby Horton is in the fifth grade and he is getting older. You know Odysseus in his journey was wandering throughout Greece and Macedonia and Thrace for ten years - for ten years -; it may well be ten years or more before Barnaby Horton and the

other plaintiffs in the case get satisfactory remedial action, because if this is found wanting, unless we make some changes today, we know sure as shooting that we are going to be back in the courts and we are going to go through another lengthy legal process and we are going to have to take another crack at it and this time do it right, and by then Barnaby Horton will be in high school and by then the prime learning years, his prime learning years will be over. They are almost over now. Why don't we face up to the educational and fiscal requirements of this decision and put politics aside and do it right. I thought we were doing it right back in 73 when we got the jump on the suit. I thought we would be serving the most by serving our country the best - translated into our state scene here; but the best of things, Homer said, beyond their measure over due. And that's what we are doing here. We are overdoing and missing the mark. Talk about sensitivity, and Audrey Beck talked about the sensitive nature of the formula; it's too sensitive, Audrey, it's too sensitive to too many needs and misses the original mark for which it was intended. Thank you.

THE PRESIDENT:

We are on Senate A. Will you remark further. Senator O'Leary.

SENATOR O'LEARY: (7th)

Mr. President, I strongly oppose Senate Amendment A - the removal of the AFDC factor from the formula. Prior to my

remarks, I would have to point out two things which I think Senator DeNardis said, if I heard him correctly, that maybe in error. With regard to the tax effort portion of the formula, there is no urban weighting. There is a weighting in that section to consider income in that that may help the poor, if the poor are all located in cities, only then would it be an urban but not all the poor are located in the cities, and Senator DeNardis questioned what have we done for eastern Connecticut. If you examine the adjusted equalized net grand list per capita array, the AENGLC we call it, and just quickly run through your chart and look at those towns that are below the one hundred mark - Beacon Falls, 121; Brooklyn, 157; Colchester, 150; Coventry, 142; Eastford, 139; East Hampton, 123, Ellington, 118; Hebron, 112, Killingly, 152; Lebanon, 119; Ledyard, 135; and I am not even halfway through the list. The weighting is perhaps the most powerful factor in the formula. Those are rural and small towns that I was just calling out and that very low position will certainly help them. The AFDC factor moreover has been included in our current statute. We have precedent for using this factor. It recognizes municipal overburden. You speak, through you to Senator DeNardis, sir, of fiscal neutrality. I would put to you that fiscal neutrality would be justified if we had a kind of student neutrality, but we don't have that. We know that students with special problems are concentrated in particular areas of the state. This formula has

got to recognize that. In our Capital City, for example, fifteen percent of all students requiring compensatory education; ten percent of all special education students; fifty percent of all bi-lingual students and a quarter of all students on the AFDC are located in that community. Those are special problems, those are educational problems as well; and they have to be addressed in a special way. The Connecticut Court recognizes that problem. If I may read to you from the court case - obviously, absolute equality or precisely equal advantages are not required and cannot be attained except in the most relative sense. Logically, the state may recognize differences in educational costs based on relevant economic and educational factors and, of course, offerings of special interests in diverse communities. None of the basic alternative plans to equalize the ability of various towns to finance education requires that all towns spend the same amount for the education of each pupil. The very uncertainty of the extent of the nexus between dollar imput and quality of educational opportunity requires allowance for variances of individual and group advantages and local conditions. You speak of the need for foresight. This formula shows foresight by including the AFDC as a factor. The State of New York's formula was recently rejected in the Levittown case by the Supreme Court of that state. In rejecting that formula, the Supreme Court in New York stated, and I quote - if equal treatment of unequals is discriminatory, then providing less favorable treatment of unequals has to be

as even worse discrimination- end of quote.

I would put to the members of this circle that the AFDC factor is going to be one of the most critical factors in determining in the future whether we are meeting the requirement of the state to provide educational opportunities for each child in the state. And in keeping with the classical allegory of my distinguished colleague, I would note that if we listen to his siren song, our ship is going to flounder upon the rocks of a Supreme Court case.

THE PRESIDENT:

Will you remark further on Senate A. Senator Beck.

SENATOR BECK:

Mr. President, as one of the people very concerned that this formula be well-grounded conceptually in equity and in thoughtfulness, I must say one, that the AFDC count which we are addressing here is a direct addressing of student need wherever that student is. There are AFDC students throughout the State of Connecticut, small towns, middle-sized towns and cities, eastern Connecticut included, but above all Hartford, New Haven, Bridgeport, Waterbury, yes; but we were addressing in that part of the formula students' needs which have been identified as high-cost needs. We were addressing a need element and indirectly the urban areas benefit most because their needs are the most. But we are not addressing municipal overburden primarily through this factor. Secondly, and most

important, because I am from eastern Connecticut, and because I am concerned with tax problems as a professional, I would state here and now that the use of the income factor, that single factor is probably one of the most creative things that the State of Connecticut has ever done. Why? Because we know, as the courts themselves did not understand fully, we know that the capacity to pay the local property tax is not grounded solely on property wealth but on the income available with which to pay that tax. And I would say to you, Mr. President, that this formula is complex because we want to move beyond the ordinary and we want to address true capacity to pay. We have not reached perfection but we have reached further than most states in the Nation. I would say on behalf of eastern Connecticut, to my dear friend Larry DeNardis, who does care about my district that we do not have enough money from this formula nor does anyone in the state nor will anyone in the real world have the kind of money that we ideally would like to give everyone with needs outside of education. But I would submit to you that we in eastern Connecticut have benefited from this court case to a significant, not a perfect, but a significant degree because we allies of the urban areas and we are not antagonists. We share poverty but we share ability and this formula gives to those towns in eastern Connecticut a high grant per pupil particularly in the 29th Senatorial District where the needs were probably greater, aside from the urban areas

where the needs are greatest, were greater than anyother identifiable needs. And I would say to you that this General Assembly can be proud that it has at least addressed in a thoughtful and meaningful and caring way the great needs that a formula without an income measure would not have been able to reach into; and specifically in terms of that formula to solely identify local effort as a routine formula would by means of a mill rate would not have reached into the needs of the Naugatucks and the Killinglys and the Putnams and the Derbys and the Ansonias whose needs are not measurable by a local mill rate until we ask a mill rate somewhere and the where is the dollars in their pocket. So I submit to you, Mr. President, that this is a humane portion of our formula. It deals with poor children who need the help addressed by the state in a specific formula. Those children who are lost in the numbers unless we say, this is for you; and secondly, the subtle the sophisticated income measure that is something creative, that is something for the taxpayers to be proud of because we have recognized that the realities of this world demand that the limited funds we can give, given all the other burdens of a real state in a real time of stringency, that we have tried to meet taxpayer equity as best we can, although not mandated to, we address something more important we would be able to stick conceptually and I think indeed that it will.

THE PRESIDENT:

Will you remark further on Senate A. Senator Cunningham.

SENATOR CUNNINGHAM: (27th)

Mr. President, I rise in support of Amendment A. The problem, Mr. President, is not the intent, for the intent of including in the formula the AFDC factor is definitely laudable. The problem is what is the effect of that portion of the formula. The desire to provide for basically an overburden to municipalities for those students coming from a poverty level which, of course, Senator DeNardis has pointed out is in part covered by our special aid programs to disadvantaged, programs such as that to directly get to those problems. But aside from that, what is the nature of the problem and how does it relate to school funding. By keeping it in the formula as a multiplier, what do we do? We say that for each additional AFDC student in Hartford the City of Hartford will get, and this is regardless of any aid for special education and disadvantaged, but just under this formula almost two thousand dollars extra. But that same child in another community will only bring that community four or five hundred dollars extra. What the problem is here is that it is in the formula as a multiplier and as a multiplier does not fairly relate to the problem it is trying to solve. I would support efforts to provide perhaps more in the area of disadvantaged, to take up this overburden in the cities, but it does not belong in the multiplier in this formula. So I would urge support of the amendment. Thank you, Mr. President.

THE PRESIDENT:

Will you remark further on Senate A. Senator Fahey.

SENATOR FAHEY: (3rd)

Mr. President, one of the classic dilemmas facing a Legislature in many decisions is whether to act in the narrow sense, that is to push for everything for one's own district, or to act as a state senator in the broadest sense and respond to the needs of people wherever they are located in Connecticut. Many of us in this circle face such a choice today. As a background to that choice, we must deal with one unalterable fact. The courts will no longer allow the children of our poorer, urban and rural communities to educationally suffer because their towns are unable to raise the funds to insure them an adequate education. We can no longer escape the moral or constitutional duty of the state to see to it that our children, all our children, urban and rural, black and white, rich and poor, receive that opportunity. It is against that responsibility that we must judge our efforts here today. Each of us must ask ourselves a simple question. Are we doing what we ought to do, what we must do to provide the opportunity to grow and flourish to our most important resource, our children? The plan to meet these goals which we are considering today is the result of the extraordinary efforts of Senator O'Leary, Senator Mustone, Representative Goodwin and their colleagues on the Education Committee. And I wish to compliment the committee, the members on their dedication and their product with the sense

that there is little that I can say that will extend the full credit which is justly theirs. Their plan which I, and I hope you, will support today is not the penultimate plan - the politician's dream, a bill that will do all things for all people. Yet is that a reason to criticize it. I think not. What the bill is, rather, is a realistic document, one which gives additional educational aid to almost all towns and the towns of East Hartford, Manchester are included. But consider the need to insure that the children who need the most assistance will receive an equal chance to achieve. Again, it is not the Golden Egg, but it is time we admitted to ourselves and to our constituents that there are no Golden Eggs. The alternate formula offered by our honorable colleagues on the other side of the aisle hopes to win success on the narrower grounds. Will we of the circle judge what comes before us by the single standard, what does it do for me? In good conscience, we must rise above that. The plan offered by the Education Committee offers new assistance to the towns which I represent. In its first year, East Hartford will receive three hundred and forty thousand dollars in new money. Manchester will receive an additional four hundred and eighteen thousand. With that help, property tax pressure can be eased and programs can be strengthened where needed. The alternate formula, it is true, would add a few more dollars to my district, but very few, particularly when viewed in terms of its impact throughout the rest of the state.

But that is not the full story of who would really win and lose. Those who would win big would be those few wealthy towns, the one whose need is least; and those who would lose big are the poorest communities, the ones whose needs are the greatest. The reasons that Hartford and New Haven and the other towns receive more money than other communities is not because of the formula but because they have poor people living there in conditions that perpetuate their poverty. If in the future we improve housing opportunities and job opportunities in our cities, this formula will address the concerns of everyone in this circle because with those problems eliminated, it will equalize the need. Thus a vote against the efforts of the Education Committee and for the alternate that is being urged on us today is a vote to continue the inequities which the Constitution, the courts and more importantly, our consciences demand that we reject. The Education Committee's formula is a fair plan which takes a long step toward fully meeting the education needs of our state. The alternate, by contrast, beguiles us with promises of personal political self-survival and calls upon us to ignore the legitimate needs of our neighbors. I cannot and I will not respond to such a call. I will vote for the Education Committee's plan and against the alternate formula and call on those in this circle to join me in fully meeting the responsibility to provide a decent educational opportunity for all the children of Connecticut. Studies show

that two-thirds of the people in the State of Connecticut, as individuals, have demonstrated their unselfishness by engaging in or more civic activity where they are doing something for someone other than themselves. It is only fitting that we, as senators, and our communities should demonstrate the same type of selfless concern. Thank you, Mr. President.

THE PRESIDENT:

You're welcome. Will you remark further on Senate A. Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, our distinguished colleage, Senator DeNardis, has recited the Odessey of Barnaby Horton and he was correct when he cited his outstanding contributions to the first study commission that dealt with financing Connecticut's schools and completed its report in January of 1975. I think maybe the Odessey was so long ago that Senator DeNardis has forgotten some of the statements that were made in the report of the Study Commission that he co-chaired in 1975. Because Senator DeNardis has indicated here today that funds provided in the General Aid formula should in no way be used for tax relief in those communities of high school tax rates and high school effort. But in 1975, in recommending the guaranteed tax base formula, the Finance Committee or Commission stated and I quote - a town could choose to use the entire increase in state aid to substitute for funds formerly raised locally. This would

allow the towns to lower its school tax rate while maintaining the previous level of school expenditures.

A further quote from the Commission's Report - in discussing education aid to urban areas -- another alternative would be to consider as the measure of property wealth on which the GTB was based, a per capita rather than a per pupil measure. Such measure would be a better reflection of a community's resources to finance all types of local services. And to continue, - we wish to encourage further analysis of this special finance problem faced by the state's most urban areas. The plights of the cities deserve a firm recommendation. Therefore we recommend a ten million dollar equalization program for all cities above the seventy-five thousand population. These funds are to be distributed on a per pupil basis.

And one final quote from that report - aware of the greater educational needs of children from low-income families, we recommend a substantial expansion of the current program for educating the disadvantaged.

Now what I read from that report is that a measure of equity should be provided in a formula to those towns that have high burdens of high school tax rates and I also read from that that recognition should be given to disadvantaged children in a community because of the added burden of educational costs. That is the reason, the sole reason, for the addition of the half AFDC element in the need section of the formula, in my

opinion, it is essential to recognize, as Senator DeNardis did back in 1975, the additional costs incurred for those students and it is for that reason that I would oppose this amendment which deletes the one-half AFDC factor.

THE PRESIDENT:

Will you remark further on Senate A. Senator Bozzuto.

SENATOR BOZZUTO: (32nd)

Mr. President, I rise to support LCO 7661 which has been pointed out removes one-half AFDC or redistributes some thirty-four million dollars of the entire formula. Mr. President, I have heard some high-sounding phraseology here, about the court rendition, about the intentions, the high motivation of the Committee and of this General Assembly as to what they intend to do; but let's state now for the record, for the people back home that this proposed formula by the Democrat majority does not have much to do with school financing. In fact, it deals primarily with municipal overburden, wealth, population and as was stated in the debate in the House, the haves and the havenots accept that someone is determining who the haves are by their own arbitrary methods rather than a fair and equitable assessment. And indeed, after more than five years of study, after more than eighteen months of the School Finance Advisory Panel, principally the formula we have before us today was determined in the last two weeks, not by that Panel, but by self-interest groups who were concerned more with how much are we going to get. We need more for our own interests and we want you

to take it away from the haves and give it to us because we qualify as havenots. In the last two weeks. Not eighteen months, not five years, but a self-interest group right in this city. Yes, Mr. President, the last two weeks. I won't detail you with a reading from Horton-Meskill. We have heard them all. I'll ask you, if you will, to look at some charts we passed out. They are on your desks. Specifically, it seems, the court said - what indeed we should do and Senator O'Leary has said, we must reduce the reliance, and we can expect in the fifth year, Senator O'Leary said, that the reliance will be forty-two percent State; six percent Federal; fifty-two percent Local. Let's look at the reliance in some of the communities around this chamber and let's begin with Hartford. Hartford, currently, Column I, spends twenty-one hundred dollars per pupil. Hartford will receive full funding, fifth year, sixteen hundred and fourteen dollars; currently Hartford receives one hundred and sixty-seven dollars in special aid; three hundred and thirty-one from Federal aid; twelve dollars in a transportation grant. Hartford will be receiving two thousand, one hundred and twenty-four dollars; twenty-four dollars more than they currently spend or zero reliance, zero reliance on the property tax.

Senator Fahey, I was amused by your comments. I ask you, go back to the Town of East Hartford, go back to those aircraft workers, tell them indeed they are wealthy, they have wealth beyond belief. They have such wealth that, indeed, they

should be sixty percent reliant on their property tax. They have got to dig into their pockets for seven hundred and thirteen dollars, while Hartford gets a bonus to do with as they please.

Senator Barry, the Silk City of Manchester, very wealthy. Those people that have worked in mills all of their lives have scrimped and scraped to buy a home and who are the bulk of the property tax in this state; fifty percent reliance on the property tax. Senator Barry, again with Bolton, another one of those very, very wealthy communities; fifty-two percent reliance.

Senator Curry, Newington and Wethersfield, Newington typical of the small Connecticut towns, where in fact, diligence and responsibility have helped to build a community. Newington dig into your pocket; fifty-seven percent, you pay seven hundred and seventy-five dollars out of your property tax for education. Hartford goes Scot-free. Wethersfield, you pay sixty-nine percent.

Senator O'Leary, your own community, sixty-three percent in Windsor Locks.

Senator Smith, go back and tell your citizens in Wallingford that you did a good job for them, but you are so pleased that they are doing so well that you think they, indeed, ought to pay forty-six percent.

Senator Mustone, your hard-working citizens in Middletown will pay sixty-five percent or they will be sixty-five percent reliant on the property tax and you today are going to vote to

have Hartford go Scot-free.

Senator Prete, if indeed you find it in your heart to vote for this, you will be voting for your citizens to be sixty-two percent reliant on the property tax.

Senator Skowronski, the hard-working people in Derby and Ansonia, it will be very easy for you to indicate to them that because of their diligence, they will have to pay forty-eight and forty-three percent respectively because evidently their unemployment rate is not sufficiently high, evidently their average wage is too high.

Senator Martin, Stonington, one of those towns in the far eastern part of our state, that we are to help. They will be fifty-nine percent reliant.

Senator Murphy with Columbia, one of your more wealthy communities. They will indeed be forty-eight reliant.

And Senator Baker, one last appeal, because Danbury is so important to this state. You tell them that they are going to pay eleven hundred and one dollars from their property tax and Hartford will go Scott-free.

Senator Ruggiero, Torrington, you tell them they can afford to pay thirty-eight percent.

Senator Casey, with Bristol, you tell those workers at the GM plant that they can afford to pay five eighty-two while Hartford goes Scott-free.

And Woodstock, Senator Skelley, you can tell them they

S-143

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can be forty percent reliant

And the test of the court case, Canton, would you believe, Senator O'Leary has said the state will be paying an average of forty-two percent and the very site of the court case, Canton, will be fifty-seven percent reliant on property tax while Hartford goes Scot-free. And the court specifically said Canton's reliance on real property tax has the principal source of its fund for providing public school education has not been diminished in any legally, significant degree, nor indeed would it be diminished by the measure we have before us today.

Senator Schneller waived a little booklet entitled, Money and Education" and he said we shall hope that Connecticut will not have the very same things said about them. But he didn't tell us what that report said and that report said that low, wealth districts increased their current expenditures slightly less than the state average increase while making substantially larger reductions in their personal property tax. They used the money to reduce their property tax. In some, although the state substantially increased its contribution to education, the beneficiaries were not the students of poor districts rather than leading to substantial increases in educational budgets of low wealth districts, the new school finance program provided the greatest benefit to taxpayers of low and moderate wealth communities and it concluded by saying, formulas designed

to equalize reliance on their property tax neither required nor in general result in reductions in disparities in per pupil expenditures and we can look at the New Jersey case, in 1975 and 1977, and you have it in your package, and you see by the two correllary lines that they is indeed no significant reduction. In fact, it has been stated of the twenty plans in place, there has been no squeezing of the difference; in fact, in most cases, it leads to a growing dollar differential between the kinds of communities. If, indeed, the money is used for property tax relief, let's look where it is going and let's rationalize why one community should be the beneficiary. Why one community should have so loud a voice in this General Assembly while one hundred and sixty-eight sit by and let decisions be made for them, not in the best interest, Senator Fahey, of all the citizens of the state, but in the interest principally of the Democrat voting strongholds. Let's look at Hartford and let's look at what they are going to do with their money. And you have in your package a form entitled, "Can We In Effect Afford to Equalize Overspending?"; which is what you are asking us to do. Hartford in a comparison of sixty-six major communities, by a major accounting firm, has been selected as the biggest overspender nationally. Let's forget sixty-six, let's look at two cities in Connecticut, let's look at New Haven and Bridgeport. Senator Lieberman, you tell the people of New Haven that, in fact, they have managed their money so well that they are not deserving of sixteen hundred and

fourteen dollars per pupil, that you will have to reduce that amount by one-third because they have kept their expenditures under control; and Bridgeport, Senator Owens, you tell your folks in Bridgeport that because they border on a very wealthy community, because they have done something about welfare in their community that they will have to have forty percent less. And what you do by voting for the file amendment today is recognize the waste, recognize the inefficiency, recognize the political incompetence of Hartford, recognize the mal-administration, and send more dollars down that drain because they had a better lobby. They had a better, higher-paid lobby. They spend twice as much as the major cities in the state - four times as much as the next highest spender in the Nation and are unwilling to attend to their problems.

Recently there appeared in a forum on the New Haven Register an article by William McGurkin, Professor of Urban Economics, and the author of school financing reform and he said - property tax relief for the state's poor communities appears a worthwhile activity but this should not be called school finance reform in the traditional sense. Moreover, not all poor towns are treated equally. Urban poverty receives greater attention than rural poverty and he points out that Plainfield is more uniformly poor while incidentally it is the high-income families in the urban areas that own commercial property that will benefit principally.

And let's look at who the beneficiaries are going to be in those urban areas and let's look specifically at Hartford because they are the principal beneficiaries and, in fact, this is the fifth year will mean a tax reduction for the City of Hartford and the principal beneficiaries will be the Travelers, the Aetna, the Hartford Electric Light and it will not be reflected in your utility bill, IBM and The Hartford Fire Insurance. And why? Because in the large urban centers, the property is primarily owned eighty-five percent by large commercial and industrial users and only fifteen to twenty percent by people in residences and the statistics are exactly the reverse in a smaller community; so that what we are doing is subsidizing with state tax dollars the heavy property owners in the large communities or we are subsidizing the wealthy property taxpayers. We heard a great deal about municipal overburden. And there was an individual who was asked to participate in the school finance advisory panel, a Professor Walter Gorham (?) of Stamford, a former elementary school teacher and school district business manager; he has acted as a consultant in school finance in a dozen states; he served as an advisor to our own panel and I quote the Professor - cities have also complained of a condition called municipal overburden; they allege that the property tax for schools is only one of the competing claims for the tax dollar and that nonschool property taxes are much higher in cities than they are in other jurisdictions. They feel, therefore that the valuation of property per student should be reduced

by the ratio of nonschool property taxes to total taxes. This would produce a much lower valuation per student in the cities and therefore more state aid and he concludes - we specifically reject this argument on what we consider to be solid public finance ground, but let's for a moment talk about municipal overburden of another source. We have heard of the municipal overburden because the large urban areas have the hospitals, the institutions of higher education and we have heard that because they do not receive total payment in lieu of taxes, we should be doing more for them. Let's look at the municipal overburden in the small and the medium sized communities. You know what happens when those people move up and out from the urban communities? They move to the small and the medium sized communities and they take their children with them and those communities have municipal overburden of another sort because if you look at this sampling of statistics, you find that in the smaller communities between 25 and 30 percent of their population is involved with students that require education and in the large communities the average is some fifteen percent. So, yes, the urban communities have municipal overburden. They educate the students; and is this legislation meant to educate students or buildings? That's what you must decide. Are we going to send the money to the large urban areas to reduce taxes on buildings? Are we going to distribute it more evenly to educate children? That's the decision we are here to make today.

Dr. Charles Bentham (?), a professor of economics at

the University of California and a foremost expert in the area of public school financing and the author of the Economics of Public Education has said with regard to municipal overburden - it is seriously flawed as an argument. No one can yet estimate what share of municipal costs can be attributed to the excessively high wage and salary levels of municipal employees. Some public sector unions are notoriously aggressive and it is simply not clear whether city administrations bargain carefully with those unions or whether they are inclined to make settlements that are simply too generous. Does that strike home in some of these large communities? He said - secondly, some part of municipal costs may be incurred to cater to the tastes of city residents for expensive services. Possibly suburban dwellers would like to have similar services but feel the need to restrain their appetites. If this is so, it might be unwise to demand that suburban families subsidize the extravagances of the city which is what we are doing today. Third, uncritical acceptance of the municipal overburden argument leading to massive increases in general support of city government and the general lowering of the city tax rate could have, as one of its effects, the subsidization of rich municipal property owners some of whom might be regarded as absentee exploiters of the urban predicament. And today, you intend to do all of that. You intend to subsidize those urban ex ploiters. You intend to steal from who you have categorized as haves and to give to have-nots and let's recognize, finally, what you are doing. You are

playing politics in an austere year. You are saying we have no money to send you but we have a conspiracy. We have a conspiracy that unbeknown to you, because it is so complicated, because earlier in the year we said pay no attention, we will get the figures later and late in the year they said they said pay no attention, we will solve the problems next year. The problems will not be put off. The problems are here. The problems cry for equity. The people of Connecticut, all the people of Connecticut, not just the urban dwellers, not just the big buildings and the big property owners in the big cities are crying for equity but people throughout this state who want to educate their children and who want to own a home and pay a reasonable property tax; and who want to be sure that the money you collect as a state tax is spent fairly and equitably. All of them are crying for equity and you have closed your ears. You have locked your caucus. You have enough privacy of your own discussions that you cannot waiver. Get this program through. It's important to the Democrats and the Democrat Party. It's votes in an election year. Shame on you! Thank you.

THE PRESIDENT:

Will you remark further on Senate A. Senator Fauliso.

SENATOR FAULISO: (1st)

Mr. President, reasonable people can differ on a formula but I certainly resent allegations of conspiracy of theft and the litany that has been pronounced by Senator Bozzuto. My

city does not need defense. Mr. President, Senator Schneller gave me some information which I have read before but it's worth repeating. Hartford's exceptional effort and the proposed GTB and its weighting for AFDC children reflects significant educational overburden. Fifteen percent of all compensatory education students statewide. Ten percent of all students requiring special education and nearly half of all bi-lingual students.

Now Mr. President, it seems that the City of Hartford is being made the scapegoat and the whipping boy and that's very unfortunate. Let me state clearly and emphatically that there was no conspiracy. At no time did I personally either influenced or conversed or even discussed with people who have been involved with this formula. So the allegations are truly figments of Senator Bozzuto's vivid imagination. And Mr. President, when we talk about the City of Hartford, please let me remind you that in the City of Hartford we do have tax-exempt property, much of which is represented by state-owned property. Federal buildings. Four hundred and seventy-four million dollars worth of exempted property within its boundaries. More than any other municipality and that's about thirty-one percent of the property in the city. The city itself owns 193.5 million of that total. More than double the state's 74.4 million share, according to the City Tax Assessor. The rest is owned by the federal government which holds 27.6 million. By the Metropolitan District which owns 22.8 million; and by

private, nonprofit institutions. And Mr. President, Hartford, indeed, makes a major contribution to the coffers and to the treasury of this state. Hartford's residents and businesses sent over two hundred million dollars in 1978 and the State of Connecticut sent back approximately forty-four million dollars. And Mr. President, it should be stated that Hartford is, indeed, one of the most distressed cities in the United States and the city has only twenty-four percent of the region's population yet it houses fifteen, fifty-seven percent of the region's welfare caseload and that's according to the 1970 census. Furthermore the problems of the region's unemployed and under-employed blacks, Hispanic and whites are automatically the problem of the City of Hartford. The city has served and will continue to serve as the first resident for the new entrance to the regional economy. This is dictated by the nature of the city's housing stock which is eighty-eight percent rental and which compromises the majority of the region's subsidized housing and lower rent, private market apartments. The concentration of the region's poor in Hartford creats a twofold crisis. It erodes the city tax base and it forces the city to spend a large percentage of its budget on health and welfare. Now Mr. President, if anyone has created a political argument it certainly has been the minority. This is an issue that transcends political consideration. Going back to 1974 or 73, when Senator DeNardis played a prominent role and I believe he chaired that particular committee, if my memory serves me well,

because it was in the Meskill Administration, these were people who were committed in creating a report that would best respond to the educational needs of the state; and then the panel, chaired by Senator Schneller, and that body certainly worked long and hard, some eighteen months, and here we have people in this circle who in a single moment would engage in political rhetoric and somehow wipe away all of the rational arguments, all of the deliberations that have gone into this kind of creation. Mr. President, I am impressed, of course, with the evidence of the Odessey and indeed it may well be called also the Genesis of Barnaby Horton; and Mr. President, no one really knows. We can speculate what the Supreme or the Superior Court, or indeed the Supreme Court may do. There are some that will argue, and indeed it would be a reasonable argument that what we may be doing here today may not be adequate but that's speculation. Mr. President, but along side this document, if we enact it this afternoon, will be another document - the budget of the State of Connecticut which will indicate to the court that this represents the spending of the State of Connecticut, the kind of services that we give and the kind of money that we have to spend for these services and within the constraints of that budget, we have come up with thirty million dollars and three hundred and ninety-one million dollars in the next five years; and ask you to accept as a reasonable judgment for funding education and to equalize education. The court did not say absolute equality,

Mr. President. And when we make reference to AFDC, scattered in that decision of the Superior Court of Judge Rubinow and of the Supreme Court, there are many references to the student's needs and, indeed, there is municipal overburden and, indeed, there is education overburden and to ignore those two items and those two elements is to indeed render an injustice to the total problem of education. Mr. President, I am proud of my city. I am not here defending city government per se. I am here defending the people of my city who have made sacrifices, who have faith in the growth and development of the City of Hartford. They yearn for the day when the middle-class people will come back to our city to help us revitalize it and when we must keep our doors open so that they will come and the only way we can do this is to invite them to an education, and there is a correlation between the cost of education and quality. And this is what we are trying to achieve. We are trying to achieve a parody, something that is equitable. Indeed we may not be able to do what we do in Greenwich but we are trying to give the people an opportunity. Those that have to live here, to say that we are going to give them an education that approaches indeed approaches equality and that, Mr. President, is the challenge. So what we are trying to do and help us in that effort, help us to revitalize the city, help us to keep our city moving. We can only do that by offering quality education and this is the way we can do it by offering this kind of money. And I challenge the figures by Senator Bozzuto. He claims that

it is going to be twenty one hundred and twenty-four dollars. We will never exceed sixteen hundred and twenty-one dollars, Mr. President. I think, Mr. President, that he has exaggerated, exaggerated this issue much out of proportion. Way back in January thundered and disseminated the message throughout the State of Connecticut telling all the towns and cities, you are loosing here and you are going to lose there. Mr. President which prompted Senator Schneller to say that there are going to be 133 winners and 33 will maintain the status quo because of the two hundred and fifty dollar so-called ADM which was not called AdM any longer. Mr. President, it saddens me that we have given this issue the dignity of politics and politics should be subordinated. This is no time for politics. This is the time for reasonable people to get together to develop a program that will be acceptable. I hope and pray that it will be acceptable by the court. I don't believe that the court of this state will encroach on the powers of the Legislature. I think the Legislature has made a judgment and I think that judgment is a reasonable one and I object and will vote against the amendment.

THE PRESIDENT:

Will you remark further on the amendment, on the amendment, Senate Amendment Schedule A. Senator Cloud.

SENATOR CLOUD: (2nd)

Mr. President, I rise to oppose the amendment and to join my colleague and distinguished leader of this Senate in

echoing the concern of the remarks of the minority leader of this Senate. For the issues that we are dealing with today, in my opinion, do not call for what I consider to be the reckless rhetoric of Senator Bozzuto and I am dismayed that Senator Bozzuto would use this forum, this issue and this occasion to make such reckless, rhetorical remarks against the people that we attempt to represent and against the leadership of local government in our community. Certainly Senator Fauliso, I am sure, would agree with me that we have many differences from time to time with local government leadership on issues that face us all, but to characterize the work of Senator Schneller, the work of Senator O'Leary, the work of Representative Goodwin, the extensive debate that occurred in the Finance Advisory Panel and in the Education Committee and, indeed, more recently in the Appropriations Committee and even the debate on the floor of the House of Representatives of this General Assembly, your remarks do not stand well. In connection particularly with the way in which the formula has been devised and I might add, Senator Bozzuto, that for different reasons I have some problems with the formula but I can assure you that my remarks will not be reckless as we try to deal with this most important issue.

Now let's talk for just a moment about why the AFDC factor was put into this formula as a part of a need factor and since you have made it your point to make Hartford the scape-goat and the major thrust of your remarks, I think it is

important to have the record set clear about why this factor is in there. First of all, as a member of this circle, certainly as minority leader of this Senate, while we may disagree philosophically from issue to issue, I think it is a general principle all of us who sit here that the citizens in greatest need of services of government are the poor, whether they be working poor or those who are on public assistance and to some extent to some population groups in our state victims of racial and other kinds of discrimination. I think, Senator Bozzuto, it would be well for you to know that, obviously you do not know, over twelve thousand of city of Hartford residents are presently out of work. Of the unemployed, almost eighty percent are black and Hispanic. Fewer than thirty percent of our residents have graduated from high school. In almost every aspect of our society, the problems of economic decline are multiplied in their impact on our city and our residents by racial discrimination. Unfortunately, more recently some of our suburban neighbors have systematically excluded certain minority groups by refusing certain federal programs which would help a city such as Hartford to alleviate some of the burden that we presently have and will continue to have and meet the responsibility because those people happen to be bad. But know and understand, Mr. President, members of the circle, that ninety percent of the public housing for poor families in our region are located in Hartford. Know that our transportation system provides the middle class with easy access

to city jobs and in return city residents are denied access to highly decentralized and expanding network of suburban jobs particularly in the manufacturing sector. That minority unemployment continues at a rate unaltered since the second World War and minority youth unemployment remains twice to three times that of whites. And I set this forth on the record, Senator Bozzuto, so that maybe you can have a better understanding of what the impact is on children. Children such as those that were here this afternoon to watch this debate. Children who come from poor families, whose parents are unemployed, some of whom are on public assistance and are considered to be disadvantaged students. And shouldn't they have recognition in a formula with the hopes that they will have as much equal opportunity to education as the children who reside in your senatorial district? And that really is the issue. And that really is the reason why the AFDC factor is set forth as part of the need factor. I wish I could go along with my friend and colleague Senator DeNardis' analysis that really what we ought to be doing with municipal overburden is to deal with it in another program, another way, another bill. Senator, maybe some day that day will come. The track record certainly doesn't indicate that. There is nothing to lead me to believe that in the future we are not going to have continual restraints on the budget unless we do some bold and created things with our tax structure, which I will deal with later; but until that time and until we know that the disadvantaged students,

the students of low income families and those on public assistance who bring to the school system not by their choice but by the condition of the environment in which they live and grow that they bring special problems to an educational system which must be recognized in terms of the services that must be provided. And so to the extent that this formula attempts to address that problem, it should be in there and it should be recognized. And I feel that the amendment that is being offered presently to take out that factor under the guise of putting it in some other program is one that is illusory; and as long as that continues to be the state, I would have to with all figure oppose such an amendment that is going to deny a better opportunity for children who are in need of educational opportunities to a greater extent, probably more than many other children who come from environments that give them a head start when they enter that educational system and to the extent that the work of Senator O'Leary and Representative Goodwin and Senator Schneller, I have attempted to address this issue by setting it forth in this formula. I think it is a good effort and therefore the amendment should be defeated.

THE PRESIDENT:

Will you remark further on the amendment, Senate Amendment Schedule A. Senator O'Leary for the second time on Senate A.

SENATOR O'LEARY:

Mr. President, I am sorry to have to rise for a second

time on this amendment, this first of fourteen amendments, and I ask my colleagues to bear with me a little longer, but I have to clear up some of the reckless charges that have been made in the debate with regard to the Education Committee that somehow in the past two weeks under terrific pressure from lobbyists we had changed the entire formula and have come out with the one before us. The formula that the Education Committee had to work with was the formula recommended by the School Finance Advisory Panel, a formula which had a heavier educational overburden factor than the one we are presently dealing with. When the new sales assessment ratio data became available to us, we realized that we would not be required to have such a powerful municipal and educational overburden factor; and on March eighth, we requested of the State Department to conceive a new formula that would reduce the educational overburden factor. That formula was brought to us on March twelve and it is essentially, in fact, it is exactly the formula which we have before us today. And that formula was accepted, voted on by the committee after much debate, approximately two weeks ago. It is also unfortunate that the City of Hartford somehow becomes the focus of this debate. It is understandable, however, because by any criteria you examine it as compared to all the other one hundred and sixty-eight towns in the state, the City of Hartford clearly does go off the chart. Part of the reason for that has been explained to you by myself, by Senator Fauliso and by Senator Cloud. Let me

give you some further indication of it. A good deal of it has to do with Hartford's commitment to education. I am sorry that Senator Bozzuto considers this extravagance and waste. Hartford in its expenditure on education and in absolute sense is the eighth highest town in the state. In its effort, Hartford is the second highest town in the state. Hartford's school tax rate is 46.5 mills. The Town of Greenwich is 6.6 mills. That's quite a considerable difference. Hartford has twenty-seven thousand students; of those students, twenty thousand are AFDC children. Senator Bozzuto's town has four thousand two hundred students, one hundred eighty-eight are AFDC students. Hartford is the 148 poorest town in the state. We have the 148 poorest town spending the eighth highest figure on education making the second greatest tax effort. Senator Bozzuto's town is the 87th highest spending town. This formula also recognizes the fact that Hartford should be spending more. The amendment we have before us would knock that provision out altogether. Hartford's minimum educational requirement under our formula is one thousand nine hundred and thirty dollars. If this amendment were adopted, we would reduce that to sixteen hundred and fourteen dollars. The formula requires that Hartford be the number one spending town in the state on its educational costs. I think those are ample reasons for justifying Hartford's unique position and it is somewhat unique. We have to recognize that. Those comparisons that we

made would be invalid for any other city and town in the state because no other city or town has such unique problems and such tremendous effort. I hope that you will resoundly defeat this amendment.

THE PRESIDENT:

Senator Bozzuto, for the second time, on Senate A.

SENATOR BOZZUTO:

Mr. President, by your leave for the second time on Senate A to correct the record. Senator Fauliso has indicated that Hartford has the most tax-exempt property when, indeed, that is not the case. New Haven has the most tax-exempt property and receives forty percent less aid than Hartford. Senator O'Leary, I did not say that the committee in the last two weeks. I said the school finance advisory panel had the formula gerrymandered out from under them in the last two weeks and indeed they did and you bought that formula virtually lock, stock and barrel with the exception of the SAR changes which simply was a Hartford dictated formula principally for the benefit of the City of Hartford.

Senator Cloud, I am sorry you are dismayed, but let's set the record straight. Poor or otherwise, Hartford children have more money spent on them, as Senator O'Leary has already pointed out, more than forty-two other communities throughout this state, eighth largest in spending, 142 or whatever the figure is; in terms of states, only two states surpass that on an average. Hartford kids do get a good education, plenty of

money is spent on them without question. No one is suggesting that any less should be spent on them, what we are determining here today is who is going to pay the bill. People in the towns and cities of this state or property owners in the large major centers because that's who is going to get the relief of the thirty-five additional million dollars that Hartford is going to have. And that's the contribution we are going to make to the extravagance of the Hartford politicians. Let's make that very clear. And in fact, Senator Fauliso, you misconstrued the figures I gave you. They do not go from 16, 14, to 21, 24. Sixteen, fourteen is Hartford's fifth year figure. The other figures are dollar amounts that Hartford already receives from such programs as Aid to the Disadvantaged, Special Education, Bi-lingual, Vocal Vocational Education, the combination of the two, the state grant and the federal grants gives them more than they would spend - not figures taken out of a hat, but figures applied equally to all those other communities, communities that all of you represent, that all of you will have to make a greater property tax effort to provide tax relief for buildings, not people, Senator Cloud, not students, tax relief for buildings in Hartford. The court did not address itself to buildings. It addressed itself to education, Senator O'Leary. Children in school, that was the mandate of the court, not property tax relief for buildings for politicians. Thank you.

THE PRESIDENT:

Will you remark further. Are there any other remarks? Senator Mustone.

SENATOR MUSTONE: (13th)

Thank you, Mr. President. I stand in opposition to the amendment. It seems the language of the GTB is getting very tired. THE ANGLE, the MER, the SAR, we don't know the music that Judge Rubinow was listening to but we do know the words and his words were that the state must accept the responsibility of funding education in the State of Connecticut, without relying as heavily on property tax in order to do so. This bill takes us one-half step forward with the full step coming with full funding in the fifty year. It's a compromise bill where legislators were asked not to look at simulations or to bottom line figures but to consider that we are thirty-six districts representing one state with six hundred thousand students. It appears that the real grievance this afternoon is coming from those who feel that the large urban areas are getting a larger share of the pie. The methodology and the econometrics that were used here are very sound. I submit to you members of the circle that one single most important component that a child brings to school is what is important here. You may have eighteen young children going to school in the first grade at six years old who know how to read, who have the basic amount of simple math and spelling and one teacher can bring those children through the year academically. You may find

eighteen other children who go to school with poor nutrition with family problems with low income, perhaps never having had a story read to them, and it will take nine teachers to educate those eighteen children. I think the point here this afternoon is that we have to think and this is not municipal overburden, this is an educational problem. Education is the life chance of some kids. I urge defeat of this amendment. Thank you, Mr. President.

THE PRESIDENT:

You are welcome, Senator. If there are no further remarks, I will try your minds. Those in favor of Senate Amendment Schedule A - Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, I request that the vote be taken by roll.

THE PRESIDENT:

You may make that request, sir. Those in favor indicate by saying Aye. More than twenty percent having answered in the affirmative a roll call will be taken. Madame Clerk, announce an immediate roll call in the Senate.

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all senators please return to the chamber. An immediate roll call has been ordered in the Senate. Would all senators please be seated.

THE PRESIDENT:

The machine will be open. Have all senators voted? The machine will be closed and the Clerk will take a tally. The vote is as follows: 10 Yea. 25 Nay.

THE AMENDMENT IS DEFEATED.

THE CLERK:

The Clerk has Senate Amendment Schedule B, File 440, Substitute House Bill 7586. LCO 7657 offered by Senators DeNardis and Johnson.

THE PRESIDENT:

Senator DeNardis.

SENATOR DENARDIS: (34th)

Mr. President, I move adoption of the amendment and request that the reading be waived and that I be given an opportunity to explain and comment.

THE PRESIDENT:

The question is on the adoption of the amendment, waiving the reading and the Senator be allowed to summarize. Will you remark, Senator.

SENATOR DENARDIS:

Yes, thank you, Mr. President. Members of the circle, the amendment before you now is the difference that any proposal that has been put forward thus far in the House and in the Senate because it does not have to do with the technical questions of property wealth and the other considerations that

we have been discussing thus far. But it does have to do with a very practical problem that comes into sharper focus as a result of this debate on school financing. Specifically, the amendment tries to link the new spending and the increased spending that we do with a demonstrable way to examine and to improve student achievement. We call it the accountability amendment because it tries to channel some of the extra money into remediation by using the proficiency test that we adopted last year. It says, in short, that we will examine the results of proficiency testing next year as they are applied in the ninth grade and to the extent that a

SENATOR DENARDIS:

is able to see ninety percent or more of its students pass that test, there will be no strings on the additional money that it receives. To the extent that a community witnesses less than ninety percent of its students passing a proficiency test in the ninth grade, to the percent less than ninety percent, eighty-five, eighty - - it must devote five percent or ten percent of it's additional money, it's new money to remedial purposes.

Mr. President and Members of the Circle, we all know there is a great deal of citizen concern about rising school costs. We all know that even though we are experiencing declining enrollment in most of our communities, taxes continue to go up. And now with this legislation before us, committing 200 million dollars more the over the next five years, the public already skeptical about the value of public education in this state is going to say, "For what reason other than to satisfy a legal decision that we don't know very much about, that we don't understand except that it is going to cost us more. At the bottom line, what is it going to mean. Is Johnny, is Jane, that fourth grader, that sixth grader in our communities around the state, what is going to be the impact on them? Are we going to be able to demonstrate, that increased money is going to improve student achievements? Well, I don't think the proponents of school finance reforem, myself included, would ever go so far as to say that equal dollars will make

equal scholars. But what we can do is to insure that we use the proficiency test that we used last year, put it to some good use, above and beyond making it a statistical profile of our students ability in the basic subjects. I ask you to join with me, in what is decidedly not a partisan amendment, in what is not a partisan pitch, in what is a proposal to try to introduce into the whole notion of educational expenditures and school spending, a measure of accountability.

I started before using the analogy of Homer's Oddessey and there's one additional comment by Homer which is germane at this point. And that is "not vain the weakest if their force unite". We can unite on this amendment and say to those communities that will experience disappointments in terms of the number of students who will be taking the proficiency test next year you must use apportion. And it is a relatively small portion of that new money - you money - and put it into remedial work. I know there is some skepticism in the Circle but more importantly in the educational community about the value of proficiency testing. Someone is bound to rise and say: the proficiency tests have not even been inaugurated and already you want to use them in this particular way. And furthermore, do we know that much about proficiency testing that we can be comfortable using that as a measure in this instance? And some will say that in proficiency testing teachers will teach the test to their students so that their students may pass. And to that argument I say, I have no problem with that whatsoever. Because better that they teach something having to do with reading, writing and computation even if it is geared to pass a test than not to deal with that subject in a direct, straightforward basic and

comprehensive way. We know what the products of our school system are like. Some who have been in a preferred track go on to college and do very well. But for the vast majority they have difficulty going to a prospective employer filling out a basic employment form and satisfying certain basic minimums in terms of jobs in our various industries right here in this state. And the Education Committee so ably chaired by Con O'Leary has testimony from our major employers in this state saying how sad and tragic it is that our high school graduates - those that have a piece of paper - cannot qualify in many instances for jobs not in our high technology industries but in our medium and low technology industries.

I ask you to give thought to this amendment. It does no violence to the package which came out of the Education Committee. In my humble opinion it only enhances it and I would ask that we adopt this and we will be able to say to our constituents back home, yes, thirty million more this year. Yes, two hundred million more over the next five years and yes, it will make a difference because those communities that can identify problems where students can't read, write and compute to a basic minimum will get extra attention, will get some of that extra money and will guarantee that money will not be eaten up by 101 other things that can eat it up in public education today.

THE CHAIR: Senator O'Leary.

SENATOR O'LEARY:

Mr. President, this amendment flows from a concern that the Education Committee shares with Senator DeNardis. In fact, last year the Education Committee passed a proficiency bill and presently the State Department is in the process of constructing a proficiency test.

That test will be administered next year and we eagerly await the results of that test.

Emotionally I can concur with Senator DeNardis. This is an area of great concern. I can see the Education Committee and this General Assembly taking steps in the future at the very least providing additional funds for remediation where they are needed.

This amendment however is far too premature. It presumes to use an absolutely unknown result to distribute an amount of dollars that we have no handle on, have no idea of their total to who knows what impact.

Furthermore, it violates a principle established in this bill that we will not presume to tread on the local control of the boards of education overduly.

This particular amendment would require that certain amounts of dollars be spent on specific students taking from other students and spent in a very specific way. I don't think that's something we want to do with this bill.

For those of you who are concerned with proficiency in our schools - and who of us is not - I can tell you that the Education Committee will continue to address this problem with all the means at its disposal.

This amendment does not properly address that problem. Senator DeNardis is right when he says that it is a non-partisan amendment. The issue is non-partisan, certainly.

I would urge you in a non-partisan way to defeat the amendment.

THE CHAIR:

Will you remark further. Senator Johnson.

SENATOR JOHNSON:

Thank you, Mr. President. I rise in support of the amendment.

There is nothing unknown about the relationship between basic skills and employability. We had before the Education Committee testimony that one of our major employers in Connecticut last year took 200 to 300 employees through an English - a basic English and reading course. Took 450 employees through a basic math course. We are forcing this employer to add on to the cost of their product the cost of educating their employees in those very skills that our system of public education our 219 million dollars is supposed to be doing for them. If this is a public responsibility let us assume it. As to telling local boards of education too much what to do, I say that is in this particular case a spurious argument. We have already given the State Department of Education a lot of clout over our local boards now. All we need is for a parent of one of these children who does not know how to read or write or compute upon graduation from High School to complain to the State Board and we will have in fact the exercise of that clout. And a control and interference and whatever name you want to call it, an exercise of state authority over local control of education.

In the bill it is couched in terms that make it sound far removed and something not to be implied or employed often and distant. But when you look at the number of kids in the state of Connecticut who are graduating from High School without being able to read, write or compute, those complaints will be lodged promptly and the State Board is going to find itself interfering very deeply and very extensively in local education.

This amendment is merely an effort to try to very clearly align our increased commitment to the quality of education in Connecticut with the provisions of the basic education that is absolutely essential for employability.

A graduate who cannot pass a ninth grade proficiency exam cannot read and write well enough to be employed even at an entry level job by most employers in the state.

Children do not always know this fact. But adults do. And it's the responsibility of us here today to make sure that young people understand that the lack of these skills limits their lives.

Educators don't always seem to understand how futile it is trying to get a job with adequate pay for changing family needs if you cannot read or write. We already have several hundred thousand illiterate adults and we're adding to that number every year. We must start moving young people through the system regardless of how little they achieve. It may seem cruel to say you are not meeting our standards but it is responible to do so. At least at fourteen and fifteen those kids are still inside a system that is devoted to education. The real cruelty is not to tell them that they don't measure up. The real cruelty is not to direct our resources . Primarily and foremost, to make sure between ninth grade and twelfth grade they do get those basic skills. The real cruelty, and you cannot turn your backs on this, the real cruelty is dumping them out in the market place with skills that are inadequate to achieve employment. I ask you to support this amendment. It improves the quality of what we are doing here today. I ask that when the vote be taken, it be taken by roll call.

THE CHAIR:

Will you remark further? Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I rise to oppose the amendment. Much of what has been

said by Senator Johnson, Senator DeNardis is valid. But the formula that we are considering today is in my opinion, not the vehicle to provide the remedy for many of the problems referred to by Senators De Nardis and Johnson. The major task that we have before us is to respond to a Court's mandate and I would like to quote from the trial court decision in which the court specifically said that it is not unmindful of the testimony that there is no conclusive evidence that there is a correlation between educational input and educational output. On the other hand, the evidence in this case is highly persuasive that all other variables being constant, there is a high correlation between educational input and educational opportunity. And in brackets, it refers to educational opportunity as the range and quality of educational services offered to pupils.

In other words, said the trial court, disparities in expenditure per pupil tend to result in disparities in educational opportunity. And what we are basically trying to redress is disparities in educational opportunity. I have no doubt that some years hence, when we in this State have an opportunity to observe and analyze the results of a proficiency testing program, that only became part of our general statutes last year and which will not in fact, be in effect until 1980 or '81, that we may want to use some of that information to adjust, amend the formula that we're adopting today. One thing we all know that the formula that we will adopt is a formula that will change over the years as we get new information, as times change and needs change. We simply don't have the documentation at this time to even consider adding a factor dealing with proficiency testing. We have no idea what our scores are going to show. We have no idea of the co-relationship between proficiency testing results

and the socio-economic makeup of communities. We have some ideas what will happen, but until we have some hard data, I think it would be foolish to blindly add a factor that would move money to certain communities for a factor that is simply an unknown.

I think the concept may have some merit. This certainly is not the time to adopt it. And I would urge this panel to vote against this Amendment.

THE CHAIR:

Senator DeNardis.

SENATOR DE NARDIS:

Mr. President, I hadn't planned on speaking a second time, but Senator Schneller raises some basic issues with regard to the efficacy of including an accountability factor in this. I believe I must respond. He quotes from the trial court decision, an incomplete quote I might add, to support his arguments and he says that there is no data from the social sciences that we can use to try to link educational expenditures - standardized tests and student achievement. Now, if the Senator examined the findings of Horton versus Meskill, the body of the decision is one thing. The body of the decision is really the pros which weaves together the 159 findings that the court made. And finding number 102, social scientists agree that where the primary or only exposure of pupils to a subject is in school, such as mathematics, the sciences and the languages, there is a direct positive correlation between expenditures per pupil and standardized test scores.

Finding number 103, accordingly, if educational quality is measured by comparing pupil performance on standardized tests, there is a direct, positive

correlation between expenditures and test scores in certain academic areas. What are those academic areas? They are the academic areas that are the subject of this Amendment. We are talking about the basics. We are not talking about effective development which includes creativity, expressiveness, cooperation, competitiveness, artistic ability. We don't pretend to measure effective development through a standardized test. Nor do we pretend to measure psycho-motor development which includes physical ability and coordination. We know that we don't have adequate measures in these areas. But, with regard to reading, writing and mathematics or computation, as findings number 102 and 103 indicate, there is a correlation between expenditures and standardized test scores which this Amendment attempts to link in a way in which we can creatively and efficiently use a modest amount of the new money for a targeted specific purpose that will serve to measure and promote student achievement.

THE CHAIR:

Senator Johnson.

SENATOR JOHNSON:

Thank you Mr. President. It pains me that there are not more members of the Circle in their chairs at this point -

THE CHAIR:

At this point, I suppose many of them have repaired to rest rooms. Maybe we can flush them out.

SENATOR JOHNSON:

I believe that what it reflects is a general feeling of the inviability

of this Bill and I hope that that feeling of inviability does not reflect a commitment to its ultimate perfection and truth.

I do believe that this Amendment that we're offering here today is a terribly important Amendment and crucial piece in the mosaic of this formula. Larry has very clearly stated that there is a relationship between money and basic skills. There are very few areas of education where there is so clear a correlation, but I have a different point to make in response to Senator Schneller's remarks and that is motivation. It is very clear that where there is motivation, there is greater accomplishment. A very simple evidence of that fact is that those students who go for the adult basic education high school equivalency do achieve an 11th or 12th grade level of ability and of accomplishment and one of the things that was pointed out in our Committee by industry was that if they hire someone with an adult basic high school equivalency diploma, they can count on the skills that that person has-if they hire someone out of one of our State public schools, they can count on nothing - that is deplorable, ladies and gentlemen. It's deplorable as an indictment of our public education system, but worse yet, as I said in my first remarks, it is a disaster for the children that we are turning out, to delude them into thinking that because they have that diploma but no skills, that they will be employable.

Now, let me give you just one brief example - in West Virginia, they abolished the policy of social promotion. They went to a policy of six month promotion - twice a year, to ease the pain. Interestingly enough, within a year and a half, they had decreased by three quarters, the number of kids who

couldn't be promoted on a skills basis. Now, that tells you something, ladies and gentlemen about motivation and I think anyone who has been a parent in this Circle, knows perfectly well that if they give their child a task to do and insist that he do it, he somehow manages to do it.

And what I am saying about this test is kids know that they have to work toward it, even if they have to be taught toward it, it is so basic represents the accomplishment of such basic skills, that I see no harm in teaching toward it and I am sure that we will quadruple the motivation of those who have difficulty in applying themselves by setting very clearly forth for them, what it is they are expected to accomplish. Furthermore, this Bill or this Amendment has the added advantage of saying for those who don't pass, we will label some of this money to be directed specifically to their needs so that before they do graduate, they will be employable.

Motivation is a factor and this will help with that motivation and it is not premature because it ought to be an integral part of that very first step toward proficiency testing.

THE CHAIR:

Thank you. Are you ready to vote on this Amendment? I heard no Motion. Has someone moved for a Roll Call? Clerk will please make an announcement for a Roll Call.

THE CLERK:

Roll Call vote has been called for in the Senate. Will all Senators please be seated. A Roll Call has been called in the Senate. Will all Senators please take their seats.

THE CHAIR:

For the edification of the Circle, this is on Amendment, Schedule B. The machine may be opened. Please record your vote. Has everyone voted? The machine may be closed. The Clerk please tally the vote. The result of the vote:

35 TOTAL VOTING

18 NECESSARY FOR PASSAGE

10 YEAS

25 NAYS

The Amendment is defeated.

THE CLERK:

Clerk has Senate Amendment Schedule C, File 440, House Bill 7586, LCO 7906. 7906, offered by Senator De Nardis.

THE CHAIR:

Senator Ballen.

SENATOR BALLEN:

Thank you Mr. President. I move adoption of the Amendment and I waive its reading.

THE CHAIR:

Motion is for adoption. Waive reading, no objection, so ordered. You may proceed.

SENATOR BALLEN:

Thank you Mr. President. This Amendment deals solely with the special

education portion of the plan. And what it does it just changes the formula from a 30-70 formula to a 40-60 formula. In other words, under the present Bill that's before us, the wealthiest towns are reimbursed 30 percent for the cost of special education and the poorest towns are reimbursed 70 percent. Under the Amendment, Amendment C which is now before us, this formula would be changed so that the wealthier towns would be reimbursed 40 percent and the poorer towns would be reimbursed 60 percent.

Special education is a particular type of field and it pertains to a special group and it should not be a factor determined by the wealth of a community. As a matter of fact, under the present law, this State gives money on a straight, per pupil basis and that is the way it should be. Under present law, the State provides two thirds reimbursement for every excess dollar spent on special education and that is the way I believe it should be, but being realistic, and under the new formula, which calls for a 30-70 percent sliding scale, I think that a compromise of a 40-60 percent sliding scale is certainly within reason.

I think that this Amendment is extremely necessary, even though there's a hold harmless clause in the present Bill because, number one, the high cost of special education. Inflation is raising this constantly and each year, the cost of special education will continue to rise. This is going to create, within a community, a power struggle between those people that want to spend the town's dollar on special education and those taxpayers that want to spend the money on regular education. So you're going to pit one group against another within each and every community in this State. They will all

be fighting for the same tax dollar. I think nowadays with better identification of special education needs and students, you're going to see a tremendous increase in this particular area and unless the State does something, by reimbursement, on a closer scale which is a 40 to 60 percent scale rather than the 30 by 70 percent scale, the taxpayers resistence will increase and I believe that the quality of special education in the long run, will suffer. I think it's a worthwhile Amendment. In fact, it will cost less than under the original plan. I don't think it will do any harm at all to the original Bill and I would urge the Circle to join me in voting in favor of it. Thank you Mr. President.

THE CHAIR: (The President in the Chair.)

Will you remark further on Senate C? Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I urge the rejection of this Amendment. The equalization of the special education portion of our State's categorical grants to towns and cities is an extremely important part of our entire package. $60 million this year will be distributed to towns and cities as a special education grant. The Amendment we have before us is only half as equalizing as our 30 to 70 percent scale with special ed distribution. Moreover, if we adopt it, only in the area of special ed, will our scale have a 20 percent range. In school construction as of last year, and in transportation in another portion of this Bill, we use a 40 percent scale. On the average, 55 percent is the figure that equals the amount of money distributed to towns for special ed by the state. The 30 to 70 percent scale, with 40 percent distribution uses that as somewhere

near a middle figure. We also have in the Bill a dollar hold harmless amount for those towns that might be impacted by special ed redistribution. Finally, it'll be phased in over a five year period of time to ease the impact even further. And if I can quote from the Horton-Meskill case, and I think this is verypertinent to the decision before us, the judge stated - High education spending towns such as Darien were and are able to obtain more special education funds from the State because they are better able to afford the one third portion of the expense, better equipped to identify special education problems and better staffed to apply for the funds. Mr. President and Members of the Circle, today we are distributing special education funds in an inverse proportion to the need. At least a 40 percent spread in our scale is necessary to begin equalization.

When this Bill is passed, then those poor towns in Eastern Connecticut that Senator DeNardis and Senator Bozzuto referred to earlier will begin to have the opportunity to provide special education. At that point, an autistic or dislectic child born in those communities will have an opportunity to have that problem redressed. Today, he simply does not. We're not sure, in fact, we are perhaps sure, that the need is not being met, even at the Federal requirements are not being met in some of the poorest towns who simply do not have the funds necessary to start up the program. I think that if you reduce this equalization to half of what we have in the Bill you'll put the Bill in serious jeopardy. I urge the rejection of this Amendment.

THE CHAIR:

Will you remark further on Senate C? Senator Matthews.

SENATOR MATTHEWS:

Mr. President, I support the Amendment. I'd like to very briefly itemize the situation in Westport which some of you may be fully aware of. Others I'm sure are not. Following up on Senator O'Leary's comments, this particular installation is of particular importance I think. The Westport town agreed to set up a regional special educational installation for the area in which I represent the Senatorial District. They include Darien, New Canaan, Weston, Easton and so forth. It goes from the kindergarten thru the 12th grade. It's located in Westport. The money to build it was provided for by the State. Westport dollars operatethe school with the funds which is applied from the various communities which are sending children to us.

It's an outstanding installation, perhaps one of the most outstanding of its nature in this country. Now, the sliding scales for special education really will defeat the purpose in helping this particular installation and in hurting the kinds of things which Senator O'Leary mentioned. Because we have a regional installation, we can conserve in the teaching area, save costs. We can conserve in equipment and building and all the things related to that, saving money for special ed from the State. We can thereby assist in providing addi= tional money for other potential special educational needs in the areas where they don't now exist.

By forcing us in that area, to go to the 70-30 figure, you are hurting the elements that are most especially realistically helping the future of special education in our area and I think as indicated also in the rest of the

State. As empty classrooms develop, which they are throughout the State and our area is no exception, due to the lower enrollment, these regional towns must decide whether or not to conduct special education in their own towns and since the Westport regional special educational school is a model installation, with admittedly excellent teachers, these students, withdrawn by towns, will not receive an equal educational opportunity, the very thing which you are trying to do, because when they are returned, or held in their own community they in no way can equal the capacity of the skill of the teachers in this regional school nor with the facilities that are provided there.

The quality of each individual town's program is not going to equal that of the Westport regional installation. How does this kind of a circumstance comply with the court's request for equal educational opportunity? It puts, as Senator Ballen pointed out, parents against parents. It holds harmless the dollars in the first year but they're going to be diminished as inflation eats them away. That means more taxes are going to be necessary locally. And what happens if more special educational programs are required by the State or desired by the local towns, for whatever reasons they need, either the poor student or the more capable student.

I think that what we really should be doing is keeping these categorical needs on a student basis, not on a dollar basis and I really believe that the Amendment presented by Senator Ballen will at least give some relief to us and will certainly praovide, in my mind, broader opportunities for the people who, in other communities, would like to see special education instituted. Thank you.

THE CHAIR:

Will you remark further on Senate C? Remark further on Senate C? Senator Ballen.

SENATOR BALLEN:

Mr. President, thank you. May I respectfully request that when the vote be taken it be by Roll Call?

THE CHAIR:

You may sir.

SENATOR BALLEN:

Thank you.

THE CHAIR:

These in favor of a Roll Call indicate by saying aye. More than 20 percent having answered in the affirmative, a Roll Call shall be ordered at the appropriate time. Will you remark further on Senate C? Hearing no further remarks, Mr. Clerk, announce an immediate Roll Call in the Senate.

THE CLERK:

A Roll Call has been ordered in the Senate. Will all Senators please be seated. A Roll Call has been ordered in the Senate. Will all Senators please take their seats.

THE CHAIR:

The machine will be opened. Have all Senators voted? The machine will be closed. The Clerk will take a tally. The vote is:

11 YEAS

24 NAYS

The Amendment fails. Madam Clerk.

THE CLERK:

Clerk has Senate Amendment, Schedule D, File 440, Substitute House Bill 7586, LCO 7907. 7907 offered by Senator Morano. 7907.

THE CHAIR:

Senator Morano.

SENATOR MORANO:

Mr. President, I move adoption of the Amendment and if I may, waive the reading of the Amendment, summarize the Amendment and when the vote is taken it be taken by Roll Call.

THE CHAIR:

Question is on adoption, summarizing the Amendment, is there objection to summarization? Hearing none, you may proceed and a Roll Call. Those in favor of a Roll Call indicate by saying aye. 20 percent having offered, we shall have a Roll Call. You may proceed Senator Morano.

SENATOR MORANO:

Mr. President, the Amendment before us preserves the precious right that our towns and cities have enjoyed for many a year. This Amendment will continue to the local autonomy that our towns have wanted and continue to want and I submit to you the feeling of Chief Justice House who, in his Majority Opinion, addressed himself to local control on page 636, paragraph one of the Connecticut Law Journal, he said "that there's no reason why local control needs to be diminished in any degree merely because of some financing system other than the present one that is adopted. Chief Justice House in his Majority Opinion commenting on Justice Loiselle's dissenting opinion, said 'nor do we share the alarm expressed in the dissenting opinion that what it concludes are

the implications of the decision as requiring total state financing of education and loss of local education's decisions. To the contrary, as we have noted, the trial court expressly found that none of these consequences would, of necessity, follow the adoption by the State of a financing program designed to achieve a substantial degree of equality of educational opportunity and permit all towns to exercise a meaningful choice as educational services to be offered to students. That the property tax is still a viable means of producing income for education and there is no reason, and I repeat, there is no reason why local control needs to be diminished in any degree merely because some systems other than the ones presently in effect is adopted.

Although it is quite clear by what I just read to you from Chief Justice House's Majority Opinion that the intent of the court decision in Horton versus Meskill was never to lessen the local control that is exactly what we aregoing to do here today if we follow this legislation to be passed in its present form. Now, while I realize the towns and cities must adhere to guidelines, unless you adopt this Amendment, you are shortchanging many towns on one hand and then telling them how to spend their own money on the other hand. I urge your support in adoption of theAmendment.

THE CHAIR:

Will you remark futther on Senate D? Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I strongly urge rejection of this Amendment. This Amendment would, in effect, gut the equity portion of this Bill. The equity

portion of the Bill is a very crucial part of it. This is a section of the Bill which will attempt to see to it that the additional dollars which we are giving toward education in this State will be spent where they can do the most good; that is they will be spent on the children, on providing a suitable program of educational experiences for each child in the State.

We can give the money out, but we cannot guarantee otherwise that equal opportunity will be provided. This portion of the Bill adds something which has never existed; that is a full due process approach that can be used by the State Board of Education or by the local Board or by any resident of the town who feels that a suitable program is not being provided. Moreover, the particular section that allows the State Board to seek a Court order, pertains only to the violation of specific statutory provisions that presently exist in the law.

I think that the Bill as it stands now provides an orderly process for review and for planning educational programs. Removal of this provision would invite individual litigation and a chaotic state and ought to be defeated. I urge your defeat of this Amendment.

THE CHAIR:

Will you remark further on Senate D? Senator Matthews.

SENATOR MATTHEWS:

Mr. President, thank you. I support the Amendment. It seems to me there isn't anything that we should stand for more strongly than to stand for local autonomy and local control of the things that are meaningful to all of our citizens. Senator Morano has very ably presented the thought of what it is

and why it should be accommodated in this Amendment and included in the Bill. Let me briefly take a few minutes to go into some of the elements in the Bill itself. In Section 12, deletes thelanguage "within the limits of existing expenditures in any one school year." On Line 21. This means that the towns lose all control over costs, essentially all control over costs. Equal opportunity, even though no one has yet defined it, will have to be funded at whatever level the State Board says it should. This is a wholly unwarranted intrusion on the local budget process by political appointees.

People will have to fund the State the way the State says it is going to be funded. It seems to me very inappropriate that other people should tell the local communities what they should do in terms of funding a budget for their education, without stepping apart from the framework of the need to help those areas which must be given assistance and we all agree, that has to be done.

Section 13 prescribes a new list of programs of instruction that must be taught. It includes the arts, career education and consumer education. Again, substantial loss of local autonomy is involved. Ask yaurself and those in your community, how many of these programs does your Board of Education presently offer? There's a whole list of them in the section and those that are applicable to you, fine. But those that aren't, you can say well, we don't have to include them. Well sure, maybe that's true, butthe State can come in and say you should have had them. Even if there's only one student who may want to take that course. And the parents of that one pupil can complain and there we go on a long round robin of problems. I think that's wrong. I don't see the need for it.

The students in one area of the State perhaps may need to study agricultural courses. Students in other areas of the State do not need to have such a course. Sure, once again, you can say well the State Board wouldn't trust that point. How do we know that? They have the right to. They can force the local community to do it if they so desire. There's nothing that'll stop them. And it may be that the local community has done something that somewhere, somehow the State or somebody that's in a powerful position in the State doesn't like and therefore, through this means, they can adopt a great deal of pressure on the community.

Section 13b requires self-serving certification by local Boards; that they offer all required subjects, no matter how minimum that requirement may seem. This process is unnecessary for developing goals so what purpose will it serve? I can see no reason for this particular clause to be included in the Bill. There has been a record of extremely capable leadership in the local Boards of Educations in all of our communities. I have a report which I would like to quote from which is called Government in theClassroom - Dollars and Power in Education. And I think it's a most impressive report because it does some extremely interesting things in presenting what local autonomy can mean and can do.

Critics of the current local structure for managing public education only look for its weaknesses. Citing a wide variety of tough, controversial and frustrating problems that surface at the local level as evidence of local Boards of Education are not capable of dealing with today's complex problems. And that's very true. That's what is done. Everybody, all around,

picks on the weaknesses, the things that you want to make an issue out of. When the public is allowed to select local citizens to make policy, confront issues in stormy public meetings and make decisions within the turbulence of local community pressures, then issues are going to surface in a disturbing way. However, it is quite possible that many of these problems are the real issues facing the State and thenation.

Having a mechanism for dealing with them at the community level is critical to the health of the democratic society. And it seems to me that very pointedly when the State has the control that it has in this particular Bill, we are looking for a greatly reduced responsibility and desire and interest on the part of the local Board. Those who feel that public education is too important to be left to citizen Boards of Education overlook the magnificent service this form of management has provided the country since the very beginning. And I will repeat and I will repeat several times, that the people in this State, the school system that we have developed, has provided many, many wonderful leaders in this country and in this State and I think that it's been done because of the desire, the interest and the capabilities much of which comes from the local Board of Education because they are the ones who are leading ouryouth, providing them with the incentive to be the kind of people that they want to be and can be.

There is a distinct possibility that the State could be making a serious mistake in encouraging centralization of control. Locally controlled public education has significant strengths that, though often taken for granted,

cannot be ignored. Now, there's a lot more here. I'm going to give a few examples of how this is applicable. Number one, the present local formula for governing schools is as close to the public served as a government unit can come. The opportunity for direct citizen involvement in the determination of public policy appears to be an increasingly important consideration for the present and future development of public institutions. Locally elected Boards of Education have been and can continue to be effective policy units. No question about that statement, I don't think, in anybody's mind. It's a fact. It's been proven. Why do we change it? Why don't we leave it as it is?

Members of local Boards of Education are among the unsung heroes of this country. They are citizens who volunteer their services because they care. They're interested. They're there. They're at home. They're not up here in Hartford at the State Board telling everybody in X, Y, AND Z community what they're going to do. They want to do it the way you and your community wants to do it. That's the way it's been. That's the way it ought to be and that's the way we're going to get the best results. Two, the present format is more responsive to differing public expectations of the educational program. One of the greatest strengths of the local oriented format is the flexibility it provides for adopting the educational programs the community or regional expectations. In education, sameness is not necessarily goodness. There are real differences in the needs of different regions. Varying needs in different areas of the State. This diversity is an important fact of life in this country

and if the public schools are to remain vital institutions, the ability to respond to local priorities should be strengthened. We are not going to do that with this Bill. We are going to weaken the local responsibility and the local interests.

It seems to me that priorities are the full responsibility of the local community. Number three, locally controlled education is more responsive to the taxpayers. Very important the taxpayers are in this State. In addition to being most responsive to citizens' concern about educational programs the present locally controlled public school format is most responsive to those primarily concerned with costs and taxes. The greater the distance between the taxpaying public and those who make decisions about how much and where tax money is spent the greater the conflict on this issue becomes. True or false in your mind? I would suggest that you will say true, because you know very well in your local community that youwant to be involved with what happens about the taxes you pay and what's going to be used with the money that they provide.

Number four, locally controlled education is more responsive to human needs. Perhaps the strongest argument for strengthening local control of education is the importance of the inter-relationship between members of the community and the school. The heart of a successful school program rests, to a considerable degree, on the willingness and ability of the school to provide an appropriate educational program for the individual student. Critical to meeting this expectation is the close relationship between school personnel and parents. I don't think we've given much consideration in our discussions on

this Bill to the parents involved in this overall program.

Number five, local control of school system encourages excellence. And I think this is perhaps even more important than the other one because this is what we will strive to do to get and to give excellence to the people through our educational system and down to their pupils. To date, experience with increasing intervention of State and Federal agencies, clearly indicates that any action of these agencies that combines financial aid with strict program requirements will at best, only guarantee a quality of program no better than the average range of programs already provided within the State. On the other hand, in states or regions where schools have good support and a high degree of local control, excellent programs have often emerged.

An interesting parallel to contemplate relates to another unique institution. From Colonial times, the Town Meeting has been a factor in our lives and we are now seeing that slowly eroded; slowly being given up and I think many of our local citizens are beginning to wonder whether we should go back to it. Salvation of locally controlled public schools require a reversal of the current trend. It will require recognition by the public of the value of this form of political organization and a conscious effort on the part of the Federal and State governments to preserve and strengthen this local institution.

I think this is a report from a group of people who have spent much time in analyzing the overall needs of the educational program. The local need is growing, not diminishing by the Bill which we are involved with, we are eroding that very important element and I think that the Amendment presented

by Senator Morano has every reason in the world to gain your support. What better place is there than to work with a student, a parent, the school system and the Board of Education than locally? It is not dollar bills which makes for a good education. It is a student who's interested. It's a teacher who's interested. It's a school system which is interested and it is not something which comes from miles away. It comes from your own local community. Please support this Amendment,

THE CHAIR:

Thank you Senator. Will you remark further on Senate D? Senator Ballen.

SENATOR BALLEN:

Thank you Mr. President. Irise to support the Amendment because I feel that this Amendment may well be the most important Amendment that we will be discussing today. Because historically, since the early 1600's, the towns have been in control of their educational systems. Even the statutes of the State of Connecticut have time andtime again, delegated various educational functions to the towns. It has been the towns' responsibility to carry out these various indecies of education and it's still, if we recall, the towns that willbe paying the majority of the cost, even under this new formula, under this new plan that we are about to put into affect. So I think that the control of how the education system is run should, in a large part, remain with the towns. Local autonomy and education is very, very important because it's the local towns that know their requirements; that know what's best, what works best in their own individual towns and every town and every city in the State of

Connecticut has different needs and different requirements. Most of all, I believe that if a poll were taken, there's no question that the people themselves would want to retain, if they could retain control over just one item, they would want to retain control over their local educational system. And I don't think there's any question about that and I do not see why we here today, being representatives of the people, should sit here and very glibly just turn over - or should I say hand away-local control over education. This is what the people of the State of Connecticut have wanted. This is what they have had and I believe this is what they continue - we should continue to have. This is an extremely important Amendment. I'm sorry it's come up so late because I don't think it's been given the proper exposure, but I hope you will support it. Thank you Mr. President.

THE CHAIR:

Thank you Senator. Are there any other remarks on Senate D? Hearing none, Madam Clerk would you announce an immediate Roll Call in the Senate please. The machine will be opened.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Would all Senators please return to the Chamber. Roll Call has been ordered in the Senate. Would all Senators please take their seats.

THE CHAIR:

Have all Senators voted? The machine will be closed. The Clerk will take a tally. The vote is:

10 YEAS

25 NAYS

The Amendment is defeated. The Chair will remind the Membership that we have voted on four Amendments. The Clerk is in possession of seven further Amendments. Madam Clerk, call the next Amendment.

THE CLERK:

Clerk has Senate Amendment, Schedule E, File 440, House Bill 7586, LCO 7904. 7904, offered by Senator DeNardis. Copies have been distributed.

THE CHAIR:

Senator Post.

SENATOR POST:

Mr. President, I move passage, adoption of this Amendment, sir.

THE CHAIR:

Question is on adoption. Will you remark senator?

SENATOR POST:

Yes, sir. This Amendment is designed to correct theproblem relating to the accident of your geographical location in the event of these rather catastrophic special education situations which do occur from time to time. It's aimed at the situation where a town is obligated to pay in excess of $10,000 for one particular student and says merely that in those cases, the 70 percent figure in the sliding scale ahall apply to the excess cost. It's an attempt to say that if the State is mandating special education, without consideration as to cost, special education students are to get whatever education is appropriate, no matter how much it costs. The State is mandating

those programs then at least the towns who happen to be geographically the home base of those students, should for the excess cost, receive the 70 percent figure represented at the top end of the sliding scale. Mr. President I ask that Members of the Circle support this Amendment. Thank you sir.

THE CHAIR:

Thank you Senator. Will you remark further on Senate E?

Senator O'Leary.

SENATOR O'LEARY:

Mr. President, this is a potential problem which the Education Committee has committed itself to studying and committing itself to observe. The re are a number of aspects of this formula and of this Bill which are going to require constant observation and fine tuning over a number of years. I should point out that nothing in this Bill is static. The $200 million figure that has been tossed around today is not static. If the Bill were fully funded in five years, that would be - if it were fully funded next year, that would be the figure. However, we have a five year phase-in. Thepotential of the very costly placement is there. This is something that's going to have to be closely watched. The problem with this particular formula as I see it, is that it is not neutral as to placement of the child. It would encourage those towns which may be receiving a 30 percent reimbursement, whose costs for particular students may be nearing the $10,000 figure, to go ahead and put that child in the most expensive placement available so that it will boost them over the $10,000 figure and thereby increase their percentage

reimbursement from 30 percent to 70 percent. The fiscal note on the Bill says it has a $205,000 cost. I think that when you plug in that unknown factor of how it will affect the placement, and I think there's no question that it will affect the placement, it could very well be a greater cost. I can only tell you to please vote against this Amendment. We realize that there is a potential problem here. I pledge to you on behalf of the Education Committee, Representative Goodwin pledged in the House, that we will continue to give this potential problem our very most scrutiny.

THE CHAIR:

Will you remark further on Senate E? Senator Santaniello.

SENATOR SANTANIELLO:

Mr. President, very briefly Mr. President, I rise in support of the Amendment. I think three things can be said about this Amendment. It's fair, reasonable and equitable. It puts on a modest ceiling, Mr. President, a ceiling of $10,000 for special education situations. Where the local towns and communities are mandated to fulfill this requirement according to law, there may be, because it's their geographical accident, Mr. President, some overriding and extensive costs borne by this community, costs so severe Mr. President, that it would take funds allocated for other programs, for other students and unreasonably burden the community. What this simply states and we certainly understand the State's commitment and the town's commitment, to serve these special educational needs is to when the cost exceeds $10,000 that the State, over and above that $10,000 limit, contribute 70 percent of the cost. Again, Mr. President, I think it's in the area of insurance for the

taxpayers and towns, municipalities that because, merely because of geographical accidant, other students, other pupils in that community will not receive a disservice. Again, I think it's fair, equitable and reasonable and would ask for its adoption.

THE CHAIR:

Will you remark further on Senate A? Hearing no further remarks, I will try your minds. A Roll Call has not been requested. Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, I'd like to request a Roll Call on this.

THE CHAIR:

A Roll Call has been requested. Those in favor indicate by saying aye. 20 percent having said aye, Roll Call will be ordered. Will you remark further? Hearing no further remarks, announce an immediate Roll Call in the Senate.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Would all Senators please take their seats. Immediate Roll Call in the Senate. Would all Senators please be seated.

THE CHAIR:

The machine will be opened. Have all Senators voted? The machine will be closed. The Clerk will take a tally. The vote is:

10 YEA

25 NAY

The Amendment is defeated.

THE CLERK:

Clerk has Senate Amendment, Schedule F, Substitute House Bill 7586, LCO 7648, offered by Senator Cunningham. 7648.

THE CHAIR:

Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, I'd like to move adoption of the Amendment, request that the reading be waived and that I be permitted to summarize the Amendment.

THE CHAIR:

The question is on adoption and waiving of the reading. Is there objection to waiving the reading? Hearing none, you may proceed, Senator Cunningham.

SENATOR CUNNINGHAM:

Thank you Mr. President. This Amendment, if I bring your minds back to the first Amendment offered this afternoon with regard to the AFDC portion of the formula, this Amendment would take it out of the formula as a mulitplier and place it into the formula as an addition. It would give to each town an additional $250.00 per AFDC eligible student under the terms of the Bill. This of course, would mean that the cities would get a lion's share of this additional amount. Hartford would get the biggest portion and New Haven and Bridgeport would get large amounts and Waterbury and New Britain would also get substantial funding under this. The basic point, Mr. President, is as I tried to bring out in the earlier debate, the overburden caused by these poverty level atudents is

proportional to the number of students. It is not a multiple times all the other factors in the formula. It is an additional cost that should go to each town on that basis; more to Hartford, more to other big cities, but it should be done on a basis strictly proportional to the number of these students. I'd like to bring to the attention of the members here some materials which have been passed out on this Amendment.

There is an attachment on my letterhead and following that, are some computer printouts showing the impact of this on the - this Amendment on each of the municipalities of the State. Almost all of the communities gain under this. A few do end up with less money. In the long run, because of other aspects of the formula, I'll point out with another Amendment, they actually will not be losing under this. But the basic coneept here is that you should equalize the base amount that you're giving the communities so that the communities have an equal opportunity and then you can add to this base amount for the various special programs. For example, under this, the special amount required for this, add it to the base. I believe, Mr. President, this is a better way of handling it. I believe it's more equitable. It fits in directly with the Horton versus Meskill. It would not disequalize the formula in any way, but would pertain directly to the overburden of the AFDC students. Mr. President, I would urge adoption of this Amendment and would request that when the vote is taken that it be taken by Roll.

THE CHAIR:

Thank you Senator. The qudstion is on a Roll Call. All those in favor indicate by saying aye. 20 percent having answered, a Roll Call shall

be called for at the appropriate time. Will you remark further on Senate F?

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I urge rejection of Senate Amendment F. Basically, this weakens the AFDC factor and a great deal has been said as to why we feel that should be a powerful factor. That removes $36 million from the formula equalizing money. $23 million of that is plugged back in under this Amendment as a flat grant. That is also reducing equalization. I believe that the net effect of the Amendment would be to drastically reduce the equalization that we are attempting here. The statistics that I read earlier would be invalidated by this Amendment and I urge its rejection.

THE CHAIR:

Will you remark further on Senate F? Hearing no further remarks, Madam Clerk announce an immediate Roll Call in the Senate.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Would all Senators please be seated. Roll Call has been ordered in the Senate. Would all Senators please take their seats.

THE CHAIR:

The machine will be opened. The machine is opened. Have all Senators voted properly? Is your vote cast the way you want it cast? The machine will be closed and the Clerk will take a tally. Very strange, the same vote.

10 YEA

25 NAY

The Amendment fails.

THE CLERK:

Clerk has Senate Amendment, Schedule C, File 440, Substitute House Bill 7586, offered by Senator Cunningham, LCO 7650. 7650.

THE CHAIR:

Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, I'd like to move for adoption and would request that the reading be waived and that I have permission to summarize.

THE CHAIR:

The question is on adoption. Is there opposition to waiving the reading of the Amendment? Hearing none, Senator you may proceed.

SENATOR CUNNINGHAM:

Thank you Mr. President. This Amendment would take out of the - from the Education Committee formula and the denominator of the so-called effort factor, the per capita income portion. I'd like to point out to this body, that already in the formula, under the need factor, there's a per capita income portion. What we are sa ying in a sense is that we want to square that. We want to multiply it in one place and then multiply it again. It's already in the formula. There is no need for it to be in there twice. There's no need for the continual - each factor of the formula adds in another factor as well. They multiply it out instead of just taking it in once in the formula,

this multiplies it again. It is undesireable to have it in there. What it does to a community is to say that not only because you happen to have twice the Grand List, we're going to say you have twice as much for education. But you also have 50 percent above the average income, well, you now have 3 times as much as you need and of course, by adding it in again, we multiply it by another one and a half. So instead of saying three, we're now saying four and a half. Even though you've only got 50 percent more per capita income. And you've only got twice as much Grand List. Mr. President, the present formula keeping this within the formula, is basically unjust. It is unfair and I would move adoption of this Amendment to eliminate that portion of the formula and I'd like to pointout that there are computer runs on this also. If any of the Members might be interested in looking at the following computer runs, computer run 4 - you compare computer run 4 with computer run number one on your desk and you will be able to see the impact of this on your own district.

The basic reason for adding this in the formula in the first place was because without it, it didn't seem to work out right and I'll explain why it didn't work out right later on, but basically keeping it in the formula is unfair and unjustified and Mr. President, I would ask that when a vote be taken on this that it be taken by Roll.

THE CHAIR:

Roll Call has been requested. Those in favor indicate by saying aye. More than 20 percent having responded in the affirmative, will you remark further

on Amendment C? Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I oppose Amendment C because this does take out the income adjustment factor in the denominator portion of the effort section of our formula. We presently have an income ratio in the first factor that is the wealth factor. We felt that by adding the income factor to the denominator of the effort factor, we would be matching and being consistent with something we had already done.

Furthermore, we think that philosophically it is correct to assume that effort should be a reflection of the income of a community; that is if all other factors are equal in a community, including their equalized net grand list, then differences in the income of the residents of those people are significant if the communities are taxing themselves at an equal rate. For that reason Mr. President, I object to this change in the formula and I would urge the defeat of this Amendment.

THE CHAIR:

Will you remark further on Senate C? Hearing on further remarks, announce an immediate Roll Call in the Senate.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Would all Senators please take their seats. Immediate Roll Call in the Senate. Would all Senators please be seated.

THE CHAIR:

The machine is opened. Have all Senators voted?

THE CLERK:

Roll Call is taking place in the Senate. Would all Senators please return to the Chamber. Roll Call in process in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

The machine will be closed. The Clerk will take a tally.

The vote is:

8 YEA

26 NAY

The Amendment fails.

THE CLERK:

Clerk has Senate Amendment, Schedule H, File 440, Substitute House Bill 7587, offered by Senator Cunningham. It's LCO 7652. 7652.

THE CHAIR:

Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, I'd like to move adoption and request the reading be waived and that I be permitted to summarize.

THE CHAIR:

The question is on adoption and request to waive the reading. Is there objection to waiving of the reading? Hearing none, Senator, you may proceed.

SENATOR CUNNINGHAM:

Thank you Mr. President. This Amendment is to eliminate the so-called

effort factor in the formula. Now, this might surprise some of the Members here but when I was looking at this Bill in Appropriations, I started making some quick hand computations as to what is the impact of this so-called effort factor. Not only is this an additional multiplier going back to the first portion of the formula, because if we look back to the first portion of the formula we find that a community which has a higher tax base, of course they're going to end up with a lower educational expenditure compared to the tax rate, so you're really just throwing it into the formula again. But, back to what I noticed in Appropriations, I observed that for the City of Hartford -

THE CHAIR:

The Senate will come to order to listen to the Senator from Stamford who is presenting his Amendment, Senate Amendment H. Senator, you have the floor.

SENATOR CUNNINGHAM:

Thank you Mr. President.

THE CHAIR:

You're welcome.

SENATOR CUNNINGHAM:

I appreciate that. It has become rather noisey here. The basic point is this - if you look at the situation, for example, for the City of Hartford, and Hartford uses some of the funds and I believe it should, to reduce its taxes, to encourage business in the City of Hartford to help the City really grow stronger, then it loses more than $1.2 million in State aid. So, to reduce its taxes by a million dollars, it has to spend $2.2 million less on education. Now,

the problem is tha tendencies in the communities, with that so-called effort factor in the formula, is going to be to spend the money, meaning more expenditures for the State. In fact, without it, Hartford would end up fairly well off, not with as much supposedly that it would gain, but just as much in reality because what we want to do is to make it possible, not only to provide better educational opportunity, but to help the cities have their tax burden no higher than any other community.

Right now, the tax burden of the City of Hartford is unfairly high. I believe that by eliminating this factor in the formula, we would be doing more to help the cities and to help all the communities of the State than keeping this so-called effort factor in there. It will make the formula more neutral. It is a desireable Amendment and I would urge its adoption.

THE CHAIR:

Will you remark further on Senate H? Senator O'Leary.

SENATOR O'Leary:

Mr. President, I urge the rejection of this Amendment. It does several things. First it does something which we just rejected in a previous Amendment that is, it removes the income adjustment from the denominator portion of the effort factor. Secondly, it substitutes a uniform State Tax Rate, the average State Tax Rate, for the individual tax rates of the various towns and cities. That substitution is very unfair to places such as the City of Hartford which make a tremendous tax effort. We do recognize that there may be a second year problem which the Senator alluded to. We have promised to address the second year problem; that is, if some of the funds which a high tax town uses to reduce

some of its tax load, they may be somewhat penalized in the second year. If that developes to be a major problem, we will address it. This Amendment, however, would greatly reduce the funds that those very high tax effort cities and towns will be receiving. I urge the rejection of this Amendment.

THE CHAIR:

Will you remark further on Senate H? Senator Ballen.

SENATOR BALLEN:

Mr. President, may I just respectfully request that when the vote be taken, it be taken by Roll Call.

THE CHAIR:

Those in favor of a Roll Call indicate by saying aye. Roll Call shall be called for at the proper time. Will you remark further on Senate H? Hearing no further remarks, announce an immediate Roll Call and the machine will be opened.

THE CLERK

A Roll Call has been ordered in the Senate. Will all Senators please take their seats. A Roll Call has been ordered in the Senate. Will all Senators please be seated.

THE CHAIR:

Have all Senators voted? The machine will be closed. The Clerk will take a tally. The vote is:

8 YEA

27 NAY

The Amendment is defeated.

THE CLERK:

Clerk has Senate Amendment, Schedule I, File 440, Substitute House Bill 7586, LCO 7651, offered by Senator Cunningham.

THE CHAIR:

Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, thank you. I'd like to move for adoption of the Amendment and request that the reading be waived and that I be permitted to summarize.

THE CHAIR:

The question is on adoption and request for waiving of the reading. Is there objection? Hearing none, you may proceed Senator.

SENATOR CUNNINGHAM:

Thank you Mr. President. This Amendment is totake out of the wealth factor the per capita income element. I want to explain again why. Because if a town has, for example, twice the average grand list per capita, but 50 percent more than the average per capita income, under this element of the formula alone, we're multiplying these to make it three to one. In fact, within my area of the State, within my Senatorial District, the fact that we have a little more than average per capita income and roughly twice theaverage grand list per capita does not mean that we even have twice as much that people can afford on their home property taxes. But to multiply it is grossly unfair and unjust and I would urge passage of this Amendment and would request that when the vote be taken it be taken by Roll.

THE CHAIR:

Thank you Senator. Those in favor of a Roll Call indicate by saying aye. It shall be ordered when appropriate. Will you remark further on the Amendment? Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I object to this Amendment for two reasons. First, by striking out the per capita income portion of the wealth factor, we return to old data, 1970 data, and that portion of the statute. Secondly, this kind of Amendment gives no consideration of the number of people being supported by the tax base. That's an important factor in the wealth section. It makes certain towns appear to be very rich that are not. There's no fiscal note on this Amendment, but I suspect that it's an extremely expensive Amendment. For those reasons, I urge its rejection.

THE CHAIR:

Will you remark further on Senate I? Hearing no further remarks, announce an immediate Roll Call. The machine will be opened.

THE CLERK:

Roll Call has been ordered in the Senate. Will all Senators please be seated. A roll Call has been ordered in the Senate. Will all Senators please take their seats.

THE CHAIR:

Have all Senators voted? The machine is closed. The Clerk will take a tally. The vote is:

8 YEA 27 NAY The Amendment is defeated.

THE CLERK:

Clerk has Senate Amendment, Schedule J, File 440, Substitute House Bill 7586, LCO 7654. 7654, offered by Senator Cunningham.

THE CHAIR:

Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President. Thank you Mr. President. I'd like to move adoption of this Amendment and would request that reading be waived and that I have permission to summarize.

THE CHAIR:

Question is on adoption. Request to summarize rather than read. Is there objection? Hearing none, you may proceed Senator.

SENATOR CUNNINGHAM:

Thank you Mr. President. This Amendment is the final Amendment. And I would like to explain what this Amendment is. This Amendment is to take the entire formula and replace it with a formula on the top line here. It would change the formula from its present, complex, communated, compounded formula to one which is very simple, and it's as follows. The fully funded formula using basically the same amount of funds involved in this.

What it is is that the aid would be equal to $1450.00 times the ADM, minus 7 mills - mind you, just 7 mills times the equalized net Grand List. And I'm sure when you start thinking about it and when you start thinking about Horton versus Meskill and the reason why it was brought, because some towns have the rather high tax rate compared to others to provide for anywhere near equal educational opportunity. Under this, we would be saying that no town

in Connecticut would be required to have a tax rate of more than 7 mills. You might say, well, it's going to cost more than $1450.00. Yes, because there are other aid programs these towns will be getting too which don't come into this program. Basically every town with a 7 mill tax rate, fully funded, would be in a situation where they'd have about some $1700 or $1800.00 per pupil. Now you ask why can it be done so simply when the Education Committee came up with such a doggone complicated formula and I'll tell you why. And the point that I was trying to make with that series of Amendments - let me explain it to you. The Education Committee formula and the SFAP formula and so forth make one simple, very simple initial mistake and frankly, I've got to admit I didn't find it. I testified before the Committee earlier in the Session. I went through all these - through the Session. It wasn't until last week that I suddenly, in the midele of the night, realized what happened, why. You know what it is? They divided by the number of people instead of the number of students.

That's basically their error. And let me explain what this did with the formula - why you've got - they start multiplying by the factors - they have to multiply in the so-called wealth factor by per capita income and while that doesn't seem to come out enough, so they come to an effort factor and in the effort factor, well, they had to sort of again use the inverse of the wealth of the Grand List by the simple element of what they're spending on education compared to their Grand List, but this still isn't enough. It still isn't enough. You know what they have to do then? They have to again

multiply the per capita income factor. Well, this still isn't enough. It still doesn't come down to what seems to be a fair formula so they added one half AFDC. You know why they have to add each of these factors, multiplying again and again? Because the simple division by per capita income instead of number of students on the average is five. Now, if you look at the impact of this formula and you'll find it in computer runs fourteen and one which are side by side in the group of materials which were passed out - you'll find that for most towns there isn't a great deal of difference. Some towns there is a difference using this, which is far simpler. The reason why there is in such towns as New Britain, have a very low number of students compared to the population. There are those towns. Others have a higher figure, but the cost to the town isn't an event - the town's wealth so far as it relates to being able to locally fund education. It's not per capita. The only reason they put that in there is because they started multiplying by per capita income and factors like that. The wealth of a town as far as its real ability is based on its Grand List per student. The amount that it can afford to fund.

Now Senator Bozzuto brought out earlier today that well, Hartford has all these businesses. Well frankly, I think they should be taxed less because it would encourage more business for Hartford. But the basic point is this. When you're really measuring what a town can tax because each town can basically only tax business the same as other towns or else they're going to drive businesses away. What we need to do basically and the basic concept of this is equalizing property rates, tax rates for education and we can do it. But you do it not with a complex, compounded, communated formula. We can do it.

But with a simple formula. Oh, I have a more deluxe version here where we start putting in a calculation for -- to supposedly help communities in my area that say, throwing in a factor that it will cost them more because of the higher cost of living which is related to the Grand List. Sure, that's true. But frankly, I think that what we need is something which is understandable by the average person which is obvious, which is simple.

Now, there's an old cliche that if it's a complex problem the solution must be complex. We can't have a simple solution. Well, frankly, if we can't explain what we do here today in the State Senate, to our constituents, that solution is inadequate. And frankly, with all the multiplying factors, it's very easy for me to just go back to my community and say, golly, it's totally unfair. We should go to court and fight it because it multiplies our wealth factor five times in the formula which is absurd. But frankly, I believe that a formula, the formula which I presented here would be better for the people of the State of Connecticut and I would urge its adoption. And Mr. President, I would request that when the vote is taken, it be taken by Roll Call. Thank you Mr. President.

THE CHAIR:

A request fora Roll Call has been made. Those in favor indicate by saying aye. I question 20 percent. I will give you the opportunity one more time. Those in favor of a Roll Call indicate by saying aye. 20 percent having responded in the affirmative, a Roll Call will be ordered when appropriate. Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I have to admit to a certain amount of confusion at this point. The formula that we see before us was very neatly drafted and well lettered on that piece of paper or cardboard, but it appears to me basically to be the foundation type of approach which was rejected by the Education Committee. The $1450.00 figure which I see there is less than the State median per pupil which was spent a year ago or two years ago in Connecticut and I don't know why that would be used. Basically, I think that this particular formula if it were adopted would reject all of the very sound arguments we've given today for the three factors in our present GTB formula.

THE CHAIR:

Will you remark further on Senate J? Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I just wanted to say to Members of this Circle that after 18 months of study on this issue, I sometimes wonder why we didn't think of that. I would urge all Members of this Circle to vote against the Amendment.

THE CHAIR:

Senator Cunningham can't understand why you didn't think of it either. Will you remark further on Senate J? Hearing no further remarks, a Roll Call has been ordered. Will you announce a Roll Call please.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Would all Senators please be seated. Immediate Roll Call in the Senate. Would all Senators please

take their seats.

THE CHAIR:

The machine is opened. Have all Senators voted? The machine is closed. The Clerk will take a tally. Senator Martin.

SENATOR MARTIN:

Mr. President, I would like to be recorded in the negative.

THE CHAIR:

Senator Martin, not showing on the board would like to be recorded in the negative. Would you make the change appropriately Mr. Clerk.

The vote is:

8 YEA

27 NAY

The Amendment is defeated.

THE CLERK:

Clerk has Senate Amendment Schedule K, File 440, Substitute House Bill 7586, offered by Senator Cunningham, LCO 7655. 8655.

THE CHAIR:

Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, I'd like to withdraw this Amendment.

THE CHAIR:

Thank you Senator Cunningham. Discretion is always the better part of valor.

THE CLERK:

Clerk has Senate Amendment Schedule L, File 440, Substitute House Bill

7586, LCO 7902, offered by Senator Ruggiero.

THE CHAIR:

Senator Ruggiero.

SENATOR RUGGIERO:

Mr. President, since the tally machine seems to be broken and seems to be stuck at 27 to 8 in the negative, I would also like to withdraw this Amendment, but I would like through you Mr. President, to ask a question to Senator O'Leary if I may please.

THE CHAIR:

The Amendment is withdrawn prior to your question is that correct, Senator Ruggiero?

SENATOR RUGGIERO:

That's correct.

THE CHAIR:

The Amendment is withdrawn. There is no Amendments before us. We are on the main Bill. A question from Senator Ruggiero to Senator O'Leary. You may proceed, sir.

SENATOR RUGGIERO:

Thank you Mr. President. Through you, Senator O'Leary, it appears to me that under transportation formulas, that are arrived at in the Bill, that the towns that have the most mileage per day, seem to take it on the chin and be on the short end of the stick. Those of us that represent rural, sprawling communities and have school bus routes that are a thousand, twelve hundred

miles per day, we seem to go down in the percentage of reimbursement that we are going to receive as compared to a Hartford or a Bridgeport or a Waterbury which does not have those long school bus routes nor as high a bill as the small, rural communities do and Senator O'Leary, I was wondering if you, for the record, would comment as to whether the Education Committee will, during the interim, look into what at least I would consider to be a more equitable formula for transportation, taking into consideration miles driven in the school bus route.

THE CHAIR:

Senator O'Leary if you care to respond. Yes,

SENATOR O'LEARY:

Yes, through you Mr. President, in the sense that Senator Ruggiero mentioned, the small, rural towns would bear a greater percentage of the total cost of education if they are below Hartford, if that's the figure you used in their anglic. If they are both Hartford in their anglic, then of course, they would be reimbursed on a greater percentage than Hartford. So that is possible. However, the attempt we've used to reimburse transportation funds is the sliding scale - the 20 to 60 percent scale. It does not reflect the number of miles driven. It is possible that a town, under this system, would receive more dollars however, because we are reimbursing a smaller percentage of a much larger pot than might be used in a city or in a more densely populated area. However, it was noted on the floor of the House, it was noted in Committee, and I would like to note for the record here, that this is one of the areas that the Committee will undertake to study in the interim and I thank you for your consideration of this and for having brought it to my attention, not only here, but also earlier in our deliberations. You have my assurance that we will

continue to observe the transportation section of the formula very closely.

THE CHAIR:

Senator Ruggiero, you have the floor.

SENATOR RUGGIERO:

Thank you. In speaking to the 15 towns that I represent, many of whom get "heard under this Bill", their main concern was in the field of special education and also in transportation and, since the Education Committee will, in the interim, with obvious input from those of us that represent a rural community, try to equalize to what we consider to be a fairer method of distributing transportation money, I intend to support the Bill and would hope that the rest would and during the interim, now that we have the formula in place, hopefully we might be able to make some changes to equalize some of those areas that we happen not to be excited about. Thank you.

THE CHAIR:

Will you remark further on the Bill itself? Senator Post.

SENATOR POST:

Mr. President, I would like to speak very briefly. I intend to vote against the Bill. I'd like to point out one or two things that perhaps haven't been mentioned today. Most of the things have been mentioned that could possibly be mentioned, but it occurs to me that we are responding to the thrust of the court decision and I just want to point out toyou that I think that we have forgotten to some extent, the original reason why we were struggling with this issue. I want to point out to you that this case originally arose in the Town of Canton - the famous Town, the grand Town of Canton, where I happen to live.

The Court decision focuses in on Canton and says that the school financing system in the State of Connecticut is so unfair as to be unconstitutional, using Canton's situation as the focal point. Following that, as Senator DeNardis pointed out, the legislature responded and indeed, in subsequent years, state aid that was granted, meant that Canton got a slightly larger percentage of the State aid that was made available.

Under the formula that we are now adopting, I would point out to you that Canton's share of the State aid provided for education will be less than it was at the time of the court case. I mention it because I think in all of the compassion and concern and interest that people have for providing quality education and all the work that's gone into it, we have forgotten that the original thrust of this was that in some places in the State, people work harder to pay taxes and yet provide less for education. I think if we had responded to that concern and made sure that State aid was available to those towns indeed, we would have done our job and responded to the court case and then would have been in a position to go on and try to figure out how best to solve other problems that are now wound up in this particular formula.

I'm going to vote against the proposal because I think we have failed, despite all of the good intentions and hard work and concern and compassion, we have failed the fundamental task of trying to make sure that we equalize educational opportunity where, in fact, as a result of this formula, some of the disparities are even going to be greater. Thank you, sir.

THE CHAIR:

Will you remark further? Senator Owens.

SENATOR OWENS:

Yes. Mr. President, I rise to oppose the Bill and I do so with a great deal of reservations because I know that Senator Schneller, Senator O'Leary and other Senators have worked very, very hard and with a great deal of pressure and have come up with a Bill that will probably fly and probably do very well when it gets back to Judge Rubinow and the ultimate decision is made. Certainly their intentions have been honorable and they have gone through a great deal of effort to get a workable piece of legislation. I support the concept, obviously, to equalize educational opportunities and in order to conform with the landmark decision in Horton versus Meskill.

However, I do find fault and my basic problem with the Bill is that I oppose certain aspects of the formula. Under the present system, one of the cities that I represent, Bridgeport, under the present formula now, before passage of this Bill, is allocated $405.00 per pupil, Hartford is allocated $356.00 per pupil and New Haven is allocated $361.00 per pupil. As the - if this Bill is passed, and it probably will, Bridgeport goes from $405.00 to $988.00; Hartford goes from $356.00 to $1614.00 and New Haven goes from $361.00 to $1151.00. So that again, I say that my serious problem is with the formula and two aspects of the formula.

Substantially, Bridgeport has been receiving - the residents of Bridgeport orthose who are dependent on the ADC Grant in Bridgeport, receive substantially less than Bridgeport than Hartford or New Haven. But this factor is so heavily weighted against Bridgeport, the largest city in the State, in

this formula that Bridgeport is penalized for taking steps to keep this figure down if it can. Now, it's true that Bridgeport is in a better area; they're probably more adaptable to industry and to service related businesses than Hartford and so forth, but when you talk about weighing a formula that comes out with $22 million for Bridgeport over a five year period and $44 million, almost two to one, twice as much over the same period of time for Hartford, then I have some serious question as to how the formula came about.

The other aspect is that - and I should point out that Bridgeport obviously isn't - by far it's not a rich city. It's hard working people and they have their problems keeping expenses down. The second part of the formula that probably Hartford is a little more justified in receiving some fairer and more equitable treatment is that the claim is that Hartford spends substantially more on education. And I want to commend the City of Hartfordfor picking itself up by its own bootstraps and really working at this issue and they have done this and they have really worked on it and there's been a conscientious effort to spend funds in this direction. However, if you look at the various achievement test scores from the City of Bridgeport and the City of Hartford, there's not that great a disparity so I can only point out maybe that what Bridgeport spends on education and I don't think it spends enough, maybe what they're spending on education is better result-wise and that they're getting more for their dollar in education. I don't know the answer to that.

But I would have liked to have had Bridgeport spend more on education and be in a higher, certainly in the top ten as Hartford is. I also wanted to

say that I did speak in favor of the original proposal by the State Board of Education at a public hearing in Bridgeport and I thought the initial formula that was adopted by the State Board of Education was essentially fairer to Bridgeport and it was a lot more equitable than what the Education Committee has done. And I point out that the Education Committee has weighed welfare and local spending too greatly and for this reason and for this reason only, I cannot support the Bill.

Again, I want to commend them. I think they've really been diligent. It's just that probably Bridgeport is just a victim of the circumstance here and when the formula is weighed, with those two aspects of us, we have come up but we haven't come up nearly as much and when you look at the comparison - $22 million for Bridgeport over a five year period and $44 million for Hartford over the same period of time, that you really can't sit down and say that the ADC and the amount spent on education are really significant enough to make the overwhelming amount or almost a two to one disparity in this amount. And for these reasons, I oppose this piece of legislation. Thank you Mr. President.

THE CHAIR:

You're welcome Senator. Will you remark further? Are there any other victims? Senator Matthews.

SENATOR MATTHEWS:

Thank you Mr. President. I will not support the Bill. I think if I read the towns which I represent in the 26th District, much of my reasoning

will become apparent - Darien, New Canaan, Weston, Wilton, Fairfield and Westport. We certainly in our area, want youngpeople to have an education which is comparable in every way that it can be. We have had a very difficult time in our area trying to find out what it is that the court mandated that no one seems to have hit on or decided or yet seems to be able to think about in the future as to where it goes. And that is the one relative to equal educational opportunity. I am asked over and over and over in our community - how are dollar bills going to equalize educational opportunity? What is that? Who has defined it? Did the courts tell us we had this to define? We are very unhappy about the matter of being unable to get a full and clear definition of that particular phase and aspect of the Bill.

It's my understanding that the money that will be allocated under this formula can be used for other than educational possibilities and, therefore, if New Canaan or Darien or whatever town I represent wishes to spend more money on their educational program, through local property tax or whatever form of funding, we will in a way, continue to have complete, unequal educational opportunities throughout the State. Therefore, we are not accommodating the circumstances that the court seemed to me and to our groups in my area, to want to see accomodated. I am sorry that we are in a position that we cannot be more positive about the Bill, but it's not possible under the circumstances. In fact, as time proceeds with inflationary elements entering into the picture, we will probably have more and more people who will have to put up higher and higher property tax money in order to carry the schools at the level at which we

think they should be conducted. Thank you.

THE CHAIR:

Thank you Senator. Will you remark further? Senator Curry.

SENATOR CURRY:

Mr. President, for the only occasion this afternoon, I would like very briefly to state my support of a Bill about which I have some rather significant personal reservations. I am very happy to say that I think that my vote will reflect the feelings of the communities which I represent, although those communities are not significantly advantaged by this Bill. I believe after thelong talks that I've had in my district over the last few months about what it is that we're doing here, the people of my district understand theneed for compromise, the need for consideration, the need to make some sacrifice for a larger good.

I would like to say though, that I am significantly worried, listening to the opposition expressed to this Bill, coming as so much of it did from a man whom I've grown to respect and admire a great deal in the few months I've been here, Senator Bozzuto. I nonetheless thought at the beginning of his remarks that he and I hadn't read the same Supreme Court decision; towards the middle of his remarks that we weren't talking about the same Bill and, by the end, that we were living in two different worlds.

The crying need which this Bill attempts to address will persist after the Bill has been passed on into law. It has a number of aspects which theBill cannot comprehend, does not attempt to comprehend and should not. I

worry only about two things. First, that we haven't done enough; that this may be a moment in a succession of moments in legislatures across this country in recent years in which a legislature, as hard as it seems to have tried, has ended up conceding a good deal of its authority to the Judicial Department and left one of its most controversial decisions to another branch, a less democratic branch, a less open branch of government. I think people are tired of that. I worry also that the approach we've taken would not have been predicted by the Justice who rendered the initial decision of the Supreme Court which affirmed. I was asked by a Board of Education in my district two weeks ago how it was that we were paying an extra $30 million without having raised any taxes. And it occurred to me finally, that our apparent strategy was, in light of the fact that the budget, which we must look at concomitent with this and which will be before this body on Friday, showed only a two and a half percent increase in spending and when you factor in inflation that's a tremendous cutback in all of the programs. I realized that what we've done is to pay for Horton versus Meskill by dismantling the rest of the public sector and, although we'reonly slowly about doing that, that appears bo be the strategy. I wonder if that's precisely what the court had in mind and I wonder if that's precisely what our state needs. And I only hope that the problems of our smaller rural towns and our most vital urban centers will be more directly addressed in the future. I believe that the entire question of tax structure, very little about which has been said today, but which is the underlying issue through all of this, will

receive more focus, discussion, more study and I hope that all of us will take what we've learned from this experience back out into our districts and begin to build constituencies behind ideas, begin to suggest to people that in a decade that as we close out a decade which has seen a declining investment in the public sector; that all of us will commit ourselves to making the kinds of investment in human need and the response to human need that only the public sector can make and that this Bill will be a successful first step in that direction. Thank you.

THE CHAIR:

Will you remark further? Will you remark further? Senator Cloud.

SENATOR CLOUD:

Mr. President, I rise to support the passage of House Bill 7586, the educational equalization plan. It's my belief that we have waited much too long to answer the cries of the educationally underprivileged, regardless of whether they reside in major cities of our state or in the rural communities, particularly in Eastern Connecticut. I believe that no longer can we ignore our State's Constitutional mandate which guarantees that no segment of our population will be entitled to the exclusive public privileges. The court, in Horton versus Meskill, has directed this General Assembly to develop a viable, equalization plan on or before May 1 and, therefore, in all good faith, it seems to me imperative that we adopt this plan so that it may be reviewed by the courts.

I do say that this Bill as proposed, is not without its weaknesses

and I wish to state my reservations. First of all, this plan in my opinion, does not provide sufficient funding. This deficiency exists solely because of what I consider to be budget restraints and because this State of ours does not yet have the proper means of financing public education. And some day, maybe some day soon, we will come to realize that the only feasible and equitable solution to financing our system of public education and other parts of the public sector budget, as indicated by Senator Curry, is to take a look at our tax structure and to consider implementing a State income tax.

Without this mechanism, Connecticut in my opinion, will never be able to satisfy fully, its educational responsibilities. Second, it seems to me that a three year phase-in would probably be more acceptable to the courts than a five year schedule. School parity is an idea which should not have to wait until the futuristic year of 1984. In my opinion, educational equalization should be today's reality and not tomorrow's promise.

My third concern is in regard to what I consider to be the retention of the hold harmless arrangement which guarantees all towns a minimum grant regardless of need. Since it is arbitrary and not necessarily based upon need, it only serves to exaggerate, not alleviate the funding gap between towns. I happen to agree with the State Board of Education's recommendation which would abolish entirely, any concept dealing with a flat grant or minimum grant. This would be more consistent, in my opinion, with our Constitutional requirements. Despite some of the discussion and debate that has gone on here this afternoon by some of my dear colleagues on both sides of the aisle, my concern

is that the cities and rural communities, to some extent rural communities, will still be slighted under this plan. The formula in my opinion, is not adequately accounting for additional hardship faced by inner-city students and although the AFDC factor takes some of these urban differences into account, it does not address the problems of other low income children. I happen to support the State Board of Education's recommendation which would have provided additional funds in the factor in the formula for low income children.

Should this plan pass the court and reach the implementation stage, I believe that, as has been said by several Members of this Circle this afternoon, that one more weakness will become manifest. The plan in my opinion, has no upfront mechanism which would assure that the allocated funds will indeed go to education. You've heard some discussion this afternoon that some of the funds may end up going to property tax relief and maybe to a certain extent, that is justified, on a limited basis. I believe that the money that we are sending to the towns and municipalities in this State should go to education and so I think that, as we pass on this issue today, that we probably have an additional responsibility, Mr. President and Members of the Circle, that until such time as we are able to find the right piece of legislation, the right mechanism to assure that these kinds of funds that we send to our towns and municipalities, that we have an added responsibility as State Legislators, to encourage our local officials to use this additional money for its intended purposes. The bottom line with me in all of this, is that we cannot neglect

our responsibilities to the children of this state and therefore, we really cannot put a pricetag on educational opportunities. It is my belief that if the cost is high, so let it be, for the price of inequality is far more severe.

Despite my reservations and what I believe, I support this Bill because I believe that it is a step in the right direction. And in doing so, I cast my confidence in the work of Senator Schneller, in the work of Senator O'Leary and in the work of Representative Goodwin and the Members of the Appropriations and more particularly Education Committee for the leadership that they have provided in shepherding this important piece of legislation through this General Assembly in order that the court may review what we have done to be just.

THE CHAIR:

Thank you Senator. Will you remark further? Will you remark further on the Bill? Senator DeNardis.

SENATOR DE NARDIS:

Mr. President, a final brief comment is in order after a string of speeches in favor of the Bill that is before us. Those that spoke earlier and registered their opposition come at the problem as I listen to a Senator Matthews and a Senator Owens and a Senator Cunningham and a Senator Bozzuto, I can recognize as indeed all of us can, that each one of us comes at this question a little bit differently. In all the years that I've been grappling with this issue, I have tried to keep my eye on the ball and not on the payout

for my towns, for other towns in the area, but I've tried to keep in mind what I have come to regard as the Constitutional issue at hand. And I would be willing to sacrifice money to my hometown, to towns in my district, if a formula were fashioned which touched the cord of the decision in Horton versus Meskill and I tried to convey that earlier in my remarks. The Constitutional issue at hand is taxpayer ability to pay for education. The operative concept is fiscal neutrality. That is best institutionalized through a district power equalizing formula that is as simple and straight forward as the legislative commission in 1974 and '75 recommended, with some modifications.

I personally, sincerely, with all the energy and intellectual integrity that I can muster up and convey to you, believe that we have not moved very much further in the last four years and I say this with a tinge of regret and with a great deal of sadness because I think we had the opportunity, because we got a jump on Horton versus Meskill. We had an opportunity to beat the Court to the punch to do something creative and innovative with respect to school finance. The last four years has been discouraging. We have a formula now which, in my opinion, in many ways is worse than the formula that was enacted in '75 and modified in '77 and I have gone over those reasons earlier in this debate.

Senator Cloud may look upon this issue from the unique perspective of his district and it is a district in dire need. But educationally, we have a sad act program which has $27 million, $20 million in Federal money; $7 million in State money and the City of Hartford alone, out of the 169 towns gets a full

one third of that. We have a bilingual education program which is now currently funded at $1.4 million and which, under the budget, will get $1.6 million. And the City of Hartford will get a full 40 percent of that money. Moreover, under this plan, they will get $14.7 million, a 60 percent increase, over this current year.

By any standard of measurement, the City of Hartford is doing exceedingly well in this narrow area of education and perhaps to the deprivation of its needs in other areas. And I hate to say this Sandy, but it's almost a crowning insult to hear you stand and tell us what's wrong with a formula that is going to so benefit your community. The Constitutional issue at hand has long since ceased to be the medium of discussion. It hasn't been very much in evidence today. We've talked about most everything but the Constitutional issue at hand. And maybe that was predictable. But we're not here to do all those good things that we would like to do for those communities that we think have needs, non-educational as well as educational. Our job was to respond to a decision that was fairly clear-cut; fairly clear-cut compared toa lot of other State Court decisions. And I dare say just a little bit of attention to the heart of that decision could have moved us in the direction of providing a response that would save us grief.

This is not the final chapter. And I don't mean to be a naysayer and a doomsdaysayer, because that's not in my nature, but I feel as sure as I'm standing here now talking to all of you, that I'll be standing here again on the same subject in the not too distant future, unless the court says, throws

up its hands and says what are you going to do - it's a political issue. Let it remain a political issue. I don't feel as Senator Curry feels that the court has intruded; that the court intrudes too much. I know now and again I feel that way on specific issues, but having been through this episode, I say thank God for the courts because in the final analysis, the only just and equitable verdict may have to come from that august chamber.

THE CHAIR:

Will you remark further on the Bill? Hearing no further remarks, will the Clerk please - pardon - Senator O'Lear y for the third time Senator on the Bill itself. Does Senator O'Leary have leave of the Chamber to speak for the third time? Does Senator O'Leary have leave of the Chamber to speak for the third time? Is there objection to him speaking for the third time? I have never seen, in twelve years, anyone denied the right in either Chamber to seek leave of the Chamber to speak for the third time. Is there objection to Senator O'Leary speaking for the third time? Hearing no objection, Senator O'Leary.

SENATOR O'LEARY:

Mr. President, through you, I would thank the Chamber for giving me leave to speak for the third time on this subject. We knew when we began that we had a long road to hoe and that we were in all likelihood, not going to be able to please everyone. For the Cantons and the Bridgeports and the Hartford I can only offer you my conviction that the methodology of our approach is correct. It's very difficult to move a Canton in one direction or another. On five tests, Canton comes very near the State medium. On their net current expenditures, they're 72nd. On their adjusted equalized net Grand List, 79th.

On their tax effort, 84th; on their need, 97th. For a Bridgeport, I can only say that the evidence we have indicates that your effort is by no means commensurate with that of the City of Hartford to which you have chosen to compare yourself. 46 mills in Hartford, almost 47; 29 in Bridgeport. Their effort represents 159 percent of yours. With regard to the AFDC, 14,000 in Bridgeport; 20,000 in Hartford; AFDC represents 60 percent of your load in Bridgeport; 72 percent in Hartford.

We know there are objections, but I think that the data and the formula we have used can stand up to close scrutiny. I believe that the Judicial branch of our government showed great wisdom when it said that the ultimate solution must come from the lawmakers and from the democratic pressures of those who elect them. This is not the ultimate solution today. I would not presume to tell you that it was. Surely we will be back here in years to come, adjusting and fine tuning this formula as new data becomes available to us. But it is my conviction that what we are doing here today will be a very major step toward living up to the Constitutional mandate which we know we have; to provide a substantially equal opportunity to each pupil in the State of Connecticut.

THE CHAIR:

Will you remark further? Senator Bozzuto.

SENATOR BOZZUTO:

Mr. President, I'll be very brief. The Majority Party in this Circle today is about to commit a travesty on every taxpaying citizen in the State of

Connecticut. And you know, you learn a lesson from some of your brothers in the Federal chamber. For years, Connecticut and the Northeast states have said you're sending all the money to the sunbelt states and we're suffering here and even today, we send $1.30 to the Federal Government for every dollar we receive. And what you are beginning to do today is to build that same kind of division among rural and urban, large and small, in that every time someone pays a Sales Tax, they're going to say are we getting good benefit for that dollar or is someone in Hartford misutilizing it, taking it away from us and using it for political advantage? And that's what we are going to be doing.

It'll be more difficult to compute, but in fact, the persons that will suffer as a result of our action today, are the taxpayers throughout the State of Connecticut and yes, students, students throughout all of the State because we're going to build upon those divisions for the very simple reason that the majority is so intent on taking care of their political base that they paid no attention to equality and to responsibility and to all those high sounding phrases that I heard around the Chamber today; they meant absolutely nothing. You know, Friday of this week, we're going to be talking about a budget that's been worked over diligently. The Appropriations Committee has managed to keep within five to five and a half percent and the bulk of our effort today and the bulk of the money that we are appropriating today is going to go, and I hate to bring it up Senator Cloud, because it so dismays you, is going to be going to Hartford, which is proposing an in excess of ten percent increase in their budget - an increase of 40 police officers who they hope will

CETA funded and you know the story is very simply this - that when you're not responsible to lay the tax, you're not responsible on how you spend the money. That's very simple. It's basic to democracy. Keep responsibility where you can get at the people and what you're doing to us is you're teaching us a new lesson today. You're saying we're going to diffuse the taxlaying power so that people will be more confused about who's responsible for taxes and less able to get at them. Let's get it off the local base. Let's put it at the State level where they dont really know when they pay Sales Taxes. Property taxes are too sensitive. They'll be less confused and we'll guarantee that we'll continue to re-elect those partisans at that level. And they will be less responsible because they do not have the responsibility to face up to the voters because they indeed, legislated those tax increases.

You are removing responsibility from local elected officials. You are taking away the ability of people to determine who is responsible for taxation so they can get a stranglehold on that individual so that they can do away with the confusion that they have, the skepticism that they have about government so that in fact, they can at the political person that's responsible for the taxes that they're so upset with and you're transferring it. You're transferring it a higher level incompetent here in the State Senate, downstairs in that State House of Representatives to the Federal legislature because then you don't have to face up to the responsibility and because you confuse people.

But you haven't fooled them. They're going to get the message and frankly, we're going to send the message to them. Today, you are legislating a tax that is going to cost every citizen of this State more money and you're

funnelling it into a cesspool, a political cesspool that spends and spends because they know they're not responsible because they say we'll get it from CETA. We'll get it from Grasso. We'll get it from someone else. Yes, we'll get it from Schaeller and O'Leary and Goodwin because they look like good, responsible people and everyone likes them because they're nice. But no one knows that they're responsible for those tax dollars that I pay. That's what you're doing. That's the confusing that you're aiding and abetting and you are legislating more taxes and we're going to tell them about it.

We're going to tell them exactly what's happening and we're going to bring that responsibility home to you in the next General Assembly election so that everyone understands it. So that everyone understands that you put your hands in their pocket and stole their money. That's the simplicity of it. You indeed, have stolen money from hardworking citizens in East Hartford and Manchester; in Watertown and Waterbury and from all over this State because you were prevailed upon by outstanding lobbyists in Hartford because they made a case to you that something needed to be done about their problem because they said to you we weren't educating those poor people in Hartford when, in fact, we are educating them and the question is are we going to face up to the responsibility as to who's going to pay the bill or are you going to diffuse that responsibility?

Make - bear this in your mind. Like a thief in the night, you're going into the homes. You're stealing that money at the supermarkets when they buy goods. You're stealing that money anytime anyone in the State buys anything

and you're redistributing that income on a year formula. We are no better than thieves in the night, passing this legislation, removing responsibility away from elected officials, diffusing the issue.

You can laugh about it, but think about it - think back what's happening to that budget; think where you're sending that money and think why you're sending that money there and look at the percentage of that budget that's funded by Federal and State funds and I'll tell you this - you are going to compound irresponsibility in every domicile, in every municipality. Now they know the bandwagon is here, they're going to load up. And, as Bridgeport loaded up this year because we gave the Civic Center to Hartford and Bridgeport wants one this year, next year we're going to be back here loading the bandwagon again.

That's the danger and if you want to talk in high sounding terms about equity, we could have dealt with this equitably, but no one in the Majority ever, from the very beginning, had any intention and that should be very obvious to the public at large. Your will will be done today, but we will tell the electorate about it in November.

THE CHAIR:

Will you remark further on House Bill 7586? Senator Schneller, for the second time.

SENATOR SCHNELLER:

Mr. President, I think it's a little sad that we have to end this debate today on the note of partisanship that we've just heard. In the two years that I've been working on this subject, I felt we were dealing with providing

educational opportunity because the court has said that education is a fundamental right and the manner in which this General Assembly has discharged that responsibility. The Court has said, does not provide those equal educational opportunities.

And the court directed this General Assembly to provide a remedy. It's difficult for me to understand why some people refuse to believe that it costs more to educate kids who come from one parent households, who speak a language other than English, who come to school hungry, and who use those problems to make political capital - I think that's sad. I would have rather expected that we would address this issue as a bipartisan issue, recognizing need and equity and not reducing the final moments of this discussion to political rhetoric. Because in my opinion, this is a very fine hour for this General Assembly. It's not often that we deal with a landmark piece of legislation and make no mistake about it, this is a landmark piece of legislation. Because this General Assembly, after 200 years, has changed its direction and recognized the principle that education is a fundamental right that will be made available to all Connecticut students on an equitable basis.

And I think we're all fortunate to have participated in this debate this afternoon. During the course of the last two years, and particularly since Judge Rubinow in September issued the May 1st deadline, many people questioned me as to whether this General Assembly would be able to reach a concensus and reach a May 1st deadline. And at no time did I say anything other than I have no doubt they will. Because, in the five years that I've been privileged to be

a Member of this Circle, I have come to have great respect for the legislative process and the individual Members of this Legislature who are sent here by the people they represent. People have also asked me if I believed this will pass the test of future court litigation. My answer has been if I did n't think it would pass a future court test case, I would not be here supporting this response. But whether or not it will pass the court's muster, of course, is up to the judge that will review it. But one thing I'm satisfied in my own mind, that this General Assembly has acted responsibly and given the totality of the constraints, within which we've had to work, the recommendation that this General Assembly makes to the court in the form of the Bill on which we are about to vote, will be our best effort and it will be a responsible effort and I'm comfortable with my vote in voting for this legislation.

There's been a lot of effort that has gone into this response and yes, it did start back in 1973 and 3, with Senator DeNardis and Senator Beck, long before I came to this Circle and it continued, if you want to call it in the Odyssey of Barnaby Horton, until 1979. There are a great many people who have brought this response to the point where we are about to vote on it. I think the Education Committee of the General Assembly, Senator O'Leary, Representative Goodwin and all the other members of the Education Committee are to be commended for truly an outstanding piece of work. Behind the legislators who have worked and presented this piece of legislation, there's a large, unsung staff, too numerous to mention and I!m not going to mention

individual names, most of them are here because of their interest in this issue. Two of the people I do feel compelled to thank at this moment and they are Barnaby and Wesley Horton, particularly Wesley, the father, who had the courage to challenge a process that had existed in this State for two hundred years; a process through which this General Assembly did not respond. The fact that he had that courage and took this case into court and forced this General Assembly to do what it's doing today, is in my opinion, the most noble deed of all and I think it is the highest example of what Constitutional government is all about; that one individual who has that courage and who is willing to take a stand, can turn around a history and tradition of two hundred years.

Mr. President, I thank you for this opportunity to address this Circle and I trust my fellow Senators will vote in favor of this legislation.

THE CHAIR:

Thank you Senator. Will you remark further on the Bill itself? Senator Fauliso.

SENATOR FAULISO:

Mr. President, I listened to the harangue which has now reduced itself to prattle. I think the people of my city deserve a defense. And I'm going to do it legalistically. I must admit that the claims made by Senator Bozzuto lack quality, substance and truth. If this was framed in a so-called legal document, a complaint, the defense lawyer would have the alternative of responding. The response of a lawyer in this type of a case would be a general denial and on behalf of the City of Hartford, we deny each and every claim and allegation made by Senator Bozzuto. The hour is late. It's unfair for me to encroach on your time or to trespass on your time. It's obvious to me that what I have heard

is pure political rhetoric and it's unfortunate that some of the Minority members and in particular the distinguished Minority Leader, fail to extricate himself from the shackles of partisanship. This issue required statesmanship, if ever we had an issue that required statesmanship and I appreciate the arguments that have been advanced; the arguments of quality, of reasonable people, of people of good will, whose preoccupation has not been the City of Hartford. who have felt that there was a job to be done, a goal to be reached. Again, I reiterate, I don't mind differing, but to differ solely on partisanship is wrong. And as reasonable people, I think we have a higher mandate and that mandate is to assume a more statesmanship or statesmanship posture; one which demands the highest quality. It seems to me we have failed in some respect. I don't pretend to know what the future is going to be in the court. Everyone wants to assume the role of a lawyer, a Constitutional lawyer. I think I've read and re-read this decision many times and I am satisfied and I tell each and every one of you that we have done what we consider our task. We can be criticized but that criticism should be constructive, not destructive; one which holds out the people of my city as thieves, as thieves in the night. That's unfortunate. That's sad. The people of the City of Hartford are decent people, compassionate people, people who suffer the same agony and the same pain, the same people who contribute to the treasury of this State. Again, I reiterate to the tune of $200 million and who have all of the handicaps of major urban areas. That isn't the posture which we should take here today - the posture should be one where we together, bridge the gap between

the suburbs and the urban areas. Our argument shouldn't be one of divicivenes but one which would bring about a coalition; one which would bridge the gap betwen the urban and suburban areas. In many respects, we have divided them. Thank you Mr. President.

THE CHAIR:

You're welcome Senator. Will you remark further on the Bill itself? Senator Bozzuto for the second time.

SENATOR BOZZUTO:

Mr. President, for the second and thelast time, that's just another evidence of the deviousness because no comment was made with regard to the citizens of Hartford. It was made with the administration of this Circle and of the political institution in Hartford. I think we'll make that very clear. And I think that if there's partisanship that has been charged, and it is obvious, if you want to determine the partisanship, then just look at the Bill and the numbers and the partisanship becomes very obvious. We were prepared for statesmanship. We were faced with partisanship and had to react with partisanship when you're up against a stone wall that thinks of nothing but partisanship. The intent of this Bill is very clear. The partisanship of this Bill is very clear. The numbers today are partisanship and they're very clear.

THE CHAIR:

Will you remark further? Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, I appreciate eloquence of the previous speakers. I

have a great deal of respect for Senator Schneller and Senator Fauliso, for our Minority Leader, Senator Bozzuto. I am going to vote against this Bill and I do not pretend to be one who favors equalization or favors the decision of the court. I did not. I do not. But I do believe this Bill is not the way to do it. I believe it is overloaded with factors which favor some communities over others. And not in a direct relationship as I think it should, as demanded by the decision.

I do not believe that this is a good Bill. I realize that it is going to pass. It is going to pass in part because it was predetermined before we entered the Chamber today that it was going to pass. But I do not believe it ought to pass and I believe, acting as statesman as we ought to be, under the mandate of the court decision, I amnot here trying to act deviously to get an unconstitutional Bill through. Rather, I am concerned that this Bill, with the factors that are in it, with the multiples that are in it, is itself unconstitutional. I do not believe that it is the way to do it and Mr. President, I will vote in the negative. Thank you.

THE CHAIR:

Thank you Senator. Will you remark further? Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I rise to support the Bill and I do so enthusiastically and proudly. May I say Mr. President, I have never been prouder than I am at this moment to be in Connecticut state government and may I say also to be a Democrat in Connecticut state government. For today I think we have witnessed the capacity of government and perhaps in an unfortunately narrow display, the

capacity of the Democratic party that I am proud to belong to. Mr. President, it has been quite eloquently articulated by Senator Schneller and others, we were tested in the Horton versus Meskill decision as state government has not been tested in the modern history of this state. We were given a choice, down one path rested division, partisanship, abrasiveness and ultimately chaos that would invite the courts of this state to come in and tell us the elected representatives, what to do and perhaps impose on our constituents, things that they find most distasteful.

On the other side, was a constructive task, of harmony, concensus, a difficult task that took a lot of work, but today I have no doubt that we have proven ourselves capable as a government, of responding to this most profound test, of avoiding chaos, of presenting and adopting a program that is constructive, that responds to the court mandate and that will be upheld as Constitutional by the court.

And I am proud to be a Democrat because, unfortunately, today, we see that this has come down to a partisan issue. Mr. President, it should not have, but let's look at this Democratic Majority because after all, it is our responsibility, perhaps our burden, to govern. This is not a monolithic majority. This majority of twenty six Democrats represents every complexion and geographic region and style of this state. Cities, suburbs, small towns and together, within this majority, we have fashioned a Bill that is a good Bill. It responds to need. Listening to Senator Bozzuto I find it difficult to believe that he

believes what he has said. He has made, in my opinion, one of the worst, most wrong=headed, most partisan and irresponsible speeches I have ever heard in this Chamber and I think more of him than to believe that he means what he says. Mr. President, he has picked, not on a strong target, he has picked on the City of Hartford, on a weak target, on a target full of need, on a place that does not enjoy great popularity throughout the rest of the state and in doing so, I regret that he has taken an occasion of historic opportunity and turned it into an occasion for a political speech. I'm proud of this Bill. Hartford gets money because Hartford needs money. It's as simple as that and the court said that's where the money has to go. Mr. President, one aspect of this Bill has not been given enough attention and I want simply to focus on it here at the end.

The Bill so well fashioned by so many people does not simply deal with dollars. It does not simply deal with the input part of this equasion. It raises a very serious and ultimately most meaningful question of what's coming out of the system. And in doing so, it holds the potential of working a quiet revolution in the public life, in the educational life of the people of this state. It sets standards for the quality of education. It gives our State Board of Education the opportunity to articulate the finest hopes of the people of this state toward the education of their children and to enforce those standards once they are articulated. And in the companion legislation that was passed last year and will go into effect next year, in establishing competency

testing for students throughout the State, we have the compliment to these standards. We have some objective test of what is coming out of this vast educational system in Connecticut. Mr. President again, I will vote for this Bill enthusiastically. I will vote for it proudly and I do so because we have met an historic challenge and, in meeting that challenge, we have guaranteed a better future, brighter opportunity for our most precious resource in this State and that is our children. Thank you.

THE CHAIR:

Thank you Senator. Will you remark further? Will you remark further on the Bill? Senator Skowronski.

SENATOR SKOWRONSKI:

Mr. President, I had determined when I walked into this Chamber today that I would not speak on this Bill, largely because I don't feel that it's an area of special expertise for me and that I perceive it as an extraordinarily complicated and difficult matter. And I think it's true when people say that a legislator in a very real sense is a generalist. And I'd like to make these remarks on behalf of myself and perhaps some of the other Senators probably more than the majority who perhaps haven't spoken. Those of us who were not on the Education Committee, those of us who were not on the School Advisory Panel and those of us who did not live with this since 1971. Now, I don't profess to be an expert on this issue and I'll say, very frankly, that my district does not greatly, greatly benefit from the legislation. Certainly you all know that I don't come from Hartford. But I think for those of us that are going to vote for this Bill that are not from Hartford and don't represent big cities, and

really haven't focused so much on the bottom line for our towns but more on the philosophy of the formula and the process by which we're here today. And I guess I'm speaking in a spirit of Bill Curry who preceeded me. I'm voting for the Bill because somehow I believe in the equity of the formula that's been produced by those who have worked so long and so hard on it. Somehow, to give consideration, to need to wealth, to effort and to the concept mentioned by Dick Schneller that it just takes more and it costs more to educate those kids that don't have the benefit that most of us that sit in these red chairs have had. And because intellectually that all makes sense is one reason why I'm voting for the Bill. I suppose that we could spend time and adjust this element of the formula and that element and somehow help our towns a little bit more, but my own belief and conviction is that the concept of the formula is fair and sometimes our perception of what's fair and what's right has to transcend the narrow concerns of our district and this is one of those cases.

I also believe and have trust in the way in which the formula was arrived at. And I'm learning, as I sit in this Chair and I sit in this Senate, that there's a certain amount of faith attached to everything we do here. Faith in your colleagues. It's faith in your committees. It's faith in the Senate. It's faith in the process and when I look around and I look at a Con O'Leary and a Dorothy Goodwin and a Dick Schneller and a Larry DeNardis and all the staff people around this room, most of whom I don't even know, and I think of the members of that Education Committee who have arrived at that, I have great

faith in the process and great faith in them and I feel that this is something that the strong factor in my decision. Now, I had resolved not to speak but in the face of the remarks of Senator Bozzuto, a fellow whom I like and admire, I felt I had to get up and say something. And somehow to characterize those of us who have honestly arrived at judgments on a Bill and somehow to characterize us as thieves in the night and having hands in the pockets of our constituents just cannot be left unresponded to. And for that reason, I felt compelled to stand up here and say that I think, in making the remarks he did and I understand his position, did a tremendous disservice to the prestige and authority of this Senate. So I'd like to say that I support the Bill. I'd like to thank all of the people who worked so hard on it for coming up with something that admittedly is not perfect but I think is a reasonable and fair approach to a very, very difficult problem. Thank you very much, Mr. President.

THE CHAIR:

Thank you Senator. Will you remark further on the Bill? Hearing no further remarks, the Clerk will announce a Roll Call with the title Bill number of the Bill. Immediate Roll Call.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Would all Senators please be seated. Immediate Roll Call in the Senate. Would all Senators please take their seats. We will be voting on Calendar 644, File 440, Favorable Report of the Joint Standing Committee on Appropriations, Substitute for House Bill 7586, AN ACT CONCERNING EQUALIZATION OF EDUCATIONAL FINANCING AND EQUITY IN EDUCATIONAL OPPORTUNITY.

THE CHAIR:

Thank you Mr. Clerk. The Rules were suspended. The item is properly before us. The debate started at 1:00, six hours ago. The machine will be opened. Have all Senators voted? The machine will be closed. The Clerk will take a tally. Have all Senators voted in the proper way? The vote is:

23 YEA

12 NAY

The Bill is passed.

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I'd move for a Suspension of the Rules to allow for immediate transmittal to theGovernor.

THE CHAIR:

Question is on Suspension of the Rules for immediate transmittal. Is there objection? Is there objection? Hearing none, the Rules are suspended. The item is transmitted. Senator Johnson.

SENATOR JOHNSON:

Mr. President, regardless of which side of the issue you're on on this matter, I'd like to thank Senator O'Leary for the spirit in which he chaired the Committee throughout these deliberations. He and his co-chair were consistently thoughtful, fair minded, flexible, always ready to consider an additional challenge, an additional question and I appreciated that all through the process. And I believe that all the other Committee Members did also. And I think they deserve a great deal of credit and particular recognition at this time.

H-220

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Clerk will return to the call of the Calendar.

CLERK:

Calendar page 25. Order of the Day, Thursday, April 19, 1979, 11 A.M. Calendar 653, File 440, Substitute for House Bill No. 7586, AN ACT CONCERNING EQUALIZATION OF EDUCATION FINANCING AND EQUITY IN EDUCATION OPPORTUNITY. Favorable Report of the Committee on Appropriations.

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Goodwin of the 54th Assembly District.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. I would like to move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER ABATE:

The question is on acceptance of the joint committee's favorable report and passage of the bill. Will you remark, Madam?

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. This is the bill which has been quoted as being the most important single issue of this session. I think there's no question but that it is, although I want to emphasize right at the beginning that there have an enormous number of very helpful fingers in this particular pie. There is nobody who did this alone. It has been very much a joint effort. And, in reenforcing that statement, let me go back into history just a

little bit to the 1973 Commission which reported at the end of 1974 out of which grew the original statute on the GTB formula, followed by the 1977 Commission which reported at the end of 1978, out of which grew the School Finance Advisory Panel Report that we all received in January of this year, followed by, I think you might be interested to know, fifteen full Education Committee meetings on this subject, comprising about fifty-five hours of discussion on the bill in Committee meetings, plus more than fifteen hours in five hearings all over the state, so that this bill has had an enormous amount of discussion, even before it got to the Appropriations Committee and it got at least a full day's discussion in the Appropriations Committee before it comes to us.

It represents the best pulling together of what we can do for all towns in the state that we can arrive at within the limited funds available to us. My job at this point is to lay out the central structure of the bill so that you know what it consists of at the present time. After that, there will be more detailed discussion of the various elements of this bill. The bill includes four major pieces, some more major than others, I might add, but four major components of the total package designed to meet, I think, the Committee's sense of what is right as well as the Courts mandate with respect to the problem itself.

The first portion of the formula is an update on the GTB formula that is in the statute at the present time. This represents

not just the culmination of the work of the School Finance Advisory Panel, but also the impact on the recommendations of the School Finance Advisory Panel of the new data on assessments that derive from the Sales Assessment Ratio Study. I might point out that the recommendations of the School Finance Advisory Panel are rather distinctly more elaborate than what is in the formula at the present time. And, this is because the Sales Assessment Ratio Study made some major changes in the array. It made some of the extra adjustments that were added at the end of the process by the School Finance Advisory Panel redundant and therefore, we have a formula that does much the same sort of thing as the Panel recommendation, using a simpler formulation and very much better data, even though I know we will still have still better data in the future as we move forward.

The formula itself consists of the usual three components, the kinds that we have been dealing with since the very beginning and I will come back to the details in that in a moment. We have an expression in the formula that equalizes the resources available for education. We have a second formulation in the formula that rewards effort in support of education expenditures within the town, and we have a third that consists of the payout that directs the money to the towns on the basis of the statistical need in terms of number of pupils and number of pupils with problems in the various towns.

The second piece of the formula is divided into two sub-components and that deals with equalization of the categorical grants and again, you will receive more detail on this later. The first piece of that deals with two major adjustments in the special education grants in addition to introduction of a sliding scale for the distribution of special aid funds. The two major components which will be described later, concern a move to current funding next year, which has been an objective of the Education Committee for some years now, and a very necessary step, and a revision in the formula for the distribution of special ed. funds that makes that distribution neutral to the placement of the child, instead of depending on the behavior of the formula to pervert the placement of the child in order to qualify for more funds. I think that element of neutrality is crucial and certainly I think we have now a very much better way to do it.

The third component of the second sub-component of the categorical grants deals with the sliding scale for transportation money and this sliding scale then brings the transportation grant, still on a per pupil basis regrettably, I'm hoping ultimately we can move to a per mile basis, but still on a per pupil basis, brings 95% of all the special aid to towns for educational purposes into an equalizing mode. The general aid funds, the school construction funds that we did last year, the special education funds and the transportation funds. They will all be on some kind of equalizing

basis. The differences among them being appropriate to the differences in the nature of those grants.

The final part of this package responds to the question that I guess I must have heard asked a thousand times and that is do dollars alone do the job and the answer, of course, is no. Dollars alone do not do the job. The Court case did say, it did recognize, that there is not a one to one correspondence between dollars and quality but that there is an undeniable correlation in terms of the range of programs and the quality of program offerings and the resources available for education in different towns and it is to that that this is trying to respond. It is saying that most towns in Connecticut aspire to do a really superlative job in the education of their children. Most towns do not need to be prodded, do not need to be guided, do not need to be controled in order to get the results that we all want for the children of this state, but some towns fail. Once in a while a town will not make the effort necessary to support an adequate education, almost no matter how much money you grant. Some towns will even put education funds into nothing but football fields if you grant the money and therefore, there is a part of this package which, as I say, is basically philosophically intrinsic to the total and that responds, in addition to the kinds of concerns that I have just addressed, to the concern that is also expressed in the question, why don't you earmark the funds for education. It is partly that problem too.

It consists of the following major pieces.

First it says that local educational agencies should get together and define what they want their educational program to accomplish. To set goals, in other words. It also says that these goals should be consistent with the goals of the State Board of Education and that the State Board of Education may review these goals only for consistency with the state goals. They may not in their review of the goals go beyond consistency with the state goals which is not intended to be and is not identical to state goals but simply consistent with them.

It says that you may not deny a child access to any part of the education program on the basis of race, creed, sex and all the rest of it. It says that in place of the scrap bag, garbage bag curriculum statute we have in the statutes at the present time, which has grown by attrition over many years, which is totally unenforcible and makes no sense at all and has a very curious allocation of points and emphasis in it, that we will set forth a series of subject areas which every school district must at least address itself to. It is not a specific statute. It's a very broad statute but it does list the general kinds of learning that the children of the state should be exposed to.

Finally, it defines a reasonable -- financing at a reasonable level as financing at the minimum expenditure requirement which I forgot to mention at the beginning of this, as part of the formula thing, which says that every town shall be expected -- shall be

required to spend at least as much as the median per pupil expenditure in the state, defined as the actual median per pupil plus one half that median for each child on AFDC in the state so that the special problems of children with special problems will be addressed.

Finally it says if you do conform, that's fine. We won't bother you any further. If you don't conform, then we have a procedure for addressing the problem and the procedure starts with a complaint and the complaint may be from virtually anyone. Any resident of the local education agency district, parent or guardian, who brings the complaint to the attention of the local education agency and is not able to resolve it at the local level, may appeal it to the State Board of Education. Or, the State Board may initiate a complaint itself. The State Board will decide whether it is a valid complaint or not. If it is a valid complaint, it has two courses of action immediately. One is to work with the LEA to try and resolve the problem to the satisfaction of both parties or in some cases where it isn't basically a question of compromise but violation of some rather trivial order that you still can't get compromise on, where they can just tell a local agency this is the law, you better do it, and finally, if nothing works, they can seek an injunction. We would guess, without knowing, that not more than 5% of the towns in the state would come under the ruling here of a valid complaint in any event. On the valid complaint, I would suspect that a great many of these can be resolved

before there is a question of an injunction. The injunction that was issued in the Ashford case some weeks ago was a rather special case and it was appealed under the Constitutional provision which said that the educational interests of the state have to be protected. That every child has a right to an education in the state. And the Ashford school, you may remember, simply shut down because it didn't have a budget. And so, this is the extreme case where in protection of the interests of the child and in protection of the interests of the state to have that child grow up into a competent citizen, the state may intervene. It is by exception. It is in the extreme.

I think at this point I would like to yield to Rep. Bertinuson to discuss in more detail the categorical grants and then I will respond to detailed questions on the formula later when we get through the formal presentation. May I yield to Rep. Bertinuson?

SPEAKER ABATE:

You may. Rep. Bertinuson, will you accept the yield, Madam?

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker. I will.

SPEAKER ABATE:

Proceed, please.

REP. BERTINUSON: (57th)

Mr. Speaker and members of this Assembly, in addition to the general aid which the state gives to the town for support of education and which we are attempting to equalize with the guaranteed tax base formula as Rep. Goodwin has explained it to you, we must also address the two large categorical grants which the state makes to the towns for the support of special education and transportation. Let us deal first with the second largest grant program, special education which in this current year's budget amounts to close to $60 million dollars.

This large chunk of money is distributed to the towns in a way that is not only not equalizing, but is actually disequalizing. That is it discriminates against poorer towns. State assistance, if fact, flows to towns almost in inverse proportion to their ability to pay. The Supreme Court's decision in Horton-Meskill focused very specifically on the disequalizing impact of state aid for special education and I will read you a quotation.

"Because of the two-thirds reimbursement provision of the state aid statute for special education, towns that spend more on special education receive more state aid than towns that spend less. Higher education towns such as Darien", and I'm still quoting from the Court decision, "were and are able to obtain more special education funds from the state because they are better able to afford the one-third portion. They are better equipped to identify special education problems and they are better staffed to apply for

funds." An examination of present state funding for special education shows that on the average, low wealth towns, poor towns, receive less state aid per pupil for special education than do the wealthy towns. $44 per pupil in the lower wealth category in 1975-1976, compared to $66 per pupil in the wealthy category. We don't need a Court to tell us that is wrong. I am reminded of the Biblical reference to him who has much, more shall be given.

The fact that special education is not reimbursed until the following year makes it even more difficult for poorer towns to come up with the initial cost, the upstart money, for new programs in special education and indeed, this delayed payment causes difficulties for all towns.

Finally, the present formula as Rep. Goodwin mentioned, is unnecessarily complicated and it does have the potential for influencing the type of program a child receives. Although we perhaps all thought that our towns receive two-thirds of the actual cost of special education, this is far from the truth. Because of the construction of the present formula, the reimbursement of actual special education costs varies from a high of 67% to a low of 40%. Again, because of the structure of the present formula, towns with a large number of full time special education students receive a low percentage reimbursement while towns with a few full time students receive a high percentage. The formula as you can see is clearly not neutral as to the placement of the child.

The special education section of the bill in the file attempts to address all these problems.

Referring to the last name problem first, we are proposing that the grants for special education be based on the total special education expenditures of the town subtracting out only federal grants and tuition received from other towns. This makes the formula neutral. That is, it will not in itself influence the placement of the child. We also recommend that beginning in fiscal 1980-81, towns will receive their special education grant on a current year basis. That is to say, in this year's budget we will reimburse for last year as we have been doing right along. In next year's budget we will pay for next year's expenses. The town will submit in July of each year its estimated special education expenditures for the coming year. It will receive its grant in three payments with the final payment in April adjusting for over or under estimates. This should be of great help to the towns, particularly in the not unusual case of a town confronted with mid-year expensive special education placements after their budget is already in place. In this case the April adjustment payment will take care of that.

Finally, the proposal addresses a most important question of distributing the funds on an equalizing basis as we are mandated to do by the Court's decision and indeed by our own sense of justice. In this proposal the towns will be reimbursed on a sliding scale of 30 to 70% of the net cost of special education, with the wealthiest

town receiving 30%, the poorest town getting 70% and the other towns distributed evenly on the line between these two percentages. Obviously if we were to make this funding completely equalizing and we don't know if the Court may demand this, we would have to make that sliding scale go from 0 to 100%. The Education Committee as did the Finance Advisory Panel, felt that this would create considerabel hardship for some communities and we rejected that alternative. We could also have chosen a narrower range, 40 to 60% for instance. But, it seemed clear that that range would be far too narrow to come close to meeting the mandate for equalization and would in fact be a lesser range than now exists so we rejected that alternative.

The 30 to 70% scale, then, seems to be a range which we hope will satisfy the Courts without causing serious dislocation to the towns. You should also note that all towns will be held harmless. That is, no town will receive less in dollars than it does this year. The grants for transportation will also be made on a sliding scale and a simplified formula. We've pulled five grants into one and the scale will now be from 20% to 60% of total cost of transportation with some minor differences of vocational, agricultural transportation and so forth which are in the file. Again, the range of 20 to 60% is not an accident but is directly related to current practice and to the equalization mandate.

As in all parts of the proposal before us, the changes are

phased in over a five year period with the exception of the change to current funding of special education which will take place in one giant step in fiscal 1981. I thank you for your attention and I would now like to yield to Rep. Orcutt.

SPEAKER ABATE:

The Honorable lady from the 98th Assembly District accepting yield?

REP. ORCUTT: (98th)

Yes, I do, Mr. Speaker.

SPEAKER ABATE:

Proceed please, madam.

REP. ORCUTT: (98th)

The General Statutes of the State of Connecticut guarantee each student equal opportunity to receive a suitable program of educational experiences. In the portion of this bill that I shall discuss, a process is described to define what is meant by a suitable program of educational experiences. I want to call to your attention first of all, that in subsection "c" of section 10-4, the General Statutes, there is a requirement that the State Board of Education shall prepare a comprehensive plan of elementary, secondary education that shall include long term goals and short time objectives.

In section 11 of this bill, there is a requirement that each local or regional board of education prepare a statement of goals and

student objectives which identify specific expectations for students in terms of skills, knowledge and competence that needs to be developed and that these goals are subject to review by the State Board of Education as they pertain to those statewide goals that I referred to. They are to be reviewed by the local or regional boards every five years and each local or regional board of education shall annually attest that its program offerings and instruction are based on these stated educational goals.

Section 12 of the bill also specifies that each child shall have an equal opportunity to participate in the educational program of the schools without discrimination.

Section 13 of the bill states the minimal requirement of subject matter that must be included in the program of instruction offered in the public schools. This is the section that Rep. Goodwin referred to as replacing a very messy section of the statute that in fact has also been very poorly implemented. Included in this section also is a statement of the responsibilities of the State Board of Education. First of all to make available curriculum materials and secondly, such other materials that will assist local or regional boards of education in developing their instructional programs.

Section 14 of the bill describes the process whereby complaints of failure or inability of the local or regional board to implement these educational interests of the state. These complaints can come

from two sources. They may come from a resident of the district or a parent or guardian of a pupil in the district and note particularly who has been unable to resolve the complaint with the board of education of the local or regional board. Complaints may also be brought by the State Board of Education.

There follows then a detailed, carefully described process to determine if the complaint in fact is valid. In addressing the complaint if the validity is established, the State Board of Education cannot order the local education agency to expend beyond the minimum expenditure requirement. If there is a valid complaint, either the State Board of Education may order the LEA to take reasonable steps to correct the failure, or if it is a more complicated situation, then they will order that the LEA be engaged in a process whereby a plan is developed to address the complaint. If the state is deemed responsible for the failure, then the State Board of Education is to notify the Governor and the General Assembly. If there is failure on the part of the local education agency to us, then the State Board of Education may seek an order from the Superior Court and regulations must be developed to implement this section.

I would like to point out in addition, or make a few comments on this section. This section of educational equity I would say is written in Connecticut style with flexibility to allow for local decisions. Another way of going would have been to require or mandate a basic educational program and as a matter of fact, this has happened in a number of states as the result, in fact, of a

mandate from the Courts. Such a requirement would have involved expensive monitoring of all programs in the LEA by the State Board of Education. It would also have made almost impossible the development of programs that could have addressed individual preferences within the local educational districts. In this equity program, the school districts set their own goals and student objectives to be sure, in line, or consistent with state goals. Then, if a complaint is brought, the district is judged on the basis of the district's own stated standards.

I want also to point out that this part of the bill does not mandate curriculum. It simply specifies what subject matter is to be included in the educational program offered. This puts in place of a very confused, antiquated and poorly implemented part of the statute, a straightforward simple statement of required subject matter which may be included by decision of the local or regional board of education in its curriculum offerings in amounts and at the grade levels the district deems appropriate.

Finally, in addressing a substantial complaint that indicates a need for program improvement, a remedial process takes place that will involve a working together, in fact, of the State Board of Education through the State Department of Education in developing an appropriate plan. Mr. Speaker, I would like to yield back to Rep. Goodwin.

SPEAKER ABATE:

Representative Dorothy Goodwin, you still have the floor, Madam.

REP. GOODWIN: (54th)

Thank you Mr. Speaker. I think we now have the total design laid before us. I would like to urge you to remember that there is no such thing as a formula that gives all the money in the pot to each town. That we have worked as hard as we could to find a general formula that put the money where it genuinely is needed and I believe that this combination of formulas that you have before you now does this as well as I know how to do it or as well as all of the people who have worked on this really and truly know how to do it. This is not a process that will be complete, even if we accept this without amendment or even with amendment, this year. The process goes on as the circumstances change. For one thing, the data will change every year and the whole process will have to be looked at in the light of the data every year.

But, as of this point, it does seem clear to many of us that there are three general categories of needy towns and that in all of these categories, the formula directs the largest share of the money. These three categories are the old core cities with the possible exception of Stamford which has both core city and suburban aspects, but the other eleven core cities are all old core cities, believe me. The small old industrial towns and the small rural areas that are also poor. Now there are small rural areas

that are rich but there is a cluster of them that are very poor, indeed. And, it does not tend to pour money into the towns whereby all of the industries that we have, the money is already there.

I would like to caution you about picking on the logic of this, that or the other portions of the formula. The formula is a piece of logic that is judged by its results. It cannot be judged only in terms of individual components because they interact. What we've got here is a series of algebraic fractions multiplied by each other and the arithmatic behavior of fractions that you multiply by each other is a very complex thing and if you say this is not logical and substitute something else without asking what it does when it is multiplied by the rest of the formula, you produce a kind of confusion that I'm sure will produce results that you don't expect at all, such as one amendment that was offered in the Appropriations Committee that tended to take money away from the cities but would have ended up by giving Hartford something like $700 million. That was not done by a dummy either. It was done by somebody who didn't happen to think through the algebraic nature of that equation so, I think you have to take it as a piece and you have to take the equalization of financial opportunity along with the feature of equalization of educational opportunity and the protection of local autonomy which I think we have done in a reasonable compromise here as a total package. And, I urge you to do that.

At this point I would like to yield to Rep. Pier for a statement of some of the legal background which I have treated very lightly myself.

SPEAKER ABATE:

Rep. John Pier of the 15th Assembly District. Sir, will you accept the yield?

REP. PIER: (15th)

I will, Mr. Speaker.

SPEAKER ABATE:

Proceed, please.

REP. PIER: (15th)

Ladies and gentlemen, when I studied Constitutional Law with Judge Jon Neumann a few years ago, I never dreamed that I would be getting a refresher course from Jay Rubinow's opinions or that I would be applying what I learned on such an historic occasion. As part of the introductory process of this bill, I have been asked to review a bit the Horton vs. Meskill decision, and put this legislation into context which we cannot responsibly ignore. We are all very conscious of structuring a legislative proposal to meet three important tests, a political test, a legal test and a moral test. In other words, can it pass the legislature, will it meet the Court's mandate and will it be the best proposal under the circumstances for the whole State of Connecticut.

The Connecticut Constitution, Article 8, Section 1, guarantees

free public schools in the state and specifically requires the General Assembly to implement this principle by appropriate legislation. In the equal protection clauses of article one, guarantees of equal protection of the law are given to all men. By legislation, Title X of the General Statutes, the General Assembly has historically delegated to local authorities this general responsibility. In practice, education is perceived as a local responsibility and local control is jealously guarded. The Horton case reminds us that the law says otherwise.

The Connecticut Supreme Court never known for its liberalism, in a decision that is clearly based on the law, found that the state, the state, had failed to fulfill its constitutional and statutory responsibility to provide equal educational opportunity for all of its children.

What did the Court find? The Court found number one, that education is a fundamental constitutional right in the State of Connecticut. Number two, that the primary responsibility for education rests with the state and that the state cannot relieve itself of this responsibility by delegating to local bodies. In other words, the state is held accountable at law for what is done or is not done at the local level. The General Assembly is under a constitutional duty to enact legislation appropriate to carry out this duty and in Jay Rubinow's words, "Delegating the duty does not discharge you".

Number three. The Court found that under the present system of equal -- the present system of providing educational opportunity relying so heavily on the local property tax for financing and an essentially disequalizing series of categorical grants, was an unconstitutional interference with the basis constitutional right.

Finally and most importantly for our present purposes, that any attempt to remedy the situation would have to pass the test of strict judicial scrutiny. In ordinary English, that means that the burden of proof is on the Legislature, on the state to prove that what we do is right, not on the challengers to prove that what we have done is wrong. There must be a compelling state interest to justify what we do and the Court has already determined that this must be something more than the desire to retain local control.

The bill before us today and only in its totality in my opinion, can meet all of these tests. It is a true political compromise containing or eliminating things many of us find difficult to accept. It is a delicately balanced constitutional compromise recognizing the compelling state interest in fiscal responsibility and proposing a true partnership between the state and local authorities who share the constitutional and statutory responsibility for education. It is morally the right approach because it truly attempts to more equalize educational opportunities for all citizens on a basis that is not so dependent on ability to pay. But the bill

can only stand in its totality. Any attempt to weaken any part of it, to split it into various parts, to fail to equalize the categorical grants, seriously flattens in my opinion the constitutionality of the whole proposal. Those that would take such position must be prepared to live with the consequences.

Ladies and gentlemen, we all swore to support the Constitution of the State of Connecticut. We owe it to our oath of office to fulfill that responsibility, to make the tough decisions and not to turn to the Courts to do it for us. I urge acceptance of the bill as proposed and yield to the gentleman from the 112th, Mr. Henderson.

SPEAKER ABATE:

Rep. Walter Henderson, will you accept the yield, sir?

REP. HENDERSON: (112th)

Yes, Mr. Speaker. Thank you.

SPEAKER ABATE:

Proceed, please.

REP. HENDERSON: (112th)

I'd like to thank the distinguished Representative from Windsor. Mr. Speaker, members of the House, in discussing the funding aspects of the bill before us today, it is often noted how much has been learned from the fiscal experience of several other states, notably New Jersey and Ohio. The same may be said of the educational equity proposals of this bill. The overwhelming focus of the thorough and efficient educational provisions enacted in

New Jersey under their constitution was topped down from the state. Little more than compliance routines remain locally. By contrast, the bill before us to day is decidedly more grassroots, from the bottom up, focusing on local initiatives, goals, student objectives, local aspirations, instructional offerings and general attestment. In New Jersey, all school systems are subject to the same bureaucratic compliance routines. The bill before us today rests on management by exception. Here we focus only on the rare circumstances of failure or inability to implement the educational interests of the State of Connecticut. Even so, the burden of proof remains with the complainant. Further due process is provided in this bill today, and exists at present and the conclusion itself will generally be from the bottom up, locally developed remediation, planning and action.

Finally in New Jersey, a sister industrialized Northeast state, New Jersey has tended to approach equity in terms of sameness, specific and identical courses and outcomes for all of the school districts. The bill before us today and the existing proficiency testing program, reflect a broader and more flexible sense, range and breadth of opportunity, specific to the local priorities, expectations and decisions. In each respect, the bill before us today anticipates a direction fully consistent with the best traditions of local control with no less concern for the educational responsibility of the state.

I would urge passage and at this point would yield to Rep. Goodwin.

SPEAKER ABATE:

Rep. Dorothy Goodwin of the 54th. Will you accept the yield Madam?

REP. GOODWIN: (54th)

Yes I will. Thank you, Mr. Speaker. I would like to conclude the formal part of this presentation with one note on what we mean by equal educational opportunity. I think it is clear that when we started this process, everybody was thinking in terms of equal dollars. Equal dollars available. I think we then moved to a very real consideration of trying to equalize expenditures. I think we have addressed those two definitions of equalization rather thoroughly in the formula, the minimum expenditure requirement and the general equalization package. But there is something further to this that I think we need to take into consideration and that is our responsibility to every Connecticut child to produce an education that, given the differences in what the children themselves bring to the educational processes, approaches the problem of equalization of outcomes. The equalization of outcomes, and I do not mean leveling down, I go back to the beginning of that phrase, given what the children bring to the process themselves. The opportunity for each child to come out at the end of the pike with a good education, with a reasonable chance and that every

child in Connecticut has an equal right to that kind of opportunity and that they do not have it now.

And, they do not have it now in major ways. In ways that some of you close your minds to, you don't want to recognize the fact that in some of the poorest towns in Eastern Connecticut there is practically no special education program at all. That there are children in Eastern Connecticut who, if they are dyslexic, remain dyslexic without remedy for the rest of their lives. It means we write them off. I think that's not what we want to do as people. It's not what we want to do as a state and it certainly is what the Court does not want us to do. We want the children of Sterling to have a reasonable chance. They don't now. And that, I think, is the message I would leave you with. Thank you.

SPEAKER ABATE:

Will you remark further on the bill? Will you remark further on this bill? Rep. Dorothy Osler of the 150th Assembly District.

REP. OSLER: (150th)

Thank you, Mr. Speaker. Having worked around this subject for the last five or six years to a greater and lesser extent, quite a great extent in the last two years on the School Finance Advisory Committee, I'd like to make some rather general comments about this entire package. I think we need to remember that Connecticut, though it has not been contributing a terribly large share of the money that is required for education in our state, does

have a very high spending for total education throughout all our towns as far as its national ranking. Connecticut schools spend a lot for their educations. In fact, so much that I would guess that many states would have to equalize to Connecticut's level if it were done on a national basis because, we truly do not have very many schools that could not be called pretty good schools.

Because of our long history and long tradition of local control, this has been a difficult bill to work out. If we lived in the State of California it wouldn't have been much of a problem at all because many of the Western states, the state does control education in all the towns and cities. Quite different from the way things are in New England and especially in the State of Connecticut. So, that in order to achieve some sort of a balance between what the state could tell us to do and what our towns and cities wanted to do because they put in a large share of it, of the money for education, we have had a tough time balancing.

All through our discussions on this bill, we have talked about leveling up, not leveling down. I think one of the great fears is that it would lead to equalized mediocrity in Connecticut's school systems. And this is certainly not a thing that we want to have. I think it is important that we keep our good school systems good and not allow them to be leveled in any other way but either equal to where they are now or even better. We must not let them slide for having taken money away from them and I'm so pleased

that the minimum amount of $250 which we have been calling ABM but which will now be called a minimum grant, will stay in there, because this was not the way some people wanted it and still do not wish it to be but I think that that has been a political settlement and an important one.

One thing that this bill does not do and of great concern to me and many of my colleagues from Fairfield County in particular, is that it takes into account nowhere any kind of cost differential for a more expensive cost of living in the particular part of the state where we reside. Our property values are absolutely unbelievable and in no relationship to reality in many of our communities. It costs more there to higher a teacher. It costs more for a teacher to live and pay rent or own a house. It costs more to build a school or to remodel a school. It costs more to buy supplies. More to buy food for the cafeterias and so on down the list.

I also think that there is another very important thing that this bill has never attempted to deal with and if I knew a way to deal with it, I would have tried to put something in but, I would just like to call it to the attention of all of you, and that is to give credit to a town for having had many years of good and responsible local government. Of good money management. Of not hiring the mayor's brothers, cousins, uncles and aunts and put them on the town payroll. Not paid close attention to where money was going. Not investing money that wasn't currently being used so

that a little income could be earned on it for a thirty-day period or whatever. Some of our towns have excellent management and many people tease me about the town I live in but I think that is the reason it has done well. Because it has had that careful management. It has not tried to live beyond its budget and many of the citizens in towns like mine resent having to bail out people from the poorer towns where they have had mayors and selectmen who have not been careful managers and have had careless management.

I think that at this point, the last thing I want to say is that I want to be sure that nowhere in this bill do we cut off innovation and imaginative planning for education. Money, as Rep. Goodwin said, money does not count for everything because you do have to lead the horse to water and hope it will take a drink of what you are offering. But, we can do a lot with a little money if we have some creative people, we have cooperation from parents and students and community and we can do a great deal. Thank you.

SPEAKER ABATE:

Will you remark further on the bill?

REP. MEYER: (135th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Alice Meyer.

REP. MEYER: (135th)

One of my main concerns with House Bill 7586 rests in Section 16c which places the reimbursement for special education on a sliding scale. I know that Rep. Goodwin has pointed out to you that it is imperative that we do this because of the great need in some of the poorer communities. I recognize this fact. However, I question whether we should put this categorical grant or any categorical grant on a sliding scale at all. These are non-discretionary areas. Especially in special education there are federal and state mandates forcing, that we provide these special education programs.

The guaranteed tax base equalizing formula which we are discussing in this bill, will provide considerably more funds to the towns that are considered needy, thus providing the children in the poorer districts with a better education, including greater access to special education. What I ask is, can the Legislature then turn around and deny equal state help to another under privileded class, the group of students known as special education groups.

Under the 30 to 70 scale, almost a hundred towns would be receiving a lower proportion of their special education costs from the state when this would be fully funded. This would occur at a time when the mandates for special education are growing. When there are more children being placed in special ed programs. What then are the options left open to these hundred towns? At a time of fiscal tightness and taxpayer rebellion, it would be hard to

make up this gap out of the coffers of the town and increase the taxpayers burden. Few of you realize that even rich towns or so called rich towns do have problems with education funding. There have been many recent budget referendums, other squeezes, inflation is a problem, even the decline in school population has not been large enough to offset the operating cost in most of the schools. Well, if this is not a viable option, then we could reduce the quality, perhaps, and the extent of the education we give to our normal children by shifting funds out of the budget into special education to fulfill the mandate.

But, what would this do to a community? Certainly it would set parent against parent. The parent of the average child vying for the funds to meet their children's needs. Especially I feel for the parents of special education children who would fear this backlash from a usually supportive community. Another thing that might be done might be to reduce the quality, perhaps of special education. Try cutting costs. This has already been suggested in a number of communities that I represent, rather than sending their special education youngsters to a truly excellent kindergarten through twelve school which happens to be established in Westport. Some of the towns are talking in terms of returning these youngsters. Of trying to use unoccupied classrooms and doing it on their own which would be somewhat cheaper. This is not the kind of thing that we wish to do when we are trying to level up on our educational

opportunity.

Realistically I guess it is apparent that we are not going to eliminate special education from a sliding scale and therefore, I would like to yield at this time to Rep. Belaga who I feel has more to say on this subject.

SPEAKER ABATE:

Rep. Julie Belaga, do you accept the yield Madam?

REP. BELAGA: (136th)

I do, Mr. Speaker.

SPEAKER ABATE:

Please proceed.

REP. BELAGA: (136th)

I'd like to propose an amendment. May the clerk please read LCO 6989.

SPEAKER ABATE:

Will the Clerk please call and read LCO 6989 designated House Amendment Schedule "A".

CLERK:

LCO 6989 offered by Rep. Belaga of the 136th, Rep. Shays of the 147th. In line 1004. Strike "30" and insert "40". In line 105, strike "70" and insert "60".

SPEAKER ABATE:

The amendment is in your possession, Madam. What is your pleasure?

REP. BELAGA: (136th)

Mr. Speaker, I think as a matter of fact, my pleasure is to withdraw it and bring it back later. I really am not quite prepared to do it now. There's a better moment for it. I withdraw the amendment.

SPEAKER ABATE:

The lady has withdrawn House "A", LCO #6989 will you remark further on the bill? Will you remark further on the bill? If not, would all the members please be seated? Would the members please be seated? Representative Richard Lawlor.

REP. LAWLOR: (2nd)

Thank you, Mr. Speaker. I believe the Clerk has several amendments.

SPEAKER ABATE:

Rep. Lawlor, you have the floor, sir.

REP. LAWLOR: (2nd)

Thank you, Mr. Speaker. The Clerk has an amendment 7620. Would the Clerk please call the amendment and may I ask please to summarize, Mr. Speaker?

SPEAKER ABATE:

The Clerk has amendment LCO #7620, designated House Amendment Schedule "B". Will the Clerk please call the amendment?

CLERK:

LCO #7620, offered by Rep. Lawlor.

SPEAKER ABATE:

Is there objection to the gentleman summarizing House Amendment Schedule "B" in lieu of the clerk's reading? Is there objection? There is not, it is so ordered. You may proceed, Rep. Lawlor.

REP. LAWLOR: (2nd)

Thank you, Mr. Speaker. Briefly stated, the effect of this amendment would be to reduce under whatever formula this body would adopt today the phase-in period from five years to three years.

SPEAKER ABATE:

Will you move the adoption of the amendment, sir?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker, I would like to move passage of this amendment.

SPEAKER ABATE:

Question is on adoption of House Amendment Schedule "B". Will you remark further on its adoption?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker. Thank you. As Rep. Pier has stated today, and as Judge Rubinow has made very clear, in his decision, the due need to educate the children of the state of Connecticut

is a state duty. This duty cannot be mandated to the cities and towns throughout the State without regard to the State's responsibilities. The State has failed utterly and constitutionally to enforce its responsibilities and to live up to its responsibilities in educating the children of the State of Connecticut, or at least providing the wherewithall to do so and to reduce the disparities from town to town.

And no matter what formula is adopted today, a five year phase-in would in effect, continue for many of the school children in the State of Connecticut, a portion of that disparity and in fact would not help many of the school children who would complete their education in the disparate towns from receiving the education which the constitution of the State of Connecticut says they deserve. And for that reason, Mr. Speaker, I would urge that this Assembly adopt not a five year phase-in, but a three year phase-in. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "B"? Will you remark further on its adoption?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

I yield to Rep. Lawlor to finish what he was saying, if he wants.

SPEAKER ABATE:

Rep. Lawlor, will you accept the yield from Rep. Goodwin?

REP. LAWLOR: (2nd)

Thank you, Mr. Speaker, I will. I'd like to request a roll call vote when the vote be taken.

SPEAKER ABATE:

Question is on a roll call vote. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

The Chair is in doubt. The Chair will try your minds again. All those in favor of the roll call vote, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

The opinion of the chair, the requisite 20% has not been satisfied, so when the vote is taken, it will not be taken by roll.

Will you remark further on the adoption of House Amendment Schedule "B"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. This is an amendment which has been proposed repeatedly throughout the process of our discussions. I think it becomes very obvious that it, first, it upsets a very delicate financial balance involved in the whole package. Without the possibility within the short session that we have had, of reaching any real consensus of where major educational revenues were to come from, the package before you produces the plan that can be met now at least, out of current revenues. I think this is very important, because if we tip it more than a very little bit, we are into a major revenue problem.

Second, I would like to discuss the whole question of phase-in for just a moment, if I might. Throughout the discussions of this, we have struggled with the question of how much money a town could profitably absorb in one budget year without an adequate pre-planning phase.

And I think it's clear that it's rather limited. That a doubling of the amount of money available to the town will lead

to, especially at this stage in the town budget cycle, will lead to major waste of funds. And this is exactly what happened in New Jersey, for instance, where according to a little booklet called "Where Did The $400,000,000 Go"?, the New Jersey judge insisted that the whole package be funded in one year without adequate advance planning and the whole allocation was gone.

It simply did not go genuinely into equalization and it did not result in equalization. I think we do want to provide for an orderly budget process. At both the town level and the state level, and this is impossible if the increments in the financing are too large. And I think that one could argue that a three year phase-in is administratively possible to absorb.

It is certainly not possible to absorb with current revenues. And for that reason, I think we need really to consider the whole package as it is with the five year phase-in, which we can manage, and which I hope will meet the court test if it goes through as a package with all of the equalizing ingredients there.

So we can manage it financially in a way that we cannot manage the three year phase-in. I would therefore oppose this amendment.

SPEAKER ABATE:

Will you further remark on House Amendment Schedule "B"?

REP. GLASSMAN: (14th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Glassman.

REP. GLASSMAN: (14th)

Mr. Speaker, I concur wholeheartedly with Rep. Goodwin and I would like to also add that the five year phase-in is essential to allow us time to work out what we recognize to be imperfections in the formula. A lot of the changes that are implicit in there will require our giving attention after we have an idea of the impact, and I too would urge defeat of the amendment.

REP. MCMANUS: ((88th)

Mr. Speaker, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "B"? Representative John McManus.

REP. MCMANUS: (88th)

Mr. Speaker, I rise to oppose the amendment, and very briefly, because there will be many more presented today, but the concerns of many, when we discussed this in committees, were to keep it at a five year to avoid a very, very serious windfall situation to many of, well, to a few communities in our state. The ability to handle such large amounts of money coming in over a one or a two year period is a major concern to many of us.

The five year period also addresses the adjustments, which will have to be made in the formula both on state and local levels

each year over the five year period, because we do recognize that this will have to be done. A three year phase-in will not allow this. We realize that there will be much to be done state and locally.

And lastly, and what is probably the most important factor, is the budgetary demands. We are here representing all of the constituents in our State. Mainly, the education portion has to be addressed today, but who's paying the bills but the taxpayers? There are other demands on our budget other than this that we are discussing right now, and if we go to a three year phase-in, it will throw the entire budgetary process out of whack and it is with this in mind, that I not only oppose the three year phase-in in committee, but also on the floor. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "B"?

REP. HANLON: (70th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Neal Hanlon.

REP. HANLON: (70th)

Thank you, Mr. Speaker. Through you, Mr. Speaker, I'd like to propose a questionto the gentleman reporting on the amendment.

SPEAKER ABATE:

State your question, please, sir.

REP. HANLON: (70th)

Through you, Mr. Speaker, is there a fiscal note attached to this amendment?

SPEAKER ABATE:

Does the gentleman care to respond to that inquiry?

REP. LAWLOR: (2nd)

No, I do not believe there is.

SPEAKER ABATE:

Rep. Hanlon.

REP. HANLON: (70th)

Through you, Mr. Speaker, does the gentleman have any indication as to what this would cost the State of Connecticut?

SPEAKER ABATE:

Rep. Lawlor, will you respond to that question?

REP. LAWLOR: (2nd)

Through you, Mr. Speaker, the difference would be $390 million phased over five years as opposed to three years. It's my opinion it would be about $70 million in the first year as opposed to $30 million.

SPEAKER ABATE:

Rep. Hanlon, you still have the floor.

REP. HANLON: (70th)

Through you, Mr. Speaker, would the gentleman indicate to the chamber where he proposes to get this money?

SPEAKER ABATE:

Rep. Lawlor, will you respond, sir?

REP. LAWLOR: (2nd)

Through you, Mr. Speaker, there are a variety by which the money could be raised, including a half-cent raise in the sales tax, a 2¢ raise in the gasoline tax, or what should properly be done, is State income tax.

SPEAKER ABATE:

Rep. Hanlon, will you remark, sir?

REP. HANLON: (70th)

Through you, Mr. Speaker, does the gentleman in his amendment address himself to any of these alternatives to raise these funds?

SPEAKER ABATE:

Rep. Lawlor, will you respond to that question?

REP. LAWLOR: (2nd)

Yes, I will, Mr. Speaker. That would flow once this amendment would be adopted, it would of course be other steps which would need to be taken. I don't believe that should be necessarily a part of this amendment.

SPEAKER ABATE:

Rep. Hanlon.

REP. HANLON: (70th)

Through you, Mr. Speaker, would the gentleman indicate what his preference would be as to the method of funding?

SPEAKER ABATE:

Rep. Lawlor, do you care to respond?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker, an income tax.

SPEAKER ABATE:

Rep. Hanlon.

REP. HANLON: (70th)

That's enough for me, Mr. Speaker. I have no further comments.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "B"?

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Just very briefly, if I understand what the proponent of the amendment is trying to accomplish, I'm not certain it's happening.

There are deletions to references in sub-section F, but I don't see within the amendment a deletion of F itself, so you have a deletion of the references but the text of F would still be there as I read the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "B"?

REP. LAWLOR: (2nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Lawlor.

REP. LAWLOR: (2nd)

Just briefly, Mr. Speaker. The remarks, some of the remarks made against the amendment are, were drawn upon the experience in New Jersey, and there I think the analogy is inappropriate in that New Jersey was forced to spend $400 million in its municipalities in one year, without significant planning under court order. And here, it would be with the guide and direction of the General Assembly through this bill, and through the equity portions of this bill, which would in fact require the municipalities to use up to three years to plan their affairs at a much lower rate, again at something like $70 million a year as opposed to $400 million a year.

And I contend, Mr. Speaker, that there is not one town or city in this state that could not adequately use those monies and plan for those monies wisely and justly to meet the needs of each individual town and city. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "B"?

REP. HINDS: (8th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on its adoption? Rep. Boyd Hinds.

REP. HINDS: (8th)

Thank you, Mr. Speaker. Just briefly in support of this amendment. One of my concerns has been througout this debate as well as in the committee work that's been done, is the future level of funding that the State will provide for local boards of education.

Right now, as I understand it, we're providing in the low 20's, that's the percentage of the money spent on education. The bill that's before us would bring us up to about 27% as I understand it, in the first year, and perhaps take us over a five year period up into the high 30's. I'm concerned that that is not a large enough level to really help municipalities with the burden of education across the board. And therefore I support this

amendment because bringing the five year phase-in down to three years would increase the percentage, the state participation percentage for education at the local level and I think we need that. Thank you.

SPEAKER ABATE:

Will you remark on the adoption of House Amendment Schedule "B"? Will you remark further on its adoption? If not, all those in favor of this adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Opposed no.

REPRESENTATIVES:

No.

SPEAKER ABATE:

The no's have it. The amendment fails.

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House Amendment Schedule "B"

In line 188, insert a closing bracket after "or", delete the closing bracket after "(c)" and delete the comma after "(d)". In line 189, strike "AND (f)". In line 223, after the comma following "(a)" insert "(d) AND" and strike "AND (f)". In line 225, insert a period after "CENT" and strike "; AND FOR". Delete lines 226 to 239, inclusive. In line 240, delete "(d)".

Delete lines 241 to 308, inclusive, and insert in lieu thereof:

"(1) FOR THE FISCAL YEAR ENDING JUNE 30, 1980, THE AMOUNT OF GENERAL STATE AID RECEIVED ON A PER PUPIL BASIS FOR THE FISCAL

YEAR ENDING JUNE 30, 1979, PLUS OR MINUS THIRTY-THREE AND ONE-THIRD PERCENT OF THE DIFFERENCE BETWEEN SUCH STATE AID RECEIVED ON A PER PUPIL BASIS AND THE GENERAL STATE AID THE TOWN WOULD BE ELIGIBLE TO RECEIVE ON A PER PUPIL BASIS UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR.

(2) FOR THE FISCAL YEAR ENDING JUNE 30, 1981, THE AMOUNT OF GENERAL STATE AID RECEIVED ON A PER PUPIL BASIS FOR THE FISCAL YEAR ENDING JUNE 30, 1980, PLUS OR MINUS FIFTY PER CENT OF THE DIFFERENCE BETWEEN SUCH STATE AID RECEIVED ON A PER PUPIL BASIS AND THE GENERAL STATE AID THE TOWN WOULD BE ELIGIBLE TO RECEIVE ON A PER PUPIL BASIS UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR."

In line 309, delete "(5)" and insert "(3)" and delete "1984" and insert "1982".

Delete lines 370 to 409, inclusive, and insert in lieu thereof:

"(1) FOR THE FISCAL YEAR ENDING JUNE 30, 1980, THE PER PUPIL EXPENDITURE FOR THE FISCAL YEAR ENDING JUNE 30, 1978, PLUS THIRTY-THREE AND ONE-THIRD PER CENT OF THE DIFFERENCE BETWEEN SUCH AMOUNT EXPENDED ON A PER PUPIL BASIS AND THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1980.

(2) FOR THE FISCAL YEAR ENDING JUNE 30, 1981, THE PER PUPIL EXPENDITURE FOR THE FISCAL YEAR ENDING JUNE 30, 1979, PLUS FIFTY PER CENT OF THE DIFFERENCE BETWEEN SUCH AMOUNT EXPENDED ON A PER PUPIL BASIS AND THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1981.

(3) FOR THE FISCAL YEAR ENDING JUNE 30, 1982, AND EACH FISCAL YEAR THEREAFTER, THE MINIMUM EXPENDITURE REQUIREMENT IN ACCORDANCE WITH SUBSECTION (b) OF THIS SECTION."

In line 933, delete "TWENTY" and insert "THIRTY-THREE AND ONE-THIRD." In line 1036, delete "TWENTY-FIVE" and insert "FIFTY." Delete lines 1042 to 1059, inclusive. In line 1060, delete "(4)" and insert "(2)" and delete "1984" and insert "1982."

In line 1480, delete "twenty" and insert "thirty-three and one-third". In line 1488, delete "twenty-five" and insert "fifty." Delete lines 1493 to 1509, inclusive. In line 1510, delete "(5)" and insert "(3)" and delete "1984" and insert "1982."

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SPEAKER ABATE:

Will you remark further on the bill?

REP. LAWLOR: (2nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Lawlor.

REP. LAWLOR: (2nd)

Yes, Mr. Speaker, I believe the Clerk has an amendment LCO #7618. Would the Clerk please call and read the amendment, please?

SPEAKER ABATE:

The Clerk has an amendment LCO #7618. Will the Clerk please call and read LCO #7618 designated House Amendment Schedule "C".

CLERK:

LCO #7618 offered by Rep. Lawlor of the 2nd. In line 196, delete the opening bracket before the word "plus" and delete the closing bracket after the word "population".

SPEAKER ABATE:

Rep. Lawlor, the amendment is in your possession, sir. What is your pleasure?

REP. LAWLOR: (2nd)

I would move adoption of the amendment, Mr. Speaker.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "C".

Would you remark on its adoption?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker.

SPEAKER ABATE:

Proceed, please, sir.

REP. LAWLOR: (2nd)

The affect of this amendment would be to add one half population back into the need portion of the formula. That one-half population is in the current formula and the affect of this amendment would be to raise the total amount of money that would go to the towns and cities under the GPB program. There is or has been at least to my satisfaction, no great explanation of why the new formula is necessarily better than the old formula and this would take one of the matters in the old formula to which the towns and cities are already accustomed, and the affect of it would be to raise the total amounts of money to be distributed to the municipalities, from $391 million to $645 million.

Obviously, this would impose new obligations upon the State, but they are in fact the, I believe, the minimum obligations which the State should be undertaking to adequately meet the court's mandate of Horton-Meskill. Again, Judge Rubinow has declared and the Supreme Court has agreed that the education of Connecticut's children is a State responsibility, the responsibility for which cannot be delegated to the municipalities. We have

here today one municipality against another, all because there's not enough money in the total formula for the State to adequately take care of the needs of all of the municipalities. If in fact this amendment were adopted, the State's share at best, at best, even if inflation were to not continue at its present pace, would at the end of the five year phase-in, be contributing only about 40% to local educational expenses in the State of Connecticut. The national average already today is 51%. Connecticut is the worst state in the United States in the way that it distributes its money to the towns and cities for education. A right which has been declared by the Supreme Court of the State of Connecticut as being a fundamental right to all children. The purpose of this amendment is to make that constitutional right a reality. And it would have the affect of, while increasing the State's burden and in decreasing the disparity of towns in the State in their ability to educate their children, to be able to allow each town in the State of Connecticut to reduce its reliance on the property tax, a tax which I contend, and which many others believe is already over-burdened, over-worked and antiquated, and no longer able to meet the needs of the people in the State of Connecticut.

I think it is time and I think it is very sad that the affect of failure to adopt this amendment may be that we will have a solution imposed upon us by the courts of the State of Connecticut, a trend which unfortunately is all too frequent in

American politics whereby the judiciary of our land has to take over the failure of the executive and legislative branches of government in this country to adequately face up to their jobs and to adequately serve the true needs of the citizens of their State and of their country.

I think this is an unfortunate development in American law. I think failure to adopt an adequate funding level necessary to provide for all the towns, is in effect shirking our responsibility under the court mandate, and I believe that this is a minimum expense which would go forward to providing redress to that court mandate. And I would therefore urge adoption.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "C"? Rep. Lawlor, you still have the floor, sir, I'm sorry.

REP. LAWLOR: (2nd)

Thank you, Mr. Speaker. Again, I would request that if a vote be taken, it be taken by roll.

SPEAKER ABATE:

The question is on a roll call vote. All those in favor of a roll call please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% having been satisfied, when the vote is taken, it will be taken by roll. Will you remark further on the adoption of House Amendment Schedule "C"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

While I agree in substance with some of the things that Rep. Lawlor has said, particularly his remarks about really asking the courts to do our job for us, which I think is very dangerous, I would point out to the Legislature that the full funding costs of this proposal would be $1.4 billion. And as you think of the total cost of $1.4 billion at the end of five years in this bill, against the present $2.4 billion level of the total Connecticut budget that we are going to be talking about within the next couple of weeks, I think it does tend to put it into scale.

I think it's also time to read into the record some corrections to some of the figures that have been used with respect to the present level of funding of local, secondary and elementary education in Connecticut. The CPEC figures and some of the other

figures that are used, exclude some very major expenditures from local expenditures, including such things as teacher's retirement at the whole voc-tech school system. Which are major items. When you put those back in, which are included in the statistics of the State, you have the following figures, and I will read them for Connecticut.

Estimated 78-79: the State's share 31%, the Federal share 6%, the local share 63%.

Estimated 79-80: State 33%, Federal 6%, local 61%.

Estimated at full funding given the 1979-80 figures: State 42%, Federal 6% and local 52%. That 52% or any of the estimates of what the percentage woul d be, would of course range considerably among towns depending on the sliding scales or whatever we adopt. So, it's not that a single figure becomes no longer representatives in any effect, in any event.

I think the point I want to emphasize here is that we are making progress. We are making progress by small steps, yes, but we are making progress. And I think we are making progress that will be measurable, and especially if we adopt the whole package. Which would greatly add to our credibility in the last analysis because we will be equalizing not only the $391 million in the GTB package, but also $60 million plus or minus a bit in special ed and 14 or 16, I forgot which now, in transportation.

That's quite a lot of money. And I think if we equalize

efficiently, we can do it with less money.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "C".

REP. EMMONS: (101st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Linda Emmons.

REP. EMMONS: (101st)

Mr. Speaker, through you, a question to the proponent of the amendment.

SPEAKER ABATE:

State your question, please, madam.

REP. EMMONS: (101st)

Yes. Rep. Lawlor, I notice that there is no fiscal note attached to the amendment. Could you give us an indication of what would be the total cost to fully fund your proposal?

SPEAKER ABATE:

Rep. Lawlor, will you respond, sir?

REP. LAWLOR: (2nd)

Through you, Mr. Speaker, $645 million.

SPEAKER ABATE:

Rep. Emmons, you still have the floor, Madam.

REP. EMMONS: (101st)

Thank you. Rep. Lawlor, that's quite a bit more than the last one. How many pennies is the gas tax going to go up? Rep. Lawlor, would you then continue to support an income tax as a means to fund this particular large sum?

SPEAKER ABATE:

Rep. Lawlor, will you respond, sir?

REP. LAWLOR: (2nd)

Through you, Mr. Speaker, at that level I do not know of personally of another tax structure which would be able to adequately finance that amount of money.

SPEAKER ABATE:

Rep. Emmons.

REP. EMMONS: (101st)

Rep. Lawlor, on a more theoretical basis, relative to the formula, as this formula really is to be an education formula and we have gotten and used as part of our need children and students, for what reason do you believe that the population as a whole should be back in there, or just people in general?

SPEAKER ABATE:

Rep. Lawlor, will you respond, sir?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker, through you. It is not only an educational bill, but the bill is GTB, a guaranteed tax base, and the

tax is coming from the people who pay the taxes. The total population of any given town. And for the factor, I think that those people should also be considered in the formula.

SPEAKER ABATE:

Rep. Emmons.

REP. EMMONS: (101st)

Speaking to the amendment, Mr. Speaker, I would urge that the amendment be defeated. I think we are here addressing an educational problem, brought to us by a particular court case, and the, our attempt to correct what the court felt to be wrong is a matter of funding education and we did not get into the broader range of support of all this funding for all of Connecticut and our municipal overburden problem.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "C"? Will you remark further on its adoption? If not, would all the members please be seated? Would the members be seated? Would the staff and guests please come to the well of the House? The machine will be opened.

The House of Representatives is voting by roll at this time. Will the members please return to the chamber immediately. The House of Representatives is voting by roll at this time. Will the members please return to the chamber immediately.

Have all the members voted? Would the members please check

the roll call machine to determine if their vote is properly recorded? The machine will be locked and the Clerk will take the tally.

Would the Clerk please announce the tally.

CLERK:

Amendment "C" House Bill 7586.

Total number voting	144
Necessary for passage	73
Those voting yea	6
Those voting nay	138
Those absent and not voting	7

SPEAKER ABATE:

House Amendment Schedule "C" fails. Will you remark further on this bill? Rep. Lawlor.

REP. LAWLOR: (2nd)

Mr. Speaker, the Clerk has an amendment LCO #7619. Would the Clerk please call and read the amendment?

SPEAKER ABATE:

Would the Clerk please call and read LCO #7619, designated House Amendment Schedule "D".

CLERK:

LCO #7619 offered by Rep. Lawlor of the 2nd. In line 139 after the word "transportation" insert "in debt service".

SPEAKER ABATE:

The amendment is in your possession, Rep. Lawlor, what is your pleasure?

REP. LAWLOR: (2nd)

I move for adoption of the amendment, Mr. Speaker.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "D". Will you remark on its adoption?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker, the thrust of this Amendment is to put in the every portion of the formula, debt service acquired for educational expenditures, in other words construction costs which towns have incurred and for which they are now indebted to pay as far as their educational costs to educate the children in their town. I am not sure how many towns this affects, I know it does affect the city of Hartford and that in the 1960's the city of Hartford did enter into a massive school building program in order to properly educate the students of the city of Hartford, and as a result of that school building program there remains roughly, some 50 million dollars which the city is bonded for which must be paid, net dollars, taking into account State funds which the city must pay over the next several years. It's important to note, Mr. Speaker, that at the time the building, at least in the city of Hartford, took place, the

construction aid formula to the towns and cities was a flat 50%. We have since moved to a sliding scale percentage; however, as I say, at least in the city of Hartford, we have incurred massive debts for school building prior to the adoption of that.

This would actively reflect educational expenses, a point which has been addressed frequently throughout deliberations in this body, and it is our position that this is a legitimate item to be taken into account in the school tax effort portion of the formula and I would therefore move adoption and once again, Mr. Speaker, ask that when the vote be taken it be taken by roll.

SPEAKER ABATE:

The question is on a roll call vote. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% has not been satisfied and when the vote is taken, it will not be taken by roll. Will you remark further on the adoption. Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. Lest you think I cry wolf on amendments, I've made the decision that I will distinguish between those I really don't think we ought to adopt this year but we ought to consider at some future time and those that I

think are disasters. This one falls in the former category. It's of interest to me that I never trust my memory on this sort of thing, but I don't remember this issue having been raised in Committee. If it had been, I think we would have studied it and I think we would have studied it rather carefully.

I think we will study it next year. I think we have not studied it, we have no figures that really show what it would do and until we have a chance to study it, that we should defer it. It does not actually reflect current costs in terms of a decision to commit funds, but I think it is worthy perhaps of consideration in the total picture. But given the possibility of problems lurking that I haven't thought through and that none of us have thought through, I would ask you to defeat the Amendment so that we can pick it up next year and look at it. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House "D"?

REP. HANLON: (70th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Hanlon.

REP. HANLON: (70th)

Mr. Speaker, through you, a question to the gentleman reporting out the amendment.

SPEAKER ABATE:

State your question please, sir.

REP. HANLON: (70th)

Through you, Mr. Speaker, is there a fiscal note attached to this Amendment?

SPEAKER ABATE:

Rep. Lawlor, will you respond, sir?

REP. LAWLOR: (2nd)

No there is not, Mr. Speaker. I know only the figures with regard to the city of Hartford. If Mr. Hanlon would yield the floor for purposes of withdrawal, I would like to withdraw this Amendment.

SPEAKER ABATE:

Rep. Hanlon, will you yield?

REP. HANLON: (70th)

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Lawlor, will you accept the yield, sir?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker, thank you. I did bring this matter up before the Education Committee; however, it was at a late date when many of the -- which really allowed little time for in-depth discussion in Committee of this Amendment. In light of the remarks made by the Education Committee Chairman, Dorothy Goodwin, I would withdraw this motion, having full confidence

that both the intellectual quality and the integrity of the Education Chairman are sufficient to satisfy me that this factor will be addressed in the coming year.

SPEAKER ABATE:

House Amendment Schedule "D" has been withdrawn. Will you remark on the Bill? Will you remark?

REP. LAWLOR: (2nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Lawlor.

REP. LAWLOR: (2nd)

Mr. Speaker, the Clerk has an Amendment LCO #7621, would the Clerk please call and read the Amendment?

SPEAKER ABATE:

Would the Clerk please call and read LCO #7621, designated House Amendment Schedule "E"?

CLERK:

LCO #7621, offered by Rep. Lawlor of the 2nd. In Line 331, insert the following "(g) any town whose total tax -- whose total town tax rate is greater than the state median town tax rate for the fiscal year preceeding distribution of general state aid pursuant to this Section, shall not lose any of its general state aid on a per pupil basis in the subsequent fiscal year, provided such town meets the minimum expenditure requirement established in Section 10-262E as amended by Section 3 of

this Act, and such town meets its stated goals established in Section 10-220, as amended by Section 11 of this Act. For purposes of this sub-division, "total town tax rate" means the sum of all unduplicated property taxes collectible within a town, including any sub-divisions thereof, divided by the equalized net grand list of such town."

SPEAKER ABATE:

The Amendment is in your possession, sir, what is your pleasure?

REP. LAWLOR: (2nd)

I move adoption of the Amendment, Mr. Speaker.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "E", will you remark on its adoption?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker. This Amendment is, I believe very critical to many of the municipalities in the state and also to the state of Connecticut itself. The affect of this Amendment is to tell towns such as the city of Hartford, with which I'm obviously most familiar, that if you have a high total town tax rate and you are already making a very great effort to provide financing for the education of the children in your town, that you can take some, or indeed all of the monies which are given to you by the state, under the GTB formula and apply those monies to either other municipal services or to tax relief in a given town.

This would only be allowable once the state minimum expenditure per pupil requirements are met and indeed, all the state goals as enumerated by each town and approved by the State Board of Education are met. It is only at that level which would trigger the mechanism by which a town would be able to use its GTB monies for other than educational purposes.

The formula as it now stands, in effect, is telling many of the towns, which may find themselves in the position that we are in, that in effect, you have to take all the monies given to you and apply all those monies to education, whether or not you can really use those monies in education, or you are to use those monies as you best see fit to provide for other needed municipal services or indeed tax relief. But if you do use your money wisely, in year two, we are going to cut you back because the tax effort portion of the formula will have shown a reduction and therefore your grant will be reduced.

We are therefore simply put in the position of spending the money foolishly in order to keep up the grant, or spending the money wisely and losing money. We don't believe that this is economical for the state. We do not believe it's in the best interests of the city of Hartford or any other municipality which finds itself in that position. And we would strongly urge, Mr. Speaker, that it is not the school building alone which must be taken into account when you consider education in the

state and indeed in the city of Hartford. The school does not stand as an island by itself. If property tax relief is not allowed, and if other municipal services cannot be met through the tax efforts of the local property tax, then all the money we put into education will never have made a difference, in effect, Hartford will still be a poor town, made up of poor persons, mainly poor black persons, poor Hispanic persons and all the money we have put into education will, in fact, be wasted money because we will not have been able to address the other needs of the city which will enable the cities to stabilize themselves with stable, permanent population which will attend schools on a regular basis and not have, as we now have, school populations which dramatically change over not only from year to year, but within a given year.

This is, of any Amendment I have offered, I believe the most logical within the existing choice made by this body to stay within the present tax structure of the state of Connecticut and again, I would urge adoption and again ask, Mr. Speaker that when the vote be taken, it be taken by roll.

SPEAKER ABATE:

The question is on a roll call vote. All those in favor, please indicate by saying age.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the 20% has been satisfied and when the vote is taken, it will be taken by roll.

Will you remark further on the adoption of House Amendment Schedule "E"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. I would like first to reinforce Rep. Lawlor's arguments and then ask for the defeat of this Amendment, and if that sounds paradoxical I think my reasons will be clear by the time I'm through.

First, I would like to say that my memory was wrong about the issue that Rep. Lawlor raised at the beginning of his address this time. We did take this up at the end as Rep. Orcutt has reminded me, but I really don't trust my memory, I'm a senior citizen you know, and it really becomes a consideration around here and so, I will draw back on it without withdrawing in any way my promise to take it up next year.

I would like to point out that Hartford situation is, in many ways, unique. Hartford school tax rate, as it appears in the next formula is 46.53 mills. That contrasts with Greenwich's school tax rate on the same basis at 6.65 mills. Now that's some

measure of the difference in the burden of education between those two towns, given the education problem in those two towns, and the resources available to meet that problem. I don't know how it could be said more dramatically. Greenwich has the second -- no it has the lowest school tax rate, Hartford has the second highest school tax rate. Oddly enough, the highest school tax rate is Eastford with 49.91 mills, a tiny town in eastern Connecticut.

This I think should tell some of you who worry about tax rates in Fairfield County, you don't know what you're talking about. You don't know what a tax burden is. You honestly don't. You just don't face it.

Now I would say too, about this, however, and this I think is the reason why I would ask you not to go forward with this amendment today, and that is that this is -- this was the only hold harmless that we talked about that we did not adopt and it is the only hold harmless that we considered that would be permanent and I think it's the permanence of this hold harmless that gives me pause. Immediately when you introduce a permanent hold harmless, you not only distort the statistics, buy you distort all of the future relationships in a way that becomes increasingly difficult to correct as time goes by. And in view of that, and in view of what will surely be perceived in future years as increasing inequities as between, let's say, Hartford and Bridgeport, where Bridgeport gets more money for its effort

and Hartford does not have to increase its effort to get the same reward. That we develop problems that I think we can avoid. Now, in addition to this, my indispensible co-chairman of the Education Committee has pointed out that there is a valid statistical process in progress that will induce some self-correction for the problem that Rep. Lawlor raises, and that is that the grand list in Hartford is growing at around 2% a year and the grand list in some other parts of the state is going at 5, 10, 15, 20, even 30% a year and that as that happens, that relative disparity in growth of the tax base occurs, then Hartford will begin to receive from another part of the formula what it might lose from the drop in the school tax rate.

I should point out that I think -- I've said this on the floor here before, I was born and grew up in Hartford and I have a great attachment to the city of Hartford and I am perhaps biased because my roots are here, but I think there is no question too, that Hartford has demonstrated a concern for its children that is almost unmatched in the state. Hartford's per pupil expenditures are $2,100 per pupil, that's one of the highest in the state. It's minimum expenditure required is, I believe, $1,936 per pupil and it has tax problems that arise out of the last revaluation for which we took a temporary solution, but which in another year are going to be onerous almost beyond imagining. And there -- I think it is quite possibly true, that in terms of the future viability of the city, that Hartford's

priority for tax relief is greater than its priority for increased expenditures for education. Therefore, I again will commit myself as I have in the past to trying to find a better remedy for this if the differential growth in the grand list does not do what we expect it to do. There is a problem here, it occurs in the second year. It will not occur next year. It will not occur until the year after next, but at that time, I think we are -- or next year, I think we are going to have to answer some -- do some really thoughtful study on it, but because hold harmless is of this general character, and hold harmlesses are one of the major problems that New York State has faced in its equalization efforts which really frustrated the whole equalization program there. I would rather avoid any more of the if we can help it. Thank you.

REP. PIER: (15th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Will you remark futher on the adoption of House Amendment Schedule "E"? Rep. John Pier.

REP. PIER: (15th)

Mr. Speaker, to reinforce what Rep. Goodwin has said, the objection that many of us have at this point in time, the hold harmless kind of provision, is not a rejection of the problem that Hartford, or any other kind of town has. We clearly recognize

that there are different kinds of burdens. Part of the problem is in the analysis that was done for the education committee, to try to document the extent of what may still be a theoretical problem because of the self correcting nature of other parts of the formula, as pointed out by Rep. Goodwin.

Even using some of the worst possible assumptions, we weren't able to document the extent of the problem, so what we are being asked to do has a certain superficial attractiveness, it says someone who's way in over their heads oughtent to suffer for what we're trying to do. The problem is the impact of it is so subtle, we don't really know what's going to happen. We think we have some self-correcting provisions in the formula itself. We can't guarantee that they're going to work. It's a problem we have to be aware of. A problem we have to watch out for, but we don't even know for sure we've got a problem, and yet what's being proposed is a permanent solution to a theoretical problem.

And with the commitment of the Education commitment -- Committee and the commitment of the General Assembly to carefully monitor the situation, we urge the rejection of this amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "E"? Will you remark further on its adoption?

REP. EMMONS: (101st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Emmons

REP. EMMONS: (101st)

Mr. Speaker I have a question to the proponent of the Bill, not the Amendment, the Bill.

SPEAKER ABATE:

State your question please, Madam.

REP. EMMONS: (101st)

Rep. Goodwin, when you mentioned previously the comparison of the school town, the school tax rates, Greenwich vs. Hartford, in those figures, is that adjusted equalized tax rate or is it an equalized school tax rate?

SPEAKER ABATE:

Rep. Goodwin, will you respond to that inquiry, Madam?

REP. GOODWIN: (54th)

That's a very legitimate question, it is an adjusted equalized net grand list that reflects low income as well as low property values in the towns, or high income as well as high property values in Greenwich.

SPEAKER ABATE:

Rep. Emmons may have the floor, Madam.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. The comparison was quite dramatic

but I would like to point out to the members of this Assembly that it is not a school, it is not a town tax rate as you and I know it. What the figure is that is being used is to take your net current educational expenditures and divide it by what is your adjusted equalized net grand list, which, as you all know, has been factored and modified by an income factor, so that this discrepancy while it may be valid to talk about as far as what in actually is the difference that you pay in those two communities or in any community that is listed on this hand out that we've had, really has no relationship to reality.

The other point I would like to make regarding this particular Amendment, during the last two years when we have debated the GTB, the effort part which is now being somewhat frozen, has always been discussed in very laudatory terms as the mechanism by which you encourage towns to spend their grants for education. Because if you don't spend your grant for education, then the next year your grant will decline, and it seems to me that there is a point at which you have to decide is this an educational formula, and we are addressing education and therefore the money should go to education, or we decide to have another type of formula. But I think we are fooling ourselves if you adopt this Amendment and still consider it is an educational amendment. I urge its defeat.

SPEAKER ABATE:

Will you remark further on the adoption of House "E"?

REP. LAWLOR: (2nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Lawlor.

REP. LAWLOR: (2nd)

Yes, Mr. Speaker, again I would like to impress upon the body the urgency of the problem and I would, in fact, like to challenge some of the conclusions drawn by Rep. Pier and Goodwin; however, again with the full confidence in both the ability and integrity of the Education Chairwoman to address this issue and to, in fact, address this issue timely in the next Session so that the real fear which may happen, does not happen as a result of this, I would again withdraw this Amendment.

SPEAKER ABATE:

House Amendment Schedule "E" has been withdrawn. Will you remark further on the Bill?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Lawlor.

REP. LAWLOR: (2nd)

Mr. Speaker, the Clerk has an Amendment LCO #7637. Would the Clerk please call and read the Amendment?

SPEAKER ABATE:

The Clerk has an amendment, LCO#7637, designated House

Amendment Schedule "F". The Clerk please call and read.

CLERK:

LCO #7637, offered by Rep. Lawlor of the 2nd. In line 183, strike out the word "Ninth" and insert "Eighth". In line 192, strike out the word "Ninth" and insert "Eighth".

SPEAKER ABATE:

The Amendment is in your possession, sir, what is your pleasure?

REP. LAWLOR: (2nd)

I move adoption of the Amendment, sir.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "F". Will you remark on its adoption?

REP. LAWLOR: (2nd)

Yes, Mr. Speaker, the School Finance Advisory Panel has come up with a formula which was seriously considered and subsequently in the main, adopted, but as originally proposed, to the Education Committee, the formula went to the, a change went from the 100 percentile to the 95th percentile as the 8th town, and in doing that, the 8th town was chosen as the 95th percentile. When the figures were run as to the grants to each of the towns and the total amount was found to be $425 million dollars, a figure which is $35 million dollars above the present proposal, it is my contention, Mr. Speaker, that that's doing certainly not as much as I would like to see done, but it's a

little better than what we have now and in fact, over five years while still maintaining the first year amount, the state could afford within it's existing tax structure, in a five year period, the additional $35 million dollars and again, it's not that I say that it's enough, but it's more than what we do have. It will go further than what we are doing now towards remedying the disparity in the towns ability to educate the children and I would therefore urge its adoption and once again ask, that when the vote be taken it be taken by roll.

SPEAKER ABATE:

The question again is on a roll call vote. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisit 20% having been satisfied, when the vote is taken, it will be taken by roll. Will you remark further on the adoption of House Schedule "F"? Will you remark further?

REP. GOODWIN:

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN:

Thank you, Mr. Speaker. This is a very modest proposal,

in comparison to the one that Rep. Lawlor made a few minutes ago. However, I believe that it is just enough to knock the budget into a small cocked hat and I must say that I went into the discussions on the amount that we were going to put into this this year, wishing we could do more, wishing we could do significantly more and in fact, believing that we should do significantly more. And I came away, reminded in my own mind, not so much my conversations with other people, but by my own knowledge of what's in the rest of the budget, that the only way we could get the additional funds was to steal from already critically underfunded other projects, of which the most serious is higher education, but there are many, many others. And, for instance, one of the things that I believe this is correct, that the Governor's budget cut was the drug and alcohol abuse program.

And there are many, many other programs. There are other programs besides higher education in my own district that are critically affected by the budget. The Mansfield Training School is understaffed to a point at this point where there is some feeling that the accident rate is indefensible because there isn't enough help to prevent the accidents from happening.

And I asked myself a question, does the judge really want us to take money from the retarded for the support of the normal child or the DCYS child for the support of the normal child. Does he really want to erode higher education to a point where we can no longer really seriously talk of validly accredited programs

in our institutions of higher education? Does he really want those who have to go to mental hospitals, not to receive any real treatment while they're there? And I have to come to the conclusion that given the kind of timeframe in which we're working and the fact of the election last fall, that in order to do anything valid with the revenues, we had to have more time to develop a consensus, and without that consensus, I was not willing to destroy the rest of the budget for this piece of it.

Again, I regret that it is not more, but it is not and I see nowhere it can come from, except from other programs that are hurting at least as badly as these. Thank you.

SPEAKER ABATE:

Will you remark further on House Schedule "F".

REP.BELAGA: (136th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Belaga.

REP. BELAGA: (136th)

Thank you, Mr. Speaker. Rep. Goodwin alluded to the question that I would like to put to the proponent of the Amendment and that is, does he have a fiscal note?

SPEAKER ABATE:

Rep. Lawlor, will you respond to that inquiry, sir?

REP. LAWLOR: (2nd)

Through you, Mr. Speaker, I do not have a formal fiscal note; however, the cost of it would be $425 million over five

years as opposed to $391 million dollars over five years.

SPEAKER ABATE:

Rep. Belaga.

REP. BELAGA: (136th)

Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Schedule "F"?

REP. LAWLOR: (2nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Lawlor

REP. LAWLOR: (2nd)

Briefly, Mr. Speaker, in support of the Amendment, all of the things that Rep. Goodwin has said, has pointed out to us that the judge may not want us to do, we are, in fact, doing. We are in fact, even to come up with the $391 million dollars, cutting back on services to the mentally retarded, cutting back on services for higher education, cutting back on our community colleges and our state colleges. The whole point and the whole thrust of this Amendment and all the Amendments I have offered, are to show that the State of Connecticut is not adequately meeting the needs of its citizens. And that if we are not going to do that, we should at least tell our citizens that the cost

of staying within the present tax structure is that many, many programs which will, in fact, hurt many people, will not be put forward and will not be supplied by the State.

And I would submit that, in fact, the things that Rep. Goodwin has said we should not, in fact do, and we would have to do by raising it $35 million dollars over five years, we are in fact doing and that this is a modest amount which the State can and should be able to afford over those five years. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House "F"? Rep. John Pier.

REP. PIER: (15th)

Mr. Speaker, speaking against the Amendment, all of us have to make our individual determinations on where that modest amount line gets drawn. The impact of going as we've said from the one town differential 9 to 8 represents $35 million dollars. I submit that these kinds of changes are significant kinds of changes. When the judge reheard and gave the deadline of May 1 which is the operative date in a very real sense for everything we're doing today, you said that we wanted the school financing equalization which is a very complex problem to be solved, if at all possible, by the legislature rather than by the courts. We suggest that part of the fundamental consideration in meeting that test of strict judicial scrutiny, the compelling state

interest to be recognized that we don't have enough money to solve everybody's problems now or next year. Whether they're education problems or whether they are the kinds of monies that would have to be taken from someone else as pointed out by Rep. Goodwin.

There's only so much money in the pie that's being divided. There is, within the realm of fiscal responsibility, no other way to get it in the immediate future. The state of Connecticut doesn't have any other choice. I urge the rejection of the Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House "F"? Will you remark further on its adoption? If not, would all the members please be seated, would the staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time, members please return to the Chamber immediately. The House of Representatives is voting by roll at this time, would the members please return to the Chamber immediately.

Have all the members voted? The members please check the roll call machine to determine if their vote has been properly recorded. The machine will be locked. The clerk will take the tally.

Clerk please announce the tally.

CLERK:

House Bill 7586, Schedule "F"

Total Number Voting	143
Necessary for Passage	72
Those Voting Yea	8
Those Voting Nay	135
Those Absent and Not Voting	8

SPEAKER ABATE:

House Amendment Schedule "F" fails.

Will you remark further on the Bill? Will you remark further on this Bill? If not, would all the members please be seated, would the members please be seated.

REP. CIBES: (39th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Cibes.

REP. CIBES: (39th)

Mr. Speaker, the Clerk has an amendment LCO #6098. Would the Clerk please call and read?

SPEAKER ABATE:

Will the Clerk please call and read LCO #6098, designated House Amendment Schedule "G". Would the House please come to order, the Clerk has in his possession LCO #6098, designated House Amendment Schedule "G". The gentleman has requested that the Clerk read the Amendment.

CLERK:

LCO #6098, offered by Rep. Cibes of the 39th.

In line 188, strike the comma following "(d)"

In line 189, before "(e)" insert "AND" and after "(e)" strike "AND (f)".

In line, 223, strike the comma following "(a)" and insert "AND" in lieu thereof.

In line 223, strike the comma following "(a)" and insert "AND" in lieu thereof.

In line 223, strike "AND (f)".

Strike lines 323 to 331 inclusive.

SPEAKER ABATE:

The Amendment is in your possession, sir, what is your pleasure?

REP. CIBES: (39th)

Mr. Speaker, I move its adoption.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "G", will you remark on its adoption, sir?

REP. CIBES: (39th)

Thank you, Mr. Speaker. Mr. Speaker, the intent of this Amendment is to strike the minimum grants of $250 to each town and $275 to each town in a regional school district. Mr. Speaker, of all the elements in this Bill, in House Bill 7586, this is the

most fundamentally disequalizing. We have an obligation, I believe, to present to the court, a Bill which equalizes the ability of towns to finance education. This provision, the provision of the minimum grant, does not do that. Instead what it does is the following.

It says that we will proceed to equalize the ability of towns to educate, to finance education, equalize to the standard of the 95 percentile, or the 9th wealthiest town in the state and give the 9 towns which are wealthier than that a bonus.

It says further that we will equalize to the 95th percentile, to the 9 wealthiest towns, and provide the 24 towns which are the next richest towns a bonus.

Mr. Speaker, I cannot imagine a more disequalizing aspect to the present Bill. Our choice really is to equalize to the level of the 9th wealthiest town which would presumably cost a goodly sum of money and boost everybody's grant by $250 per pupil. That's the right choice. That is what would be truly equalizing. As it stands now, this Bill would not do that. We have heard recent comments to the effect that we cannot afford more money in this year's budget, or in the future year's budget to equalize education. Yet providing the sum necessary to give a $250 per pupil grant to each town, to each wealthy town, diverts the money from where it is most needed, from the poorest towns in the state, and gives the bonus of about 7 or 8 to 10 million dollars to the richest towns in the state.

This diversion I think in no way can be regarded as equalizing. I'm sure that there will be some, Mr. Speaker, who will characterize this as a Robin Hood Amendment, to say that the state, by this Amendment would take away what the towns are currently receiving. That is indeed what would happen, Mr. Speaker, but it is in no sense a Robin Hood Amendment in the sense of Robin Hood Amendments in other states, where towns are limited in the total amount of money they can expend for education and indeed, once they surpass that by taxing more, the money they raise in local property taxes be given to the state for redistribution throughout the rest of the state. That's a true Robin Hood Amendment and this in no way approximates that.

Thank you, Mr. Speaker. I urge the adoption of this Amendment and, when the vote is taken, I ask that it be taken by roll.

SPEAKER ABATE:

The question is on a roll call vote. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% has not been satisfied and when the vote is taken, it will not be taken by roll. Will you remark further on the adoption of House Amendment, Schedule "G"?

Will you remark further?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. I understand what Rep. Cibes is saying but I think we should defeat this Amendment. I think there is, in addition to the question of trying to give something to everybody in this Bill, a real and genuine rational for preserving a on this grant. Remember, that if we take this away, we will have only the bottom bits of the other sliding scales that go to the richest towns at all.

At the same time, we are mandating to those towns the same kinds of programs that we are mandating to towns that will receive $1,000 per pupil. It seems to me that there is a definite tie between the ability of the state to enforce its mandates and the kind of contribution that the richest towns receive from the grant.

In addition, I think that this, the fund grant has been built into the budget in individual towns for so long that even with a phase-in and I assume that the intent of this is to include the phase-out of the $250. Whether it does it or not really doens't matter, so I won't bother to ask the question. But that

even with the phase out, and even given the wealth of those towns, one can shock even the budget of Greenwich and I think we have to take that into consideration.

But I really do think the most compelling arguement is that this is our claim, the right to some control over every town in the state in its educational program, and I would therefore urge defeat of the Amendment House "G".

SPEAKER ABATE:

Will you remark further on the adoption of Amendment House "G"? Will you remark further?

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Very briefly, Mr. Speaker, not surprisingly, I agree with Ms. Goodwin, since I represent a town who is, I gather, one of the 9 benefactors. Were I Mr. Cibes, perhaps I would propose what he does. One of the problems that has marked the whole approach to this subject over the years.

But I just would point out that I don't want Mr. Cibes to confuse, I don't say he does, I think he has been very articulate I've watched him in committee, but not to confuse the State's duty to equalize with the State's Constitutional obligations for many of the reasons Mr. Pier gave you earlier on, to in fact,

fund education in this State. You can't delegate, you can't have it both ways. I oppose the Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "G"?

REP. SMITH: (107th)

Mr. Speaker.

SPEAKER ABATE:

Rep.David Smith of the 107th Assembly District.

REP. SMITH: (107th)

Thank you, Mr. Speaker. I feel I must rise to oppose this Amendment even though I am from Fairfield County and as Rep. Goodwin pointed out earlier, those of us from Fairfield County really don't know what we're talking about. However, I would like to take exception to Rep. Cibes remarks that in effect, this $250 grant gives a bonus to the wealthiest towns.

I don't look upon it as a bonus at all, I look on it more as a state's minimum commitment to what we all have acknowledged is a state mandated responsibility. That is education. And I think it's absolutely necessary that we include this minimum commitment to go along with the state mandate. I urge you defeat the Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House "G"?

REP. PIER: (15th)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Pier.

REP. PIER: (15th)

Just to follow up very quickly with the last two comments, Rep Goodwin's. The minimum grant recognizes the responsibility of this State for education we've alluded to earlier. It obviously has, in the absence of any other kind of State support since it is entirely independent of wealth, a potential disequalizing effect, and that fact was recognized by the court in the decision and we need to be aware of it.

That's the reason the State Board of Education modified the School Finance Advisory Panel's recommendation and eliminated in their recommendations. The desire to keep the $250 minimum, the guaranteed minimum, was a conscious choice made on the part of the Education Committee, on the part of the Appropriations Committee and we hope on the part of the Legislature, to recognize the State's responsibility to provide some educational support to all the towns, to all the students and we need to recognize that as more and more dollars are poured into the various towns, and as the percentages of the total state aid continues to change, the disequalizing effect will be minimized over a period of time and still recognizing the Constitutional responsibility of the State.

SPEAKER ABATE:

Will you remark further on the adoption of House "G"?

REP. CIBES: (39th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Cibes.

REP. CIBES: (39th)

Mr. Speaker, speaking for the second time on this Amendment, I would like to respond to some comments which have been made earlier about the responsiblity of the State to fund education. I would not quarrel with the responsibility of the State to fund education, and I see no reason in the abstract, not to provide the $250 minimum grant for each pupil, for each town in the State, but if that is done, it should be done for every town in the State and equalization should occur on top of that base, on top of that foundation and that is not what this Bill does.

One other comment in response to -- a comment made earlier with respect to another Amendment. Rep. Emmons mentioned that if Rep. Lawlor's adopt -- amendment regarding hold harmless for those towns with -- in year two, with respect to this general grant, mentioned that the GTB assumes that if one reduces the tax effort that the grant in the ensuing years will also decrease.

Mr. Speaker that ought to apply as well to towns receiving a $250 minimum grant. If towns reduce the tax effort, then the

amount of money received from the state should also decrease. But Mr. Speaker we have put a floor with the $250 minimum grant and we do not reduce the grant for those wealthy towns. I think that principal ought to be applied across the board if we have accepted it with respect to Mr. Lawlor's Amendment. Thank you.

SPEAKER ABATE:

Will you remark further on House Amendment Schedule "G". Will you remark further on its adoption?

REP. EMMONS: (101st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Linda Emmons

REP. EMMONS: (101st)

Thank you, Mr. Speaker. A question through you to the proponent of the Bill.

SPEAKER ABATE:

State your question please, Madam.

REP. EMMONS: (101st)

Yes, Rep. Goodwin, in reading the file, it is my understanding that we will -- in part of this Bill, we are going to introduce a minimum expenditure for pupil requirement that we presently do not have in the statute. This minimum is supposed to be the state median student net current expenditure per pupil for two years prior. My understanding is right now that this minimum would be 1640, $1,640. per student. Is that a correct reading of the Bill?

SPEAKER ABATE:

Rep. Goodwin, will you respond, Madam?

REP. GOODWIN: (54th)

Through you, Mr. Speaker, I believe that is at least approximately the correct figure for the basic minimum expenditure requirement. This is added to that minimum expenditure requirement half of the per pupil expenditures for the median student in the state for each AFDC child in the town. So that in fact every town has a different minimum expenditure requirement.

SPEAKER ABATE:

Rep. Emmons, you still have the floor, Madam.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. Speaking to the Amendment, it appears to me that if you are requiring a town to spend $1,640 as a minimum and you might have to spend more considering how many other AFDC students are included in the enrollment, but if we are requiring a town to spend $1,640, I really don't think it is so terrible for the state to put $250 out. There is a problem when you're going to find residentially and throughout the state that if for every child that comes to your school you must spend $1,640 for each one who moves in, you're not always going to have those kids move in. And there is a time in your own planning and zoning and many other ways you can have restrictive developments.

The cities don't like the suburbs to have them, the rural

towns probably would like to develop their towns if possible, but if we're going to require every town to spend at least $1,640 per student, then for the state to come up with $250 to me, seems that the state is getting a good bargain, because they don't have to pay the whole thing, they only have to pay $250 in many communities, per student.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "G"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Mr. Speaker, may I make one small correction to what I said. I said the $1,640 plus one half of the number of AFDC, it's one half of one half of the number of AFDC and I apologize for the error.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "G"? Will you remark further on its adoption?

REP. POLINSKY: (38th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Janet Polinsky.

REP. POLINSKY: (38th)

Thank you, Mr. Speaker. I, too, would oppose this Amendment. I don't see $250 going for each student to some of the more wealthy towns as a bonus. I would see that if this Amendment passed it would be a penalty and I would agree with Rep. Emmons in the fact that if we were not getting some kind of recognition in the form of $250. many of the communities would say in the form of zoning, we can't afford to take any more residents. We cannot afford any more sub-division. We cannot afford the children that go with these sub-divisions. So there are towns that are lucky enough, for whatever reasons, good planning, good location, for whatever reasons, to be lucky enough to have a good tax base. Don't penalize them, defeat this Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule"G"? Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye

SPEAKER ABATE:

Opposed, no.

REPRESENTATIVES:

NO

SPEAKER ABATE:

The noes have it, the Amendment fails.

Will you remark further on the Bill? Will you remark further on this Bill? Rep. Cibes.

REP. CIBES: (39th)

Mr. Speaker, the Clerk has an amendment, LCO #7703, will the clerk please call and may I have permission to summarize?

SPEAKER ABATE:

The Clerk please call LCO #7703, designated House Amendment Schedule "H".

CLERK:

LCO #7703, offered by Rep. Cibes of the 39th.

SPEAKER ABATE:

Is there objection to the gentleman summarizing the Amendment in lieu of the Clerk's reading? Is there objection? Hearing none, Rep. Cibes you may proceed with summarization, sir.

REP. CIBES: (39th)

Thank you, Mr. Speaker. The purpose of LCO#7703 is to provide a different phase-in formula than the one provided in

the main bill. The main bill provides a phase-in formula which requires the first year that 56% of the total anticipated amount for equalization will be allotted in the budget. That comes very close to $220 million dollars. That is about $30 million dollars more than is currently provided for general state aid to education, including the present ADM grant and the present $40 million dollars in GTB money.

This $30 million dollars more will be allocated on a pro rata basis to each town. That is, each town will not receive in the first year, 56% of its entitlement instead it will receive about 14 to 15% more than it is currently receiving.

Mr. Speaker, this amendment provides that there be an equal phase-in over the five year period. That each town will receive in the next fiscal year, 20% of the difference between what it is now receiving and what it will receive according to the 20% of the difference between what it is now receiving and what it would receive if this Bill were adopted. I move its adoption. I move the Amendment's adoption.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "H". Will you remark further on its adoption?

REP. CIBES: (39th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Cibes.

REP. CIBES: (39th)

Mr. Speaker, with respect to this Amendment, I believe that the current method of phasing in the formula merely provides a delay in equalization, instead of moving at least one-fifth of the way towards equalization in the first year, we move only in the neighborhood of 14 to 15% toward equalization. We delay effective implementation of the equalization formula. I don't think that this will -- ought to pass the scrutiny of the court because it is postponing justice for those towns which are currently underfunded and not receiving what they're entitled to.

Mr. Speaker, I would ask that when the vote on this Amendment be taken, it be taken by roll.

SPEAKER ABATE:

The question again is on a roll call vote. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% has not been satisfied and when the vote is taken, it will not be taken by roll. Will you remark further on the adoption of House Amendment Schedule "H"?

REP. GOODWIN: (54th)

Mr. Speaker

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. The arguments against this Amendment are the same as the arguments against Rep. Lawlor's Amendment to move toward the equalizing towards the 8th town instead of the 9th town. We don't have the money in the budget and I think we'll blow the budget if we do it. I wish we could. I know we can't. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House "H"? Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, no.

REPRESENTATIVES:

NO

SPEAKER ABATE:

The noes have it. The Amendment fails.

Will you remark further on this Bill?

REP. CIBES: (39th)

Mr. Speaker.

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Strike lines 241 to 310, inclusive, and insert in lieu thereof:

"(1) FOR THE FISCAL YEAR ENDING JUNE 30, 1980, THE AMOUNT OF GENERAL STATE AID RECEIVED ON A PER PUPIL BASIS FOR THE FISCAL YEAR ENDING JUNE 30, 1979, PLUS OR MINUS TWENTY PER CENT OF THE DIFFERENCE BETWEEN SUCH STATE AID RECEIVED ON A PER PUPIL BASIS AND THE GENERAL STATE AID THE TOWN WOULD BE ELIGIBLE TO RECEIVE ON A PER PUPIL BASIS UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR;

(2) FOR THE FISCAL YEAR ENDING JUNE 30, 1981, THE AMOUNT OF GENERAL STATE AID RECEIVED ON A PER PUPIL BASIS FOR THE FISCAL YEAR ENDING JUNE 30, 1980, PLUS OR MINUS TWENTY-FIVE PER CENT OF THE DIFFERENCE BETWEEN SUCH STATE AID RECEIVED ON A PER PUPIL BASIS AND THE GENERAL STATE AID THE TOWN WOULD BE ELIGIBLE TO RECEIVE ON A PER PUPIL BASIS UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR;

(3) FOR THE FISCAL YEAR ENDING JUNE 30, 1982, THE AMOUNT OF GENERAL STATE AID RECEIVED ON A PER PUPIL BASIS FOR THE FISCAL YEAR ENDING JUNE 30, 1981, PLUS OR MINUS THIRTY-THREE AND ONE-THIRD PER CENT OF THE DIFFERENCE BETWEEN SUCH STATE AID RECEIVED ON A PER PUPIL BASIS AND THE GENERAL STATE AID THE TOWN WOULD BE ELIGIBLE TO RECEIVE ON A PER PUPIL BASIS UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR;

(4) FOR THE FISCAL YEAR ENDING JUNE 30, 1983, THE AMOUNT OF GENERAL STATE AID RECEIVED ON A PER PUPIL BASIS FOR THE FISCAL YEAR ENDING JUNE 30, 1982, PLUS OR MINUS FIFTY PER CENT OF THE DIFFERENCE BETWEEN SUCH STATE AID RECEIVED ON A PER PUPIL BASIS AND THE GENERAL STATE AID THE TOWN WOULD BE ELIGIBLE TO RECEIVE ON A PER PUPIL BASIS UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR;

(5) FOR THE FISCAL YEAR ENDING JUNE 30, 1984, AND EACH FISCAL YEAR THERAFTER, FULL ENTITLEMENT."

Strike lines 370 to 405, inclusive, and insert in lieu thereof:

"(1) FOR THE FISCAL YEAR ENDING JUNE 30, 1980, THE PER PUPIL EXPENDITURE FOR THE FISCAL YEAR ENDING JUNE 30, 1978, PLUS TWENTY PER CENT OF THE DIFFERENCE BETWEEN SUCH AMOUNT EXPENDED ON A PER PUPIL BASIS AND THE MINIMUM PER PUPIL EXPENDITURE REQUIREED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1980.

(2) FOR THE FISCAL YEAR ENDING JUNE 30, 1981, THE PER PUPIL EXPENDITURE FOR THE FISCAL YEAR ENDING JUNE 30, 1979, PLUS TWENTY-FIVE PER CENT OF THE DIFFERENCE BETWEEN SUCH AMOUNT EXPENDED ON A PER PUPIL BASIS AND THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1981.

(3) FOR THE FISCAL YEAR ENDING JUNE 30, 1982, THE PER PUPIL EXPENDITURE FOR THE FISCAL YEAR ENDING JUNE 30, 1980, PLUS THIRTY-THREE AND ONE-THIRD PER CENT OF THE DIFFERENCE BETWEEN SUCH AMOUNT EXPENDED ON A PER PUPIL BASIS AND THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1982.

(4) FOR THE FISCAL YEAR ENDING JUNE 30, 1983, THE PER PUPIL EXPENDITURE FOR THE FISCAL YEAR ENDING JUNE 30, 1981, PLUS FIFTY PER CENT OF THE DIFFERENCE BETWEEN SUCH AMOUNT EXPENDED ON A PER PUPIL BASIS AND THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1983."

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SPEAKER ABATE:

Rep. Cibes.

REP. CIBES: (39th),

Mr. Speaker, the Clerk has an Amendment LCO #7604. Will the Clerk please call and may I have permission to summarize?

SPEAKER ABATE:

Would the Clerk please call LCO #7604, House Amendment Schedule "I"?

CLERK:

LCO #7604, offered by Rep. Cibes of the 39th.

SPEAKER ABATE:

Is there objection to the gentleman summarizing the Amendment in lieu of the Clerk's reading? Hearing none, it is so ordered. You may proceed.

REP. CIBES: (39th)

Very briefly, Mr. Speaker, this Amendment meets some of objections which were raised by Rep. Goodwin in the debate on the last Amendment. This Bill, this Amendment, would provide that in the next fiscal year, instead of the total amount of money which the state allocates to equalization, being 56%, it would remain at 56% but each town, each town, would receive 56% of its total entitlement. In the succeeding years, each town would receive precisely the -- what its total entitlement is. Mr. Speaker, this Bill does not cost the state more money in the

first year, the second year, in the third year, in the fourth year, in the fifth year than that anticipated by the Bill as it stands now.

Accordingly, Mr. Speaker, I move its adoption.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "I". Will you remark further on its adoption?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN:

Thank you, Mr. Speaker. This Amendment addresses probably one of the most complicated technical portion of the Bill and that is the double phase in in the present Bill. What the present Bill does is to phase in the total expenditures by 56% of the total cost this year, 67% next year, 78%, 89% and then 100% at 11% each year. But then in provides, within the text of the bill, that for each individual town given the individual circumstances for each individual town, the phase in will be in relatively equal steps. If you do what this Amendment proposes, a good many towns will get less than they do this year and, if you want to hold this harmless, I suppose you can, but that's going to cost more money and that's not in the Amendment, I believe.

It also would drop the minimum expenditure requirement so that these towns would not be hurt by it and it drops it so far that I think it's not a legimate expenditure requirement. I believe it drops it to about a thousand dollars a year. That's not enough.

I think that the complicated, double type phase in does a better, and smoother and easier job with no sacrifice of principal except the one that Rep. Cibes has alluded to and that is that year payment is shy of it. Well, I think still, even in spite of that, it's a better system than the one he is suggesting. I therefore urge defeat of the Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "I"?

REP. CIBES: (39th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Cibes.

REP. CIBES: (39th)

Mr. Speaker, speaking directly to the Amendment, let me say again that justice delayed is justice denied in this respect. There are some towns in this state which currently receive more than 56% of the aid to which they will be entitled to under this bill from the state. Many other towns do not, yet what the bill

presently attempts to do is to give more money to every town in the state, not just to those whose share falls below 56%. I think this is unfair and I urge the adoption of this Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "I"? Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Opposed no.

REPRESENTATIVES:

NO

SPEAKER ABATE:

The noes have it, the Amendment fails.

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The following is House Amendment Schedule "I"

In line 188, strike "(d)" and insert in lieu thereof "(c)"
In line 189, strike "(e)" and insert "(d)" and strike "(f)" and insert "(e)"
In line 225, strike "; AND FOR" and insert a period
Strike lines 226 to 229, inclusive, and insert in lieu thereof: "EACH TOWN SHALL RECEIVE:"
In line 231, strike "FULL FUNDING" and insert in lieu thereof "THE FULL ENTITLEMENT ON A PER PUPIL BASIS"
In line 233, strike "FULL FUNDING" and insert in lieu thereof, "THE FULL ENTITLEMENT ON A PER PUPIL BASIS"
In line 235, strike "FULL FUNDING" and insert in lieu thereof, "THE FULL ENTITLEMENT ON A PER PUPIL BASIS"

In line 237, strike "FULL FUNDING" and insert in lieu thereof, "THE FULL ENTITLEMENT ON A PER PUPIL BASIS"

In line 239, strike "FUNDING" and insert in lieu thereof "ENTITLEMENT"

Strike lines 240 to 310 inclusive

In line 311, strike "(e)" and insert "(d)"

In line 323, strike "(f)" and insert "(e)"

Strike lines 370 to 409, inclusive, and insert in lieu thereof: "(1) FOR THE FISCAL YEAR ENDING JUNE 30, 1980, NOT LESS THAN FIFTY-FIVE PERCENT OF THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1980; (2) FOR THE FISCAL YEAR ENDING JUNE 30, 1981, NOT LESS THAN SIXTY-SIC PERCENT OF THE MINIMUM PER PUPIL EXPENDITURES REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1981; (3) FOR THE FISCAL YEAR ENDING JUNE 30, 1982, NOT LESS THAN SEVENTY-FIVE PERCENT OF THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1982; (4) FOR THE FISCAL YEAR ENDING JUNE 30, 1983, NOT LESS THAN EIGHTY-EIGHT PERCENT OF THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1983; (5) FOR FISCAL YEAR ENDING JUNE 30, 1984, AND EACH FISCAL YEAR THEREAFTER, THE MINIMUM EXPENDITURE REQUIREMENT IN ACCORDANCE WITH SUBSECTION 9b) OF THIS SECTION."

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SPEAKER ABATE:

Will you remark further on the Bill? Will you remark further on this Bill?

REP. EMMONS: (101st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Linda Emmons.

REP. EMMONS: (101st)

Mr. Speaker, the Clerk has an amendment LCO #6983 and would the Clerk please call and read it?

SPEAKER ABATE:

The Clerk please call and read LCO #6983, designated House Amendment Schedule "J".

CLERK:

LCO #6983 offered by Rep. Emmons of the 101st.

In line 45, insert a bracket before "and" and delete the bracket before "the"

In line 61, after the semi-colon insert "AND MINUS ALL FEDERAL AID FOR EDUCATION, EXCEPT FOR 847 FEDERAL FUNDS:"

SPEAKER ABATE:

The Amendment is in your possession, Madam, what is you pleasure:?

REP. EMMONS: (101st)

Mr. Speaker, I would like to speak to the Amendment.

SPEAKER ABATE:

Move adoption to the Amendment, Madam?

REP. EMMONS: (101st)

Yes, I will move adoption of the Amendment. Thank you.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "J" and will you remark?

REP. EMMONS: (101st)

Yes, thank you, Mr. Speaker. The purpose of this Amendment relates to previous questioning that I had had or discussion with Rep. Goodwin as to the minimum expenditure requirement. If you were following that along, you will realize that you're supposed to spend $1,640 as a minimum, at least $1,640 for each

pupil. And, in addition you will spend roughly one quarter of that amount for every AFDC student you have. Now the effect of this is that when you have to spend your $1,640, for some towns you have Federal aid and I'll give you a range of them. Hartland gets $7 per student. New Haven gets $366 per student as Federal aid. So when we set the minimum expenditure requirement as it is now listed in the Bill, one town to get the $1,640 will have to raise, out of their tax rate or state aid, $1,633, the other towns would have to raise much less. So what we're -- wo when we set the $1,640 as a minimum, we're really not going to be creating an equal opportunity or an equal minimul base, because we have allowed the Federal special monies to be included in the $1,640.

The money that is received by communities is really to address special problems of educational deprivation of those communities. It's supposed to be money in addition to the minimum program, not part of your basic program. In our, for the state of Connecticut, we distribute SADAC money to communities which is also going to be included as part of the $1,640. However, that money, too, is supposed to be in addition to what is your basic program.

If we're going to have every town send $1,640 per pupil, then it should at least be somewhat equal. And if we're going to have it, be on an equalized basis of state aid, then we should

not include the Federal aid. Because the Federal aid is for special programs that should be in addition to it.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "J"? Will you remark further on its adoption? If not, all those in favor of its adoption .

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker, I think I would like to urge rejection of this Amendment on the grounds that what we're talking about is minimum expenditures, we're not talking about minimum town input, we're talking about the program offered the children and if we talk of -- if we take out of that the Federal grant, we are talking about again an artificial figure that does not represent the education program. So I would urge rejection of this Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "J"? Rep. Otto Neumann of the 62nd Assembly District.

REP. NEUMANN: (62nd)

Thank you, Mr. Speaker. In favor of the amendment. One

of the big problems in including Federal Aid in the definition of minimum expenditure requirement is a significant portion of the Federal funds are directed to specific schools in the community meeting some standard, basically for disadvantaged students. You therefore find that the money is spent in some schools in that community but not in all.

You have a situation of a highly different per pupil expenditure within the community, using it as defined in this formula, you average that over all of the students in the system rather than recognizing the fact that this -- a great deal of this Federal money is targeted and therefore, there is an inequity in including it as an overall portion, because all students do not get access to the Federal aid.

SPEAKER ABATE:

Will you remark further to the adoption of House Amendment Schedule "J"? Will you remark further on its adoption. If not all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, no.

REPRESENTATIVES:

NO.

SPEAKER ABATE:

In the opinion of the Chair, the noes have it, the Amendment fails. Will you remark further on this Bill? Will you remark further? If not, will all the members -- will the members please be seated. Rep. Neumann.

REP. NEUMANN: (62nd)

Sorry, Mr. Speaker. Will the Clerk, the Clerk has an Amendment LCO #6977. Would the Clerk call and I ask permission to summarize.

SPEAKER ABATE:

The Clerk please call LCO#6977, designated House Amendment Schedule "K".

CLERK:

LCO# 6977 offered by Rep. Neumann of the 62nd.

SPEAKER ABATE:

Is there objection to the gentleman summarizing this Amendment in lieu of the Clerk's reading? Is there objection? Hearing none, you may proceed with summarization, Rep. Neumann.

REP. NEUMANN: (62nd)

Thank you, Mr. Speaker. This has to do with the problem that was raised before regarding the mill rate, the example of 46 and 6 because they are adjusted by income. Therefore, this Bill proposes, not for the upcoming year, but for the year beginning the fiscal year ending June 30, '81, when we would have

the data that the adjustment to income in the grand list be applied only to the residential portion of the grand list. I would like to explain this because I think it makes some -- so I would move adoption of the Amendment and then comment to it.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "K". Will you remark on its adoption?

REP. NEUMANN: Thank you, Mr. Speaker.

SPEAKER ABATE:

Rep. Neumann.

REP. NEUMANN: (62nd)

The -- as it sits now, the proposed Bill says that in essence if you level a tax rate for education and your income is low, that tax rate is multiplied and magnified, making it appear greater effort. I cite the difference between a town in northeastern Connecticut made up entirely of residences with a low income and gets its tax effort magnified and perhaps justifiably so, at least the committee seems to feel that putting this Bill forth, that that is the way to go.

The same situation, however, when you apply to an urban area with a large commercial and industrial base, whether it be Scoville in Waterbury or Travelers in Hartford, also treats the payments by those Corporations as though they are paid by poor income residents and this is an unfair magnification. It sort of says, go sell your stocks in the company, they're bankrupt.

And therefore, if you are really treating the effects of income on tax effort, in other words, your tax effort should be considered higher if you're low income, this is only a factor that should be applied against the residential portion of the grand list. Not the commercial and industrial portion. The Amendment before you says that we don't have the data for the upcoming year and so the Amendment in there suggests that this be done beginning a year from now so it does not affect the dollars that are sitting in the budget or any proposed grants that are on the runs that everyone has looked at for the upcoming year.

It would have significant differences in subsequent years. I urge its adoption.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "K"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

I think this is an example of what happens when you try to be too logical, except I think it misses the boat in one point, even in terms of logic, and that is, without a special definition of commercial, this would include all residential property with

more than three dwelling units. And in the cities, that's a very large proportion of the total. It's also a very large proportion of the poorest people in the city, those with the least income capacity and those whose rents reflect the property taxes that their landlord has to pay.

In addition to this, I think I would point out that the only way you can really judge the adequacy of a formula, I said this is one way before, is not just by examining the relationship between all its parts, but by examining where it sends the money. And I happen to think that the formula as it now stands sends the money where it is most needed and sends it much more effectively, much more precisely than any other formula that we have looked at.

Now of course, obviously this is a matter of opinion. And obviously there are vested interests involved in having opposite opinions in some cases. But I have long ago realized that given the inter-relatedness of the various parts of the formula, I'm more interested in the logic of the results, than I am in the internal logic of the proponents. Therefore, I would oppose this amendment.

SPEAKER ABATE:

Will you remark further on House Amendment Schedule "K"?

REP. LEARY (37th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on its adoption? Rep. Leary.

REP. LEARY: (37th)

Mr. Speaker, a question to the proponent of the amendment.

SPEAKER ABATE:

State your question, please, sir.

REP. LEARY: (37th)

Yes, Rep. Neumann does your amendment exclude the commercial portion of the equalized grand list?

SPEAKER ABATE:

Rep. Neumann, will you respond, sir?

REP. NEUMANN: (62nd)

Thank you, Mr. Speaker. Through you, no it does not. It adds it back in but unadjusted by income. If you -- lines 25 and 25½ defining how you would make up the grand list for this population, said you equalize the residential by first by the income, and then add it to the equalized non-residential grand list to come up with a total.

SPEAKER ABATE:

Thank you. Will you remark further on the adoption of House Amendment Schedule "K"?

REP. NEUMANN: (62nd)

Just briefly, Mr. Speaker.

SPEAKER ABATE:

Rep. Neumann.

REP. NEUMANN: (62nd)

Thank you, Mr. Speaker. I would point out that there is other legislation before this, that will be before this body emanating from another committee which calls for a re-definition of the categories on the grand list for the purposes of the sales assessment ratio. This would be effective for next year at the same time as the amendment and certainly the problem of apartment houses can be dealt with equally under a residential definition through that legislation.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "K"? Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay.

REPRESENTATIVES:

No.

SPEAKER ABATE:

The no's have it. The amendment fails.

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House Amendment Schedule "K".

In line 61, before "ADJUSTED" insert "FOR THE FISCAL YEAR

ENDING JUNE 30, 1981 AND ANNUALLY THEREAFTER "ADJUSTED EQUALIZED NET GRAND LIST" MEANS THE RESIDENTIAL PORTION OF THE EQUALIZED NET GRAND LIST OF A TOWN MULTIPLIED BY THE RATIO OF THE PER CAPITA INCOME OF THE TOWN TO THE PER CAPITA INCOME OF THE TOWN AT THE ONE HUNDREDTH PERCENTILE AMONG ALL TOWNS IN THE STATE RANKED FROM THE LOWEST TO HIGHEST IN PER CAPITA INCOME ADDED TO THE NON-RESIDENTIAL PORTION OF THE EQUALIZED NET GRAND LIST."

******

SPEAKER ABATE:

Will you remark further on this bill? Will you remark further on the bill?

REP. EMMONS: (101st)

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Linda Emmons.

REP. EMMONS: (101st)

Mr. Speaker, the Clerk has an amendment LCO #6975. Would the Clerk please call and may I be allowed to summarize?

SPEAKER ABATE:

Will the Clerk please call LCO #6975 designated House Amendment Schedule "L"?

CLERK:

LCO #6975 offered by Rep. Emmons of the 101st, Rep. Neumann of the 62nd, Rep. Smith of the 107th, Rep. Varis of the 90th.

SPEAKER ABATE:

Is there objection to the lady summarizing this amendment in lieu of the Clerk's reading? Is there objection? Hearing none,

you may proceed madam.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. This amendment does two things to the formula as it is in your file. First is an amendment to raise the funding level to the 8th towns from the 9th towns. The second part of the amendment eliminates any reverence to the AFDC children in the need factor.

Mr. Speaker, I would like to move the adoption of the amendment.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "L". Will you remark further?

REP. EMMONS: (101st)

Yes, I would like to have it by roll call when the vote is taken.

SPEAKER ABATE:

The question is on a roll call vote. Will all those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the chair, the requisite 20% having been satisfied, when the vote is taken, it will be taken by roll.

REP. EMMONS: (101st)

Thank you. Mr. Speaker.

SPEAKER ABATE:

Rep. Emmons.

REP. EMMONS: (101st)

Thank you. Mr. Speaker, I would like to discuss the amendment, please.

SPEAKER ABATE:

Proceed, please, madam.

REP. EMMONS: (101st)

Thank you. I think following up on one of the comments that was made by a previous speaker is to see whether the fairness of a bill or proposal of formula, how fair it is is to look and see where the funds go. And I would like to draw the attention to the facts of this formula, which you all have gotten copies of yesterday.

The bottom line is approximately the same. It will not cost the State any more due to this formula, and it will probably be about $5 million less. In a way it distributes the money more equitably. While the four large cities do not get quite as much money as they do under the file copy formula, they still are getting on average over $1,000 per student.

However, this formula gives more money to many of our secondary cities, such as Naugatuck, Bristol, Groton, Danbury, Middletown,

Norwalk. These are all towns that have budgetary problems just like the big cities, and somehow in our discussions of where money goes, we think of only the four cities and we don't think of some of the older urban cities and smaller cities.

This formula also gives money to what we consider to be the property poor rural towns, towns such as Sterling, Putnam, Union and Chaplin. I think when you look through the formula to see the distribution and the way of how the money is given out, there is a question as to how much money and how large an investment is the State supposed to make in the four big cities. Right now they have 14% of our student enrollment, and under this formula or my proposed amendment, they would receive 22% of the funds. A little more than a thousand dollars per pupil. In the past when I have introduced amendments last year and the year before, I have always included AFDC in the formulas because I happen to believe that the cities and towns with a large concentration of AFDC do have an educational overburden that requires assistance.

However, I think much of this is going to be addressed by our new special education formula. If we are going to give out money on a 30-70 sliding scale basis, those poor towns will get 70% of not their net excess cost, but their total costs, minus tuition if they have any coming in. In the big cities where you have a lot of educational overburden, those towns and cities will get over $1,000 per pupil. It will not make it very difficult for

them to come up with their share, their 30% of the money for special education costs.

Additionally, the cities receive $25 million via Federal aid and State aid for disadvantaged children. This is also a program geared at the educational needs and the particular needs of students that are of low income families. I believe that when we decide today what we're going to do, I'm sure next year we will make amendments to the whole process. But I think we have to look at the total package of what this bill is, not a formula here and a formula there, but the totality. And unfortunately with all the runs and all the things we have gotten from the State Department of Education, nowhere really have we seen what the total impact is to a community.

We have increased grants under the GTB formula. We've gone to a 30-70 scale on special ed. We're talking about another scale, on transportation, that when you add those all together, we have done a great deal -- and maybe we have overcompensated. And for that reason, I think we have to look at some of the poorer towns that do need help and the towns such as the Bristols and the Naugatucks and the Putnams and the Chaplins. And I urge adoption of the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment

Schedule "L"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. This amendment removes from the formula any formal recognition of the problem of educational overburden. Special education argument is not relevant since the special education students are not treated in the same kinds of programs for the most part as the regular education children and the education overburden problem is not a special education problem. It's a regular education problem.

It deals with children who come to school hungry, or inattentive from disturbed households at home with all kinds of problems surrounding them,all kinds of tensions and pressures that children in comfortable suburban homes don't necessarily have, and who therefore present educational problems that are not the problems of mental handicap, but are the problems of a disadvantaged background.

And I think that this is an important part of the Horton versus Meskill decision, that educational overburden is a factor and should be recognized. In addition, I would like to read off some figures on the extent to which this educational overburden

problem afflicts the four largest cities. And I will dothem alphabetically even though that's not in order of magnitude.

New Britain has 22,900 students in ADM. 14,000 of them are AFDC. Wait a minute, I'm sorry. Danbury, which is not one of the four biggest, but which is one of the SMSA cities, 10,562 students, 1460 of them in AFDC. Hartford, 20,000 AFDC students out of 27,500 ADF. 20,000 out of 27,500. That's a huge burden. A monstrous burden. And these burdens become more difficult where they are more concentrated. They're harder to deal with where the concentrations are there.

New Haven, 13,500 AFDC out of 20,000. Norwalk, 2500 out of 14,300. Stamford, 3300 out of 17,000. And these compare with no AFDC in Roxbury, no AFDC in Scotland, I think that's Scotland - no I guess that's Salisbury. Hard to read, but I guess that's Scotland. 2 AFDC in Union out of 104 students. And in other towns with larger ADM there are very small proportions in some cases of the students on AFDC.

I submit that this is a special problem, a problem that is heavily concentrated and a problem that we need to recognize in the formula and in the distribution of funds. Thank you.

REP. BERMAN: (92nd)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment

Schedule "L"? Will you remark further on its adoption? Rep. Berman.

REP. BERMAN: (92nd)

Thank you, Mr. Speaker. I too am in opposition to this amendment. This amendment is indeed a most dis-equalizing amendment. The bill that we have before us, while it is not a perfect vehicle, is arrived at with a great deal of thought, a great deal of input and a great deal of compromise and we did so in good conscience, trying to get the greatest good for the greater number of people who need it in this State.

This amendment would take $4 million from Bridgeport, $5 million from New Haven, $9 million from Hartford, $2 million from Waterbury, a half million from New Britain and $340,000 from New London. And while it does that, it gives Madison $124,000 in addition, it adds $20,000 to Orange and it adds $342,100 to West Hartford. None of those three towns are considered among the poorest in our state.

I submit that this is a most dis-equalizing amendment and I urge its defeat.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"? Rep. Leary.

REP. LEARY: (37th)

Mr. Speaker, I rise to oppose this amendment and to support

the chairman of the Education Committee. I do this as one who spoke out against the original School Finance Advisory Panel formula because under that formula the AFDC students would have been counted three times. Now, the Education Committee rejected that formula. We came up with a compromise formula and a number of us said at that time that we're doing this not because of the bottom line, but because of the children of the State of Connecticut and because we wanted to do something that was fair. So I think now is our time to prove it.

And even though the figures in the bottom line may be beguiling, I feel that it is our responsibility to come up with the figure, come up with the formula which is most fair to all the children of the State of Connecticut.

So I feel that to take away the 1/2 extra for AFDC would not be fair. I don't think they should have been counted three times, we've never done that before. We've always counted an AFDC child 1½ times for the purpose of the formula and this continues that. I think the extra ½ for AFDC is relevant. I think it would be wrong to take it away. I think it's important that we realize that this is a compromise and that this is a fair way of dealing with the problem. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment

Schedule "L"?

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

I think we've heard discussion of this amendment which really brings to the center of focus, the difference in philosophies that apply to how you fund education, and what you're trying to achieve. Miss Goodwin says that there is the heavy AFDC burden in many of our major cities. I agree. The question is, how much do you recognize that when you're trying to fund equal educational opportunity as opposed to just some other general socio-economic re-distribution program. This is a formula that came from the School Finance and a number of things have happened to it, but since it came it now ends up with still another modifier of wealth.

This is not proposed to eliminate that. What it says is what statistical measure is there to show the heavy result of AFDC count to actual educational costs and opportunities. I support the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"?

REP. PIER: (15th)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Pier.

REP. PIER: (15th)

All ladies and gentlemen, this was just pointed out. This amendment focuses on the difference in approach as clearly as any of the damage we're going to see, probably as clearly as the vote on the bottom line. We have precedence recognizing that the failure to take into consideration what we need to call directly the educational overburden for certain kinds of children will have the net effect of failing to provide equal educational opportunity for each child in the State of Connecticut.

You might want to think we keep citing that the very recent case of the Supreme Court of the State of New York, which really isn't a Supreme Court by comparison, called the Levittown Case. But the bottom line, I couldn't have said it any better so what I will do is quote from the Court's decision. If equal treatment of unequals is discriminatory, then providing less favorable treatment of unequals has to be regarded as even worse discrimination. I urge the rejection of the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"?

REP. OSLER: (150th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Osler.

REP. OSLER: (150th)

Mr. Speaker, I would like to comment on this amendment, that though you may not feel that it does what you want it to do for your town,this I think is one of the most important things that the people of our State think we should be doing, and that is to make this extra equalization money go for education. They really don't like to think of it as tax relief. They want to say, if you're spending my tax money, from the State, I want to see it go for education, to improve our schools.

And that is what this bill would do. It would treat the AFDC situation through a different mode and not through this formula. I just had a call this morning before I came from our local branch of the AARP, the Retired Persons, and the woman said, Oh, Rep. Osler, can you keep them from using it to fix the potholes? Make them put it for education. And this would do just that.

SPEAKER ABATE:

Will you remark further on the adoption of House "L"? Rep. Gail Orcutt of the 98th.

REP. ORCUT: (98th)

Mr. Speaker, I would like to speak to the issue of whether

we're addressing in this amendment educational need, or in the bill, rather, educational need or not, by adding the ½ AFDC. It has long been recognized in a program operated by the Federal Government, that concentrations of low income families impact on the ability of local education agencies to support adequate educational programs. If you were to look at data of low educational achievement in various municipalities you would find that low educational achievement is found below the 25th percentile in large cities where there is impacted by low income people much more than 1/4 of the school population.

On the other hand, if you were to look at the records of low educational achievement of municipalities not so impacted, but better off communities, you would find very, very much less than 1/4 of the school population below the 25th percentile. These curves are skewed this way. They're skewed this way because it's a matter of fact that impact limits of communities, municipalities with low income children does affect the educational achievement that can be accomplished in these municipalities.

And therefore, it is something that needs to be addressed. It's an educational problem. It's not just a social problem.

SPEAKER ABATE:

Will you remark further on this bill?

REP. MCMANUS: (88th)

Mr. Speaker.

SPEAKER ABATE:

Rep. McManus.

REP. MCMANUS: (88th)

Mr. Speaker, I rise to oppose the amendment. And as with the case of many people sitting in the Hall today, I am one town that would probably benefit by the bottom line of this amendment. However, if we can say there is one reason why we are here today, it is the problem with the students from AFDC homes. This is a very, very critical, a very unique problem, a very insidious problem and a problem that has been neglected all too long.

It is a problem that can only magnify as time goes on. And if we ignore it today, if we remove this from the formula today, we can expect rather severe consequences in the very near future in our educational process in Connecticut.

We are dealing with a very, very sensitive area, an area that demands very unique treatment in our schools, wherever the AFDC students attend. And to say that this is not an educational problem is understating the problem tremendously. Mr. Speaker, for these reasons and the reasons which Rep. Orcutt just enumerated on, I would sincerely recommend that this amendment be defeated.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"? Will you remark further on its adoption?

REP. NEUMANN: (62nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Otto Neumann.

REP. NEUMANN: (62nd)

For the second time, Mr. Speaker. I would point, on this amendment I would like to revise some of the remarks that have been made. The concern for the AFDC student both in legal terms expressed by Rep. Pier and in terms of educational needs by others. I think these remarks would be much to the point if it were not the fact that we already have a State program, State Aid for Disadvantaged Children, funded in excess of $25 million directed exactly at this population. If that program had been eliminated and the funds were folded into the General Aid, then certainly the points made would be legitimate.

But we are directly addressing that problem. We are directing it with a special aid program that is outside the end of this. I would point out further and I would refer to the remarks of the Chairman of the Education Committee concerning the final results of the formula to distribution is the accurate way of judging its effects, not the specific factors in it. And this gives me some concern and I guess a legitimate difference of opinion when I say where is the need?

Obviously, the need in Northeast Connecticut is one that we are

all aware of. Very low grand list, nothing but houses and farms. Under the file copy of your bill, the 14 towns in Windham County, the heart of Northeast Connecticut, receive a little over $16 million in total, or a little over $1,000 per pupil in aid. I compare then that wealth with the wealth or the poverty of the poverty of the four largest cities, which do have the same level of income, approximately, but have in addition the problems or the tax base provided by some commercial and business interests.

Certainly, there would seem to be less of a student need in the cities, which then brings us to the question of municipal overburden, the need to realize that in the urban centers there are problems that require municipal finances beyond the level of just strictly education. And I can concede that this is a necessary part of the formula. But I wonder when we're dealing with an education formula, how much we should put educational overburden into it.

For the four cities, under the file copy of the bill, is about $109 million or better than $1250 per pupil. $250 more than I would consider to be our most needy situation, that of Northeast Connecticut. The adjustments made in this proposed amendment continue the level of aid, although slightly higher at a little over $1,000 per pupil in Northeast Connecticut and provide the same $1,000 per pupil in the cities. I do not think that we should provide municipal overburden beyond the level of the highest per

pupil grant we were giving. I think that this is turning it from an education formula into a complete municipal aid formula and I therefore urge adoption of the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker, for the second time on the amendment. I would like to correct one impression that Rep. Neumann has left. The SADC grants are, I believe, $7 million, not $25 million. At least that's what my advisors tell me. In addition I would like to point out that that $7 million, such as it's distributed to individual towns, is adjusted for the formula by being taken out of the numerator of the school tax rate. So that the school tax rate is lowered by the amount of SADC money that the towns receive.

So it's not totally ignored in the formula. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House "L"?

REP. HOFMEISTER: (117th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Hofmeister.

REP. HOFMEISTER: (117th)

Mr. Speaker, I rise in support of the amendment. During the discussion on this amendment, we've heard comments relative to the city of Bridgeport losing $4 million, the city of New Haven losing $5 million and the city of Hartford losing $9 million. Well, I think, Mr. Speaker, that the town of Windsor, which would gain $200,000 and Berlin $100,000, East Lyme $175,000, Milford would gain $300,000, Southington, $388,000 and so on. 135 communities in our State would gain monies by the amendment.

Mr. Speaker, I honestly believe that in the State of Connecticut more children, quite a bit more children, would benefit more by the increase to the 135 communities than the slight decreases to some of our cities. It's an analogy I may make, if you don't mind, Mr. Speaker. There's a shoemaker that buys some material for $5 to make a pair of shoes. He puts some labor into it, 5 hours, let's say, value, let's say another $5. Say a show that is worth in reality $10. He's made it to sell for $40. When he sells it, he can only get $30. Therefore in his mind, he's lost $10. In reality he hasn't. He's made a nice profit on this.

And I honestly feel that getting back now with regard to

these dollars going to our communities, that our boards of education throughout our state, receiving the added benefits -- granted some are like the example cited, the town of Orange would receive only $20,000 more. But I honestly believe that the city of Orange, town of Orange, would probably do more for those children with $20 than some of the benefits that would be gained by the cities and their children. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on adoption of House Amendment Schedule "L"?

REP. RITTER: (6th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Ritter.

REP. RITTER: (6th)

Mr. Speaker, I address myself to what I must feel are the survivors. And I can understand why they are survivors. The people who have spoken in my opinion in the last fifteen minutes are concerning themselves essentially and almost exclusively, apparently, with the people they say they represent. I have a great deal of respect for each one of the people who have recently spoken, but it's been diminished somewhat as the result of the presentation we've just heard.

I would have so much respect for the minority leader, if he would have joined Mr. Mannix in his proposed amendment for a State income tax. I would have great respect for the people on the other side if they were to say, look, we're not talking about lack of dollars for necessary social problems. We're saying we want a pure formula. We want a formula that all of us can support which will provide dollars which should be provided and we're willing to support the social concerns that we know exist in this state.

But that is not what we hear. And unfortunately, I must gather that is not what's intended. Because if it were intended, we would have observed amendments, either here or previously, or bills which would have addressed themselves to those issues.

I must confess, in Democratic Caucus last night, I expressed myself as being very upset with the Democratic position that we were only going to provide $30 million, when in my view, we should at least have supposed what I felt were minimum figures that came from Rep. Lawlor.

I now have to say to my Democratic Caucus members, I apologize. Because I recognize much more fully the difficulties that each of us last night must have experienced in coming to the decision to support this bill. Especially must that be true, when the survivors, many of them wonderful people, feel they cannot afford the luxury of taking a similar position.

I must say, Mr. Speaker,that I hope this amendment will not receive a single Democratic vote.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"?

REP. LEARY: (37th)

Mr. Speaker. Mr. Speaker.

SPEAKER ABATE:

Rep. Leary.

REP. LEARY: (37th)

Mr. Speaker, I rise again to oppose this amendment. This is probably the most important amendment that we're going to vote on today. And I think that the computer print-outs that accompany the amendment make it amazingly seductive and appealing.

Now, we've heard it said many times that all we legislators care about is the bottom line, how does our town come out, and the heck with everything else. Now, I think we're better than that. I think we should be better than that, and I think this vote will show that. If we remove AFDC completely, that's a step backwards from what we've been doing for the past three years. We've counted AFDC pupils 1½ times for 2 years, and now we're going to tell the court that we're suddenly coming to the conclusion that that wasn't necessary, that they really don't need extra treatment, despite the fact that John Pier has spoken, told you that in court decisions

the courts have felt that the weighted pupil was a valid concept. Many states have weighted pupils. Some count AFDC 1.7, 1.8. We've been doing it 1.5.

Now suddenly we're going to say there's no difference at all? Then why have we been doing it for the past few years? Now, I count as someone who represents one town who has 2 AFDC pupils. Now I have other towns with small amounts of AFDC pupils, so it doesn't affect me. In fact, my town would do better under this amendment. But I've said for the last three months that I have not just been looking at the bottom line, that I've been trying to be responsible and trying to think of the whole state.

And I hope that we all do this. Because those of you who are only concerned about the bottom line may find more than you bargained for. Because if you bring in an attempt to bring a few dollars more home to your towns, you also bring them a State income tax. I don't think they will thank you for it. Because, if the Supreme Court strikes down the formula, and if because of this, because we're doing less for AFDC pupils, because we're stepping backward in the key element of the formula, this formula falls apart or is struck down by the courts, and they order an income tax, we won't be able to point to the court and say it's their fault.

It would be because we abdicated our responsibility and it

would be our fault. We would be responsible for it and I think we would be held responsible for it. So I hope you all will consider the total picture here and not just the bottom line. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"? Will you remark further on its adoption?

REP. BERMAN: (92nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Rosalind Berman.

REP. BERMAN: (92nd)

For the second time, Mr. Speaker. I would like to address my remarks to people who are concerned that perhaps every dollar that is going into educational funding will not be used for educational purposes. There are many things involved in educational overburden and in cities where 60 or 70 or 90% of the students are on some sort of financial aid, there are many crucial social problems which are discovered within an educational setting.

And these problems have to be met before education can begin. But unfortunately in these cities, school social workers spend a great deal of time trying to address themselves to these problems, so that these youngsters will be able to come to school and finally be able to learn. And I again urge rejection of this

amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"?

REP. EMMONS: (101st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Emmons.

REP. EMMONS: (101st)

Mr. Speaker, speaking for the second time, in response to some of the comments that I've heard about looking at the formula and looking at the bottom line and compassion and concern, I think that a number of people who have spoken haven't really looked at the formula. And I would suggest that the formula includes the use of low income, per capita income twice. The first time, it is an indication on your property wealth. So if you are a town that has "low income" your property wealth is made to appear less. That means your grant is larger.

Then when you get into the part of the formula where it's your school tax rate, you take what is your total expenditures and you divide it by your grand list. That has been adjusted by this per capita income factor. That second adjustment increased the cost of the formula by $220 million. Now, if you're saying that

we're not concerned about people who are low income and AFDC families, I think then we would have taken out that factor and reduced the cost by $220 million. So I do not see that by saying in this instance that reducing or taking out the AFDC is not fulfilling our social obligations, not taking care of educational deprivation and need.

We have already done it twice within that formula. The first time to make a town look poor, to increase their grant. The second time to make their tax effort look larger and thereby increasing their grant. The second time we used it it increased the cost by $220 million. So you do have $220 million being distributed to communities based upon their relationship of per capita income to the wealthiest towns. I urge support of this amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"?

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

For the second time, Mr. Speaker on this amendment. I've listened with care, and I think in part some people missed part

of my reasoning, at least, on how I can support this amendment. I think what has been said, and I heard Miss Goodwin say it I think, earlier today, and I believe I saw her quoted in the paper on other occasions: it's where the money ends up, you just play around with the formula and the numbers, and in a certain sense you make a philosophical judgment about where that is.

I presume the formula that's in the file, and Miss Goodwin supported it, satisfies that goal for her. What's proposed here is a slight balancing. It's different, we weighed things differently. And I think it was with slightly too far one way. But the reason I feel that way is the AFDC count, and I don't fault what Mr. Leary said, Rep. Leary, that it's defensible. My problem is that if you go from the elements of the formula, it's the only one you have no handle on. The money's still going to go. The others relate to wealth, to property value, and I agree. I believe fervently it costs more to teach a hungry child, a child that comes to school starving. I've said it before.

I think it costs more in terms of individualized attention to teach a child who comes from perhaps a home where the education is not valued by his peer group. I believe that. It is a question of balance. All I'm saying is I can find nothing that statistically supports the commitment to AFDC in this. The other elements of the formula you might expect, whether I'm a survivor,

or whoever it is, Rep. Ritter, that I might not be happy with. But those I can understand.

I can understand them in terms of how they applied that and what statistically supports them. And that is why I support the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "L"? Will you remark further on its adoption? If not, will all the members please be seated? Would the staff and guests please come to the well of the House? The machine will be opened. The House of Representatives is voting by roll at this time. The members please return to the chamber immediately. The House of Representatives is voting by roll at this time. Will the members please return to the chamber immediately?

Have all the members voted? Have all the members voted? Will the members please check the roll call machine to determine if their vote is properly recorded? The machine will be locked. The Clerk will take the tally.

Will the Clerk please announce the tally?

CLERK:

House Amendment Schedule "L" to #7586.

Total number voting 147

Necessary for passage 74

Those voting yea 47

Those voting nay 100

Those absent and not voting 4

SPEAKER ABATE:

House Amendment "L" fails.

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House Amendment Schedule "L".

In line 114, delete the bracket and strike the word "PLUS". In line 118, insert a closing bracket after the word "inclusive" and strike ", IN SUCH TOWN". In line 183, strike "NINTH" and insert "EIGHTH". In line 192, strike "NINTH" and insert "EIGHTH". In line 350, strike ", PLUS AN AMOUNT EQUAL TO ONE-HALF THE STATE". Delete lines 351 to 356, inclusive. In line 357, strike "PRECEDING SCHOOL YEAR".

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SPEAKER ABATE:

Will you remark further on this bill?

REP. BELAGA: (136th)

Mr. Speaker.

SPEAKER ABATE:

If not, would all the members please be seated? Would the members please be seated?

REP. BELAGA: (136th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Belaga.

REP. BELAGA: (136th)

You knew I'd be back. Mr. Speaker, would the Clerk please recall House Amendment "A"? LCO #6989.

SPEAKER ABATE:

Would the Clerk please recall LCO #6989, previously designated House Amendment Schedule "A"?

CLERK:

LCO #6989, offered by Rep. Belaga of the 136th.

REP. BELAGA: (136th)

Would you read, call and read, please, Clerk.

SPEAKER ABATE:

Would the Clerk please read LCO #6989, designated House Amendment Schedule "A"?

CLERK:

In line 1004, strike "30" and insert "40". In line 1005, strike "70" and insert "60".

SPEAKER ABATE:

The amendment is again in your possession, Madam, what is your pleasure?

REP. BELAGA: (136th)

Mr. Speaker, I move adoption of the amendment.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "A".

Will you remark on its adoption?

REP. BELAGA: (136th)

Thank you, Mr. Speaker. Ladies and gentlemen, the formula that's before you that calls for a 30-70 split in special education funding, is I feel, a very serious blow to special education as it has been developed in the State of Connecticut. Over the past year, it has been a policy of our Board of Ed to urge and propose regional programs for special education.

The proposal before you that deals with a 30-70 split, absolutely ignores the regional directions of the State of Connecticut and in fact is going to be a very serious blow to that direction. I agree with Rep. Goodwin's comments that it is important for us to meet the State mandate. But what you have done with this percentage that is before you, is used too broad a brush and in the brushing you are changing 180 degrees the direction of special education for the State of Connecticut. And I don't think anybody has addressed that at all.

Regional education for special education children is a must. It is an excellent concept. It is economical. It uses our money intelligently. It's got a terrific bottom line, but that's not even what's so important. What is important for special education students is that their very unique problems be met in a very unique way.

What we do now is say to the towns, hey, listen, you better re-think what you're doing on special education. Those communities who have chosen to work on a regional basis will now look at the bottom line and say, good heavens, we now are going to have to put out so much out of our pockets that we can't generate those funds through our mil rate, and therefore, what will they do? They will choose to develop their own programs, and what they will offer is a program from the seat of their pants. And who is going to get hurt?

The children who most need an advocate. Special education is mandated federally. It's mandated at the state level, and the state has indeed urged regionalization and I want to give you a case in point. The town of Westport which I represent, has a very unique special education program. That program offers special education services to a number of the regional communities, including Bridgeport, Easton, Fairfield, New Canaan, Reading, Darien, Ridgefield, Weston, Wilton, Norwalk, Stamford, Shelton. All of those communities will re-think what they are going to do.

Now let me tell you, it will not affect my town. The community, the children in my community will continue to get special education. But whether you're aware of it or not, you in this body in your own wisdom, chose to put $1 million into a physical plant in my town and it's a knock-out and it's dynamite and it is still being constructed today. And with the proposal that you have

before you, the kids of Westport are going to be there alone. Because the other children's school boards will have to re-address that money. And they will opt not to send their children to a regional program. Because it will be cheaper for them to do it at home.

I think that that's a tragedy. And I think the only people who lose are the children who more than almost any other children in this school system, need our help. And the parents need our help, because they are overwhelmed just dealing with the problems of special education and they are over their heads when it comes to lobbying and fighting for their own kids.

Rep. Goodwin opened her remarks by saying that it is our responsibility to give every Connecticut child a reasonable chance, and I say that a formula that goes from a 40-60% would indeed give these children a reasonable chance.

Rep. Goodwin further went on to say don't damage the arithmetic formula, don't tamper with the algebraic nature of the equation. And the proposal before you does not tamper with that algebraic proposal and in fact is almost the identical bottom line.

Further, Rep. Goodwin went on to say that the dyslexic child in Eastern Connecticut is our responsibility and I agree with her. Good heavens, that child needs help. And that child would be well served if there were a regional program in that part of the state. But that child's need is no less serious than

the dyslexic child of Norwalk, of Stamford, of Darien, or indeed of Easton. You name it.

I agree there's a need. I think the need is serious. The State has urged regionalism. The move from a 30-70 split will move us back light years from the direction that we are going. I urge you to adopt this amendment and I would like to yield to Rep. Niedermeier.

SPEAKER ABATE:

Rep. Niedermeier, will you accept the yield, Madam?

REP. NIEDERMEIER: (134th)

I will, Mr. Speaker.

SPEAKER ABATE:

Please proceed.

REP. NIEDERMEIER: (134th)

Mr. Speaker, I rise in support of this amendment. Special education, as we all know, is indeed a very special and unique program offered to many children in our State. I recognize the delicate balance that has been worked out on this bill. I recognize the political coalition that is so important to get this package through. And I recognize the importance of meeting the court's mandate.

But I also believe that if we are talking about children with special needs, that that political balance should give way

on this amendment, in order that we provide and continue to provide an education that is only recently begun to be provided to many children across our state. There is no cost attached to this amendment. In fact this amendment would save money on the total package. And I don't believe firmly in the arguments that say this package, this total package would be lost, were this amendment to pass.

In addition, you will undoubtedly hear about this amendment, you will hear arguments that the amendment would not meet the court's mandate to equalize categorical grants. You will hear arguments that just because a 40% range is utilized for other categorical grants, that we should apply that same range to special education. Well, I submit that treating construction grants on the same level as special education grants is equally as illogical and inequitable.

And I submit that it fails, it fails very grossly to recognize the importance and unique problems faced by many communities. Not just communities in Fairfield County, but communities in New Milford, Glastonbury, West Hartford, around our state, who are having an extremely difficult time providing even the minimum level of special education, to meet both federal and State mandates.

I haven't had the opportunity to study under Judge Neumann as someone else mentioned here today. But I have studied law and

I have re-read this opinion, as many of you have several times. I would submit that the proponents of this bill have glossed over a section of that decision. A section which states and the court says very clearly, absolute equality or precisely equal advantages are not required and cannot be attained except in the most relative sense.

And the court continues to say logically the State may recognize differences in educational costs based on relevant economic and educational factors. I submit that an amendment that would change the range from a 40 to 60% range would indeed follow the court's mandate and recognize those changes.

There would prevent, or at least ease to some extent, tremendous decreases that will be faced by 101 communities across the State under this bill. I hope today that you will seriously search your soul on this amendment. We all want this package to pass. I don't think any of us want to jeopardize not meeting the court's deadline. But I think at the same time we have to avoid turning our backs and I think that the bill would in fact do that on children who happen to live in wealthy communities, but happen also to be faced with many cases severe handicaps. Thank you, Mr. Speaker.

REP. GOODWIN: (54th)

Mr. Speaker. Mr. Speaker.

SPEAKER ABATE:

Remark further on the adoption of House Amendment Schedule "A"? Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. As in former cases, I oppose this amendment. I think most of the arguments have been adduced beforehand and I will not try to repeat all of them. I will just say that I'm not sure I understand the nature of the regional argument at all. I think we may be able to cope with that in other ways, and I would like to examine the question before I say that I think it's germain to the issue.

I come back, however, to what seems to me to be a curious kind of insensitivity, to the enormous disparities in ability to support special education that we face in this State. The reason this would cost about $200,000 less than the 40-70, or 30-70 bracket, is that it would take money away from the poor towns to give it to the rich towns.

And I repeat, that the problem now is that in spite of federal mandate, in spite of State mandate, the poor towns cannot find the money to start the programs. And their children don't have the programs. And that when you take a child, especially a child with a very minor disadvantage, you write him off for his life, when you don't take care of that disadvantage. And that's what is happening. And that's what I fund unconscionable.

And I really hate to think that the people who have access to those splendid programs in Fairfield County really don't think that the people who don't have them at all don't deserve enough help to get something at least vaguely approximating them.

I would point out, too, that Rep. Belaga said this is 180 degree switch -- it is. 180 degrees from disequalizing to equalizing in the proposal we have made. The present formula gives to those who have. It does not give to those who have not. And what we're proposing is in a 40 percentile range to shift that balance, a rather small amount. It seems to be very minimal indeed. I urge the defeat of this amendment.

REP. BERTINUSON: (57th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House "A"? Rep. Bertinuson.

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker, and members of this House. I stand before you to ask you to oppose this amendment as someone who has stood over the past four years many times on this floor to ask for your support for special education legislation. I think perhaps I've spent as much time dealing with the funding, the programs, with the mandates of special education as most

people in this body. I share Rep. Goodwin's concern and almost failure to be able to accept that people who have that beautiful building in Westport, and it will be used. It will be used because it will still be the best way for the people in those towns to serve their children who need special education. Can they not see what the parent of a child in Sterling or in Union or in one of the poor towns, how would they like to be able to have their child go to that facility? They cannot, and they will not even under this distribution of the formula. Believe me, they will not.

I recall to you that the judge said in his decision the way we distribute special education aid in particular is disequalizing. The mandate is the same for the poorest town in the state as it is for Westport. We owe, as officials of the State, we owe the child in Sterling, the child in Union, the child in the poor towns, just as good an opportunity for special education as we owe the child in Westport. We owe them both.

Westport can pay for it. Union cannot. That's what this is all about. And if we have to ask you to give back a little of the State money so that we can distribute it to the poor children in towns who are not getting special education, I think we're entitled to ask for that. That's what we're here for. We're here asking in the interest of the State. When I served on my local board of education, my concern was with the special education

needs and all the education needs of the children in my town. I'm now an officer of the State of Connecticut. My concern is for the special education needs of all the children in the State.

We need this much of a spread to make any attempt to equalize. As I said when I made my presentation, if we were to truly equalize, we would go from 0% to 100%. That would be equalizing. And I agree that the judge didn't say absolute equality.

That would perhaps give some of the towns, that would allow a regional approach for some needy in the Northeastern part of the State. But we're not saying that. What we have is a compromise as the rest of this package is a compromise.

Built in with the compromise is the move to current funding. This will be a great help to every town in the State, it will help to cushion the blow of losing a few dollars over a five year period. As you know, there will be no loss in absolute dollars, but nobody is pretending that this does not mean that over the long haul the wealthier towns will not be getting less. That's what equalization is all about.

I submit that this range of 30-70% is not unreasonable. I hope that with the rest of the package it will be enough to satisfy the courts. I urge you to reject this amendment, which would be fail to meet the equalizing mandate that the courts have given us in regard to special education as well as the rest of State aid to education.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Will you remark further on its adoption?

REP. MEYER: (135th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Alice Meyer.

REP. MEYER: (135th)

Mr. Speaker, I wish to remind this House of the words I spoke many long hours ago, earlier this morning, in which I shared with you my concerns about putting all categorical grants on a sliding scale. And again I would like to remind you that if you have faith in this formula, and I do that it will help in the redistribution of funds to the less wealthy towns, that this will greatly help these very towns because they will be getting more money to now go into the special education programs that they need.

The small towns will greatly be helped by the fact that this formula, according to this proposed bill, will now come into current year funding. Let me also remind you that under DCYS, there will be full, there is now in fact, full payment for some of the large costs for special education. All of the towns are going to be helped by the fact that this is going to be on a total

net cost, rather than a percentage of the excess costs. But what I was trying to say earlier was, that in out attempt to help a certain group of children who are, we feel are disadvantaged because of the lack of wealth of their community in their educational opportunities, we do not wish to disadvantage this very, very special group of people whom we categorize under the special education statute.

And I think one of the things that Mrs. Belaga said, the fact that her town would not be hurt as much and her children there, and the fact that in trying to meet the economic crunch, a lot of the towns that are now sending to the very best facilities which she may have in her town, will draw these children back, try to educate them within their own system and not give them as great an opportunity. And what I am saying is, let us not put in the kind of funding that will disadvantage still another group.

I, although I wish that we could take categorical grants completely off the sliding scale, I certainly feel that the larger part of a little loaf is better than the smaller part, and I urge your acceptance of this amendment.

SPEAKER ABATE:

Will you remark further?

REP. WILLIAM ROGERS: (69th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Rep. William Rogers.

REP. ROGERS: (69th)

First, I would like to ask that when the vote is taken it be by roll call.

SPEAKER ABATE:

The question is on a roll call vote. All those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% having been satisfied, when this vote is taken, it will be taken by roll. Rep. Rogers.

REP. ROGERS: (69th)

Thank you, sir. Further on the amendment, I've been rather quiet up to this time. I rise in great support of this amendment. My constituency includes Regional District 15, and if my colleagues would take a look at what you're doing to me in Regional 15 on this formula, going from 62% to 36%, I think you'll see why I feel, particularly having the Southbury Training School in my constituency, I support this 1,000%. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"?

REP. MIGLIARO: (80th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Eugene Migliaro of the 80th Assembly District.

REP. MIGLIARO: (80th)

Thank you, Mr. Speaker. Through you, I pose a question to the proponent of the amendment.

SPEAKER ABATE:

State your question, please, sir.

REP. MIGLIARO: (80th)

Through you, Mr. Speaker. Rep. Belaga, what are the figures under the present formula for the special education -- how much loss is there in the present formula compared to the formula that you're presenting in your amendment?

SPEAKER ABATE:

Rep. Belaga, will you respond?

REP. BELAGA: (136th)

Yes, Mr. Speaker, through you. Mr. Migliaro, are you asking the total, the final total, or are you asking individual numbers?

REP. MIGLIARO: (80th)

Through you, Mr. Speaker, by towns. I'm wondering, I've been hearing the number of 50 towns being cut short on these special education funding under the present, under the formula that's being presented. What I'm trying to find out if this is factual and how your amendment will correct this inequity.

SPEAKER ABATE:

Rep. Belaga.

REP. BELAGA: (136th)

Through you, Mr. Speaker. All of you received a hand-out that had hand-written into it, because we were very pressed for time. At the top of it, you will see there are six columns. The last two columns relate to a 30-70% split and a 40-60% split, and it is hard for me to tell -- I think you just have to look at your own community and see. Are you asking me, Mr. Migliaro if indeed I know exactly how many towns will be affected differently , and my answer to that question is, no, I really don't know.

I do know that there are a large number of towns that will indeed receive a better share.

SPEAKER ABATE:

Rep. Migliaro.

REP. MIGLIARO: (80th)

Thank you, Mr. Speaker. You know, I've heard earlier and I've been listening at great length here, to much of the debate

has been going on, and I know the other side of the aisle comments have been made about deep concerns for pupils and the individual students in the State of Connecticut. And I was touched by it. It seems to me that they're talking with double standards. Some individuals.

Here we are talking about special education that relates to retarded, handicapped children, speech impediments, what have you. If we're talking about equalizing education, I don't think there's a group of children that need it any more than these children do. Yet, by the formula that is being presented, we show that we're taking money away from towns who have a great number of people in special education.

But then, there's another area that nobody's touched on, and I don't understand why you're not concerned about those over 600,000 students of the State of Connecticut. But has anybody ever come up with a figure of how many of the working poor children exist in the State of Connecticut. And how do they differ from AFDC children? I'd like to know the answer to that one. Because I think that any child that comes from a working poor family is under the same handicaps, more so, than an AFDC child, because the AFDC child at least has the State to fund him in many areas, which statistics and data show that they make much more money in many cases than the working poor, double in many cases.

But I haven't heard anybody on that side of the aisle address that problem, about the working poor families, and the kids whose mothers or fathers are out trying to make it. And they're just as handicapped as the AFDC. And I think the AFDC should be taken care of. But you should take care of all the children of the State of Connecticut, not just the selected few.

I don't like the waving of the flag over just certain kids. We're talking and we're addressing 600,000 or better children in the State of Connecticut. And each and every one of them should be treated as equals, whether they come from a rich town, poor town, AFDC or what have you.

But we seem to be drawing the lines. And I wonder if we're drawing the lines because we're looking for votes, or if we're looking to give to the cities. I wonder if this is the real reason. Or I wonder if we're looking really at the bottom line figure like some people have said here. I don't think that's the case.

I think everybody's going around here in different directions, and it would be interesting to know just how many in here are really sincerely concerned about equalization of education in the State of Connecticut. I don't know in my mind. I say some, yes, and I say others, no. Because I think a lot of people have different motives. And you're kicking around kids, and at the expense of the kids in the State of Connecticut, but I am sick

and tired of hearing people leaving out the working poor, because they're just as much a part of this State and those kids are, as the AFDC or anybody else. And the special education children are there, too, and they should be equally concerned and considered. I don't think we're doing so.

This amendment is a good amendment. If we're really sincerely concerned about another class or segment of children in the State of Connecticut. If we don't want to consider them all as one group and we want to take them as separate categories, then by all means, we've taken care of the AFDC, then we should also take care of the special education group. And by all means, we should take care of the working poor kids in the State of Connecticut. I urge you to support this amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Will you remark further on its adoption?

REP. JOHN PIER: (15th)

Mr. Speaker, Mr. Speaker.

SPEAKER ABATE:

Rep. Pier.

REP. PIER: (15th)

I'm a little bit confused, following Rep. Migliaro remind you that the subject matter of the amendment is special education for one. What we're really talking about here is the very subtle

proposal that makes it look like we're saving a little bit of money, because it probably is only a little bit of money. It may well have the hidden agenda of being, if not the most, one of the most single disequalizing proposals we've seen surface today.

We are not talking about not providing aid for special education. What we're saying is, aid to be provided for special education has to be provided on the same kind of equalized basis as all of the other aid that has to be provided. As a matter of fact, the rather subtle difficulty of going, for example, from 30% to 40%, is that it makes it harder for the poor towns to come up with the start-up money, and it is true that eventually we're going to go to a current funding. And it is true that they will get other aid over a period of time in the phase-in. But it still means it isn't going to happen and it isn't going to happen tomorrow.

Rather than making it easier to provide special educational opportunity, this amendment has the net effect in a lot of places of making it harder. Now, I got two phone calls last night from the Windsor Board of Education and the Bloomfield Board of Education. I had never noticed until last night, until it was called to my attention, that I happen to be one of those, that both of my towns are towns that are going to lose in percentage for special education. Not because they're Fairfield County towns or anything like that. Because we have two towns that have made significant contributions toward special education and have spent a lot of

money, and because there's some peculiar ways the formula worked in the past with the 2/3 of the got more money. The point still is, that with the equalization of the second largest grant that we make, that for special education, the range, whether it's 40% isn't nearly as important.

As you cut down the range when you go 40-60 from 30-70 or any other 40% range, the net effect of the amendment is disequalization. It's going to be counter-productive and I think it is too high a price to pay for the significant problem it will create for us.

SPEAKER ABATE:

Will you remark further on the adoption of House "A"? Will you remark further on its adoption?

REP. MATTIES: (20th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Charles Matties of the 20th.

REP. MATTIES: (20th)

Thank you, Mr. Speaker. In support of the amendment, I am concerned that if we do not adopt this amendment, we are equalizing too severely in a downward fashion. The town that I partially represent, has had for several years what we consider an excellent special education program. I've heard the references earlier today on other occasions, about the affluent town that I

help represent. Nothing could be further from the truth. I'd like to just read to you a few lines from a communication that we legislators received from our School Superintendent.

As the proposed bill now stands, within five years, West Hartford could lose between $375,000 and $500,000 annually as a result of the change in the present system. Such action would be unwarranted penalty against West Hartford, because of its proximity to highly ranked and recognized agencies which serve the handicapped, i.e. the American School for the Deaf, Newington Hospital, etc.

It hardly seems equity when a community must suffer because of its geographic location. We also have in the town of West Hartford a subject that isn't even being addressed today, and I guess correctly so. We have the largest elderly population in the State of Connecticut. Many of them are on fixed incomes and feeling a terrible pinch. Those are the people that are going to be asked to pay more taxes to help equalize education and in this instance, special education in my opinion, in a downward fashion.

Because I do not see how our town can continue to provide the program that it has done with pride if you take money away from West Hartford. At least the 40% will lessen the hurt and enable us to continue the program that we have provided through the years. So think twice before you vote against this amendment.

Break party ranks for a change today and help the kids that need it most, and let the kids in our area continue to get this very necessary education. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Will youremark further on its adoption? Rep. Belaga.

REP. BELAGA: (136th)

For the second time, Mr. Speaker. One very brief comment. Rep. Pier called the amendment before you subtle, with a hidden agenda, and implied that it was in some way devious. I say to you that it is not devious, that it is an approach to soften what will be a very devastating blow to proponents of regional special education. He knows well that there are states in the West that have been ordered to equalize and who have indeed kept special education out of that equalization formula because of the very things which have been addressed today. I urge you to adopt the amendment.

REP. BERTINUSON: (57th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Rep. Bertinuson.

REP. BERTINUSON: (57th)

For the second time, Mr. Speaker.

SPEAKER ABATE:

Proceed, please, madam.

REP. BERTINUSON: (57th)

I would like, if I may, to address the issue of regional special education. I really, from all my experience with special education, can see in no way that this proposal, the 30-70% sliding scale will in any way affect regional education except to encourage it. If in fact it is the best way and the most economical way, and I believe it is, to provide special education, this will be an encouragement.

Obviously, if a town can provide special education, more economically, cost effectively, in a regional syste, they will continue to do so, whatever their rate of reimbursement is. I find that the question raised about regionalism or regional special education is really not related to this issue at all.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Will you remark further on its adoption? If not, will all the members please be seated? Will the members please be seated?

Would the staff and guests please come to the well of the House? The machine will be opened.

The House of Representatives is voting by roll at this time. Will members please return to the chamber immediately?

The House of Representatives is voting by roll at this time, will the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? The members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked and the Clerk will take the tally.

Clerk please announce the tally.

CLERK:

House Amendment Schedule "A" to 7586.

Total Number Voting	147
Necessary for Passage	74
Those Voting Yea	49
Those Voting Nay	98
Those Absent and Not Voting	4

SPEAKER ABATE:

House Amendment Schedule "A" fails. Will you remark further on this Bill? Will you remark further on the Bill? Rep. Cibes.

REP CIBES: (39th)

Mr. Speaker, the Clerk has an Amendment, LCO #7642 Will the Clerk please call and I ask permission to summarize.

SPEAKER ABATE:

The Clerk please call LCO #7642 designated House Amendment Schedule "M".

CLERK:

LCO #7642, offered by Rep. Cibes of the 39th.

SPEAKER ABATE:

Is there objection to the gentleman summarizing this Amendment? In lieu of the Clerk's reading? Is there objection? Hearing none, you may proceed with summarization, Rep. Cibes.

REP. CIBES: (39th)

Thank you, Mr. Speaker. Mr. Speaker this Amendment deals with the heart of the Bill under consideration, the distribution formula. The Amendment proposes to revert to what is essentially the School Finance Advisory Panel formula recommended by the State Board of Education with some minor modifications. The Amendment, particularly would adopt the School Finance Advisory Panel formula with a change in the need factor from 80M plus AFDC plus low income to 80M plus one-half AFDC, plus one-half low income.

It would revert to that provision of the School Finance Advisory Panel, which would equalize to the 100th percentile. It would reincorporate a factor for municipal overburden and thereby help redress what in the current proposal is extremely disequalizing and finally, it would eliminate a multiplier in the effort factor for a multiplier which includes the ratio of per capita income to the per capita income of the highest town in the state.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "M"? Will you remark further on its adoption, sir?

REP. CIBES: (39th)

Mr. Speaker, I have a not so brief commentary on this Amendment.

Mr. Speaker, I believe that we have been seduced by the propaganda of some of our Republican brethren that the current formula in the Bill helps the cities excessively. I do not believe this is the case. Indeed, I believe there are very many fundamental disequalizations in the distribution formula and I would like to summarize those.

The School Finance Advisory Panel considered for a very long period of time the appropriate formula for distribution to recommend to the Education Committee and to this Legislature. It included deliberately, a measure of wealth, which included per capita income. It excluded a multiplier for per capita income in the denominator of the effort factor and it deliberately included municipal overburden as a factor.

The formula was very well considered, Mr. Speaker. It was..

SPEAKER ABATE:

Rep. Cibes, will you excuse me please, sir.

REP. CIBES: (39th)

Yes Sir.

SPEAKER ABATE:

As a courtesy to this gentlemen, will the members of the House please be seated and direct their attention to Rep. Cibes. You can proceed, sir.

REP. CIBES: (39th)

Thank you, Mr. Speaker. The School Finance Advisory Panel deliberately considered, long considered an adequate formula which logically incorporated many elements. When the sales assessment ratio figures were arrived at on the 1st of March by the State Department of Taxation, the sales assessment ratio accordingly modified the formula which was proposed by the School Finance Advisory Panel. It caused a massive increase in the proposed expected grant to cities.

With all due respect, Mr. Speaker, the reaction on the part of the Education Committee to that change caused by the sales assessment ratio, seemed to be that the sales assessment ratio shows that the cities are poorer than we though and accordingly, deserve more add. However, Mr. Speaker, the Education Committee effectively said, the cities are poorer than we think and therefore deserve less aid. I think that's fundamentally disequalizing.

May I point out in a specific manner where that disequalization occurs. The School Finance Advisory Panel already incorporated factors in its formula, which hurt the cities and disequalized the situation. Specifically, it departed from a pure GTB approach. A pure guaranteed tax base approach, Mr. Speaker

would require the following factors in a definition of what was required in a grant. That is, it would multiple the difference, would multiple the difference between the standard town in the state per unit and the town in the state being considered by a school tax rate, by municipal overburden factor and by a factor which included in its measure of need, AFDC children and low income families.

That modification that the School Finance Advisory Panel proposed, was to modify the wealth factor. Modify the difference by multiplying by per capita income. What this multiplying did when per capita income was included, was to relatively disadvantage poor cities with low income families living in those cities, relative to the towns with higher wealth.

As a consequence, the wealth disparity between the poorest and the relatively wealthy towns in the state was modified and this, Mr. Speaker, caused the grants to cities, to poor cities to be relatively lower in relationship to other cities, than would have been the case under a pure GTB formula.

Secondly, Mr. Speaker, the School Finance Advisory Panel included another disequalizing effect. That is, the School Finance Advisory Panel measured wealth on the basis of equalized net grand list per capita. A true GTB formula would multiply that difference by the number of people in each town. Instead, Mr. Speaker, the multiplier chosen in the need factor by the School Finance Advisory

Panel was to multiply not by the number of persons in each town, but by a fraction of that number. A fraction which largely discriminated against cities because they have a relatively high population to student ratio, there are relatively few students in cities compared -- in classes in cities, compared to the total number of persons.

Thus the School Finance Advisory Panel formula itself was disequalizing and harmed cities. The formula eventually adopted by the Education Committee and recommended to this body goes even further in harming cities. Specifically, by reducing the standard of wealth to the 95th percentile town, to the 9th wealthiest town, there was a curious artifact created in the wealth factor. It turns out that at the 95th percentile level when the 95th percentile town is the standard, multiplying by per capita income causes the wealth factor to decrease for the poorer towns while the wealth factor increases for the richer towns, all other things being equal. This is disequalizing for cities. The School Finance Advisory Panel drops municipal overburden completely. Municipal overburden is a factor which the School Finance Advisory Panel noted in its yellow book report, quoting approvingly a research report by the Educational Testing Service, that some form of adjustment for municipal overburden is necessary. We have, the Education Committee has rejected that wrongly, I feel, by excluding the municipal overburden as a factor entirely.

Moreover the School Finance Advisory -- the Education Committee formula as reflected in Bill 7586 cuts back the AFDC count, the need factor unduly, by reducing the AFDC count to the half and excluding low income families entirely. The consequence of this is also disequalizing and harms the cities.

There is one other factor that is included in the Education Committee formula. There is a multiplier in the effort factor of per capita income of the town over the per capita income of the highest town.

Unfortunately, as Rep. Emmons has already noted, this increases the cost of the formula radically, so much so, that the 100th percentile town cannot be used as the standard to which we equalize. It increases the cost of the total formula so much that we cannot incorporate a municipal overburden factor at all in the formula, within the bounds of the present system of taxation.

The consequence of all these factors, Mr. Speaker, is to severly harm the cities and I would like to point out what happens to a few towns, a few cities in this state, and what happens to a few of what I consider to be richer towns. Towns at any rate which are not cities.

The School Finance Advisory Panel formula would cost, it was recognized after sales assessment ratio, $451 million dollars. It was thought necessary by the Education Committee to reduce that total cost to $391 million dollars, a savings to the State

ultimately of $60 million dollars. One would suppose, Mr. Speaker, that by reducing the total cost to the state by $60 million dollars, that every towns entitlement ultimately would be reduced. That is not the case. Instead, even by reducing the total cost to the state to $390 million dollars, a reduction of $60 million from the School Finance Advisory Panel, some towns actually gained entitlements. Many towns actually gained entitlements, briefly, Bethel, Bozrah, Brooklin, Canaan, Canterbury, Chaplin, Chester, Clinton, Colcester, East Lyme, Ledyard, I could go on, Mr. Speaker, and you would recognize that whole list of towns, that there are no cities in that list.

Other towns gained by a reduction by a reduction in total cost of $60 million dollars. The cities lost. Bridgeport, for example, went from an entitlement of $34, million dollars to $22 million dollars. Hamden, Mr. Speaker went from an entitlement of $6,200,000 to an entitlement of $4,600,000. Hartford decreased its entitlement from $50 million dollars to about $44 million dollars.

New Britain had its entitlement decreased from $14,700,000 to about $9 million dollars. New Haven had its entitlement decreased from $36 million to $23 million dollars, a reduction of $13 million dollars. My own city of New London had its onw entitlement reduced from $5,800,000 to $4,000,000. The city of Stamford had its entitlement reduced from $6,800,000 to $4,300.000

The city of Waterbury, Mr. Speaker, had its entitlement reduced from $26 million to $19 million. These are the major cities in the state, Mr. Speaker, and their entitlements were not increased by this reduction of $60 million dollars in total cost their entitlements were radically increased, as a result of the concatenation of factors which discriminate against cities in the Education Committee formula as opposed to those factors which -- as opposed to the entitlements of other towns which had their entitlements increased.

There is, Mr. Speaker, I claim, in formula proposed by the Education Committee, a radical discrimination against cities as a consequence of the inclusion of all those factors.

Accordingly, Mr. Speaker, I would revert in this Amendment to a modification of the School Finance Advisory Panel. I recognize there's probably not $450 million dollars available to fund the School Finance Advisory Panel formula. Accordingly, I would slightly modify it by reducing the need factor from 80M plus ADFC plus low income to 80M plus one-half ADFC plus one-half low income. The consequence of that is to reduce the total cost from $450 million to possibly $414 million dollars.

Because of the debate today which has indicated we cannot afford a price of -- more than $391 million dollars over the course of five years, my Amendment also proposes that this amount of $414 million dollars be phased in over a period of six years.

It would not cost, under my Amendment, more than $30 million dollars in the first year. I recognize that my Amendments today have not had great success on the floor, the result of that is to cause me to modify my Amendment in such a way as to make what I consider to be a reasonable compromise. A reasonable compromise which includes municipal overburden as a factor and includes a relatively reasonable factor for the measure of need.

With that, Mr. Speaker, I believe I have already moved for the adoption of this amendment, Mr. Speaker, thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "M".

REP. HENDEL: (40th)

Mr. Speaker

SPEAKER ABATE:

Rep. Patricia Hendel of the 40th Assembly District.

REP. HENDEL: (40th)

Thank you, Mr. Speaker. I'll be very brief as I urge you to support adoption of this Amendment and I think Rep. Cibes explained the rationale behind it. We're here discussing education finance today because we are under mandate to rectify our present unconstitutional method of financing education. The essence of that unconstitutionality lies in the inability of our local property taxes to pay for education on an equalized basis.

We're depriving our children throughout the state because of the way we fund our education. The present formula which represents I know, extremely hard work on the part of the Education Committee especially, does omit this factor which was in the plan submitted earlier by the School Finance Advisory Panel and was supported by the State Board of Education, the factor accounting for municipal overburdening.

This factor takes into account that money raised from our strained tax basis that is needed for vital municipal services, simply is not available for funding education. A formula which does not take this factor into account does not, in my opinion, meet the mandate we are under. The Amendment would require no additional funding and would allocate funds on the basis of where they are most needed. I urge adoption of the Amendment.

SPEAKER ABATE:

Will you speak further on the adoption of House Amendment Schedule "M"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. Mr. Speaker, I think that the sponsors of this Amendment are perhaps not fully aware of the

history of how we got where we are. And I think if they were aware of all of this history that they might feel that this Amendment was perhaps not as meritorious as it may seem.

It is true that the School Finance Advisory Panel recommendation as it finally came out, had a number of rather intricate amendments to it that were directed towards the question of municipal overburden. I would point out that these came into play very late in the game as a result of what appeared to be defects in earlier editions of the formula and that they stem basically from the thrust of the cities in this case. When we got the sales assessment ratio study, as I said earlier, we found that a great deal of the job of correction for municipal overburden was done by the changes in the sales assessment ratio study. And we therefore substituted all of the rather intricate devices in the School Finance Advisory Panel essentially one device, and that was the modification of the school tax rate for low income. And that turned out to be an enormously powerful tool.

And it redirected the funds from the formula without that in a very major way and rendered it, in conjunction with the sales assessment ratio study, many of the little things that the School Finance Advisory Panel had inserted unnecessary in the opinion of many of us. I think we would have overstated rather extraordinarily the direction of the funds towards population

congestion, if we had kept the School Finance Advisory Panel formula in place and added the income factor to the school tax rate, and so we didn't do it.

I would remind or some of you don't know this, but the very first day we had an idea based on the new formula, or on the essence of the new formula, the first question that one member of the committee asked was why does Hartford run off the chart. And it was quite evident that the grants for the major cities had shaken out so much towards the top of the total grand list that we were taking very major steps towards redressing the problem of municipal overburden.

I think at this point what we need to do is to monitor the procedure over the next two or three years, find out what happens to total tax rates. I am in agreement that if we want to equalize education, one of the ways, one of the criteria that we are going to have to use ultimately is the equalization of total tax burdens. That's a very complicated question which finds remarkably little sympathy in the minds of people who don't understand the problem and I will not try to address it here, I'll simply state it. I think we need to continue to examine it, but I really do think that at the present time, the extra corrections that Rep. Cibes and Rep. Hendel would reintroduce in the Bill simply displace one set of inequities, partly corrected, for another set of inequities increased, and I do not

believe there is a net gain for the state and I would therefore urge defeat of the Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "M"? Will you remark further on its adoption?

REP. OTTERNESS: (42nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Naomi Otterness.

REP. OTTERNESS: (42nd)

Thank you, Mr. Speaker, I rise to speak in opposition to this Amendment. I think that many rural legislators have just proven that we can be -- avoid seduction by a very alluring formula. I trust my urban friends will be similarly steadfast in their support of an Education Committee comprimise formula and I would like to emphasize the word comprimise, because we sat there for many, many hours, going over this, looking at the emphasis on one area, the emphasis on the other area and I think that we came out with a formula that we felt addressed the special needs of the cities and tried to address the special needs of the rural communities of eastern Connecticut.

I'm sure many of you are aware that, in fact, the majority of those communities, considered the poorest, besides the cities are those rural communities in eastern Connecticut. And I'd like

to have you go with me just through a few of these towns and compare what happens under Bill's formula versus what happens under the School Education's Committee formula. Take a city, a town like Bozrah. We lose, Bozrah loses significantly under Bill's formula. This is 136 in ranking in in the State. Colchester which ranks 150, loses a significant amount of money. Groton loses money. Ledyard, my community, will lose a lot of money under Bill's formula, and I remind you that I just voted down a formula that my town would have gained $240,000 under.

So, you know, I ask you, try to look at this and consider both the rural needs and consider the municipal needs. You people talk about municipal overburden, but let me remind you that we have rural overburden that is not counted in our taxes. We pay for our own garbage collection, we have water systems which we maintain out of our pocket, which do not come out of tax money. We have septic systems which we maintain. We have, in many cases, long driveways which we maintain. I can go on and mention several other things that are as the result of living in a rural community.

So please, let's continue this spirit of compromise that we have had this afternoon and look to the needs of everybody in the state of Connecticut. I urge you to defeat this Amendment.

SPEAKER ABATE:

Will you remark further to House Amendment Schedule "M"? Will you remark further to its adoption?

REP. EMMONS: (101st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Linda Emmons.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. Addressing the Amendment I would also urge that the Amendment be defeated. Commenting on the previous speaker, I think she hit upon a very sensitive area when you look at the definition here of total town tax rate. For the rural communities and for those communities do not have many municipal services, their cost that they do out of pocket for such things as garbage removal, snow removal, their volunteer fire department, contributions and many of those other ones, pumping your septic system, getting their wells fixed, would not be included in this particular adjustment that is being suggested.

Until we can find a way in which we will be able to compare the cost of families to maintain themselves in one community versus another, this would not help the rural communities at all.

SPEAKER ABATE:

Will you remark further on the adoption of this Amendment? Will you remark further on its adoption?

REP. CIBES: (39th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Cibes.

REP. CIBES: (39th)

I would like to request that when we vote on this Amendment it be taken by roll.

SPEAKER ABATE:

The question is on a roll call. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% has not been satisfied and when the vote is taken, it will not be taken by roll. Will you remark further on the adoption of House Amendment Schedule "M"? Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye

SPEAKER ABATE:

Opposed? Nay

REPRESENTATIVES:

NO

SPEAKER ABATE:

The noes have it. House Amendment Schedule "M" fails.

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House Amendment Schedule "M".

In line 61, delete "; "ADJUSTED EQUALIZED NET"
Delete lines 62 to 66, inclusive
In line 67, delete "IN PER CAPITA INCOME"

In line 118, after "TOWN" insert,"AND ONE-HALF THE NUMBER OF FAMILIES WITH INCOMES BELOW THE NATIONAL POVERTY LEVEL AS ENUMERATED IN THE MOST RECENT FEDERAL DECENNIAL CENSUS OF POPULATION"

In line 125, delete the bracket
In line 128, delete the bracket and strike "THE NET CURRENT LOCAL EDUCATIONAL"

Delete line 129 to 132, inclusive
In line 133, delete "NET GRAND LIST" and delete the bracket.

In line 134, delete the bracket
In line 135, strike "NET CURRENT LOCAL EDUCATIONAL EXPENDITURES"

In line 156, before the semi-colon insert "; "TOTAL TOWN TAX RATE" MEANS THE SUM OF ALL UNDUPLICATED PROPERTY TAXES COLLECTIBLE WITHIN A TOWN, INCLUDING ANY SUBDIVISION THEREOF, DIVIDED BY THE EQUALIZED NET GRAND LIST OF SUCH TOWN."

In line 183, delete 'NINTH WEALTHIEST TOWN" and insert "ONE HUNDREDTH PERCENTILE"

In line 192, strike "NINTH WEALTHIEST"
In line 193, following the closing bracket insert "AT THE ONE HUNDREDTH PERCENTILE"

In line 231, strike "FIFTY-SIX" and insert "FIFTY-THREE"
In line 233, strike "SIXTY-SEVEN" and insert "SIXTY-TWO"
In line 235, strike "SEVENTY-EIGHT" and insert "SEVENTY-ONE"
In line 237, strike "EIGHTY-NINE" and insert "EIGHTY"

After line 237, insert "(5) FOR THE FISCAL YEAR ENDING JUNE 30, 1984, NOT LESS THAN EIGHTY-NINE PER CENT OF FULL FUNDING"

In line 238, delete "(5)" and insert "(6)" and delete "1984" and insert "1985"

After line 308, insert the following:

"(5) FOR THE FISCAL YEAR ENDING JUNE 30, 1984, THE AMOUNT OF GENERAL STATE AID RECEIVED ON A PER PUPIL BASIS FOR THE FISCAL YEAR ENDING JUNE 30, 1983, PLUS OR MINUS A PERCENTAGE OF THE DIFFERENCE BETWEEN THE AMOUNT OF SUCH STATE AID RECEIVED ON A PER PUPIL BASIS AND THE AMOUNT OF GENERAL STATE AID THE TOWN WOULD BE ELIGIBEE TO RECEIVE ON A PER PUPIL BASIS UNDER FULL ENTITLEMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1984. SAID PERCENTAGE OF THE DIFFERENCE SHALL BE DETERMINED BY DIVIDING THE DIFFERENCE BETWEEN THE TOTAL APPROPRIATION FOR GENERAL STATE AID FOR THE FISCAL YEAR ENDING JUNE 30, 1984 AND THE TOTAL APPROPRIATION FOR GENERAL STATE AID FOR THE FISCAL YEAR ENDING JUNE 30, 1983 BY THE DIFFERENCE BETWEEN FULL FUNDING AND THE TOTAL APPROPRIATION FOR GENERAL STATE AID FOR THE FISCAL YEAR ENDING JUNE 30, 1983."

In line 309, strike "(5)" and insert "(6)" and strike "1984" and insert "1985"

In line 355, after "INCLUSIVE," insert "AND ONE-HALF THE NUMBER OF FAMILIES WITH INCOMES BELOW THE NATIONAL POVERTY LEVEL AS ENUMERATED IN THE MOST RECENT FEDERAL DECENNIAL CENSUS OF POPULATION"

After line 405, insert the following:

"(5) FOR THE FISCAL YEAR ENDING JUNE 30, 1984, THE PER PUPIL EXPENDITURE FOR THE FISCAL YEAR ENDING JUNE 30, 1982, PLUS THAT PERCENTAGE OF THE DIFFERENCE AS DETERMINED UNDER SUB-DIVISION (5) OF SUBSECTION (d) OF SECTION 10-262c, AS AMENDED BY SECTION 2 OF THIS ACT, BETWEEN SUCH AMOUNT EXPENDED ON A PER PUPIL BASIS AND THE MINIMUM PER PUPIL EXPENDITURE REQUIRED UNDER FULL ENTITLEMENT FOR SAID FISCAL YEAR ENDING JUNE 30, 1984."

In line 406, strike "(5)" and insert "(6)" and strike "1984" and insert "1985"

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Will you remark further on this Bill? Will you remark further on this Bill? Will you remark further? If not would all the members please be seated.

REP. NEUMANN: (62nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Otto Neumann.

REP. NEUMANN: (62nd)

Thank you, Mr. Speaker, the Clerk has Amendment LCO #6984. I would ask that he call and read.

SPEAKER ABATE:

Would the Clerk please call and read LCO #6984, designated House Amendment Schedule "N".

CLERK:

LCO #6984, offered by Rep. Neumann of the 62nd, Rep. Joyner of the 12th.

In line 74 strike out "the arts".

Delete line 755 in its entirety.

In line 76 strike "safety"

In line 763, after the period insert the following: THE FOLLOWING SUBJECT MATTER SHALL BE INCLUDED AT THE DISCRETION OF THE LOCAL OR REGIONAL BOARD OF EDUCATION EITHER AS INDIVIDUAL COURSES OR INCORPORTED INTO THE CURRICULUM IN OTHER WAYS; THE ARTS, CAREER EDUCATION, CONSUMER EDUCATION AND HEALTH AND SAFETY.

SPEAKER ABATE:

The Amendment is in your possession, sir, what is your pleasure?

REP. NEUMANN: (62nd)

I move the adoption of the Amendment, Mr. Speaker.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "N", will you remark?

REP. NEUMANN: (62nd)

Thank you, Mr. Speaker. To move from the formula to the equity portion of the Bill, I would address the members attention to Section 13 which goes into the question of curriculum. This was a long, full day discussion during the meetings of the Board of Education, the Education Committee and ended up in language which I think needs to be addressed as it is in this Amendment. This Amendment would in essence, separate those subjects which should be taught as courses,from those subjects which may either be taught as courses or as part of another course or some other way worked into the curriculum.

I think the language of the file copy as presented makes a major mistake in combining the basics of mathematics, language arts, with career and consumer education. These are not the same and as addressed in the Bill could be treated as equal subjects. I don't feel they are that way. Members of the Education Committee,

some at least, did not feel they should be addressed that way. Unfortunately, in attempting to deal with this question in Committee, we found that everyone's definition of the basic courses differed and you could have difficulty establishing a basic versus a secondary curriculum. However, I don't think this Assembly should go on record saying that all those subjects are of equal weight. And therefore, I urge adoption of this Amendment.

SPEAKER ABATE:

Will you remark further on the adoption? House Amendment Schedule "N".

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

Mr. Speaker, I urge opposition to this Amendment as Rep. Neumann pointed out, I think the curriculum question was an important question both for the School Finance Advisory Panel and for the Education Committee. The portions, or the subjects now included in the proposed Bill were hammered out after lengthy discussion, on the basis, I think, of what most of us really considered equal educational opportunity. I would oppose, for instance, deletion of the arts, on the grounds that

the arts constitute million dollar businesses in this country and if you are going to deprive children of any exposure to the arts, you deprive them not only of the career opportunities that flow from this exposure, but also from the other kinds of increased perception that the exposure to the arts produces.

With respect to career education, it's already required on the Connecticut general statutes, 10-99A. With respect to health and safety, it's already in the existing statute which I said before is a garbage bag of this, that and everything, but it's also in 10-23. So that the Amendment is incomplete in any event.

I don't think that the simple listing of the subjects says that they are all of equal weight. They certainly should not be all of equal weight, or even equal distribution patterns in the education of every child. Some children should have more of some and some children should have more of others. I don't think it is the intent to say that you will have X hours of the arts and X hours of English and X hours of math and X hours of everything else in that list.

It says that a rounded, balanced curriculum should include these opportunities and I think that's what we meant to say, I think we can haggle over the contents of this paragraph from now until hell freezes over, we're not going to really get total agreement on equal emphasis of all these subjects, nor should we. I urge defeat of the Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "N"?

REP. MCMANUS: (88th)

Mr. Speaker.

SPEAKER ABATE:

Rep. John McManus of the 88th.

REP. MCMANUS: (88th)

Mr. Speaker I rise also to oppose this Amendment. If we queried each and every member of the Assembly on this matter, I would venture to think we'd have an equal number of theories as to what should be in this section. We did debate long and hard and come up with what I consider and what other Committee members consider to be a very broad paramenter in which the school districts can act. We talk about local control and the state dictating all of the educational procedures in our schools or the LEA's. This was very, very liberal, very, very generous in allowing what can be taught, what cannot be taught.

There are no amounts put on here, no hours to be taught, no specifics, we're saying that curricula shall include these areas. Different school districts have different needs and this is also realized in this area. We are saying that you choose, you work within these guidelines and you work with them as they fit your needs.

The problem has arisen over the years in each session of the General Assembly, there have been bills put before us as to what shall be taught in our schools? And each and every one of them as in this Amendment, was very well intended and has many good points, but the school districts are crying out to the legislature, they're crying out to the State Board of Education, please, no more, let us act on our own, and I think with this section we are allowing our districts to act on their own, and any change on this will be a step backward to last year and what has been done in committee will be totally eradicated and I urge opposition to this Amendment.

SPEAKER ABATE:

Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Those opposed, nay.

REPRESENTATIVES:

NO

SPEAKER ABATE:

The noes have it. The Amendment fails. Will you remark further on this Bill? Will you remark further on this Bill?

REP. ALLEN: (143rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Allen of the 143rd Assembly District.

REP. ALLEN: (143rd)

The Clerk has an Amendment bearing LCO #6987. I would ask the Clerk to call and read it.

SPEAKER ABATE:

Will the Clerk please call and read LCO #6987, designated House Amendment Schedule "O".

CLERK:

LCO #6987, offered by Rep. Allen of the 143rd, Rep. Joyner of the 12th, Rep. Varis of the 90th, Rep. Shays of the 147th, Rep. Rogers of the 69th.

Delete lines 865 to 876 inclusive.

In line 877 delete "(d)" and insert "(c)"

In line 834, strike the word "order" and substitute in lieu thereof the word "REQUEST".

SPEAKER ABATE:

The Amendment is in your possession Rep. Allen, what is your pleasure sir?

REP. ALLEN: (143rd)

I move the adoption of the Amendment.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule

"O" . Will you remark on its adoption?

REP. ALLEN: (143rd)

I would like to, Mr. Speaker, thank you. This Amendment has nothing to do with dollars or sick children, or equalization of this or that, and it is not a matter of one town against a city or one part of the state against another.

It has to do with every town in this state and its role against the growing state government which is oppressing us. We were told at the beginning of the discussion on this bill that if, and this was by the proponents, if you don't conform to the provisions of this Bill, then we have a procedure to deal with the complaints. Indeed we do, Mr. Speaker, have a procedure to deal with the complaints. A humdinger of a procedure. Let us just examine it and see what we've got here.

And those that wish to follow this little scenario can start on page 17, Section 14 and I have no objection to people being allowed to make complaints orally, or in writing and I think it is perfectly fair for the State Board if he wishes to find such complaint to be substantial, to notify a local or regional board of such complaint and conduct an investigation and if the state board finds that such a Board of Education has failed to meet the opportunities -- to meet the requirements of this Act, I have no objection to the State Board requring, and I'm now down to line 830, requring the local board to engage

in a remedial process. But where I do begin to take exception is on line 834 as the amendment shows which commences with that word, "order" and the amendment substitutes for that word order, the word, "requests" and the balance of the amendment strikes out Section C which is the most punitive portion of Section 14 and I will come to that in a minute.

Now it is my contention that Section 14, most of it, is unnecessary, undesireable, and contrary to the court's opinion. We were told in the Education Committee's on this Bill by one distinguished member that "no, these injunctions, no they won't be used never, well, rarely, well very, very seldom" and we were told this morning that a proponent of this bill and I quote, because I wrote it down, "we would guess that not more than the towns of Connecticut would come under the sections, the provisions of Section 14, this Section covers the exceptional, the extreme case in protecting the interest of the children."

If this is the case, why give the State Board of Education the enforcement powers on the injunction route? It is never wise for the General Assembly to give statutory authority to a governmental agency on the grounds that that agency will not use, or abuse the power given. There is no need to set up a jungle of injunctive machinery until an individual town actually transgresses what the majority of the people consider to be fair.

I have said that this Section, most of it, is unnecessary, it is also undesireable. The history of education in our state shows that the best condition of education is when the people support it and the people will not support local education as effectively if the control is taken away from it and if it is funded by state sources. It is when it is their object and their concern that they will devote their best effort to it.

Section 14 represents a fundamental shift in the balance of power between the municipalities and the state government, with all the 169 towns in this state being the losers.

The potential exists for every local board to be overriden by the politically appointed State Board of Education which has no accountability to anyone except the Governor who appoints them. And the nine political appointees on the State Board of Education would be second guessing your locally elected officials. The terms in this Bill which the State Board of Education is required to enforce are incredible, some of them. The local boards are required to formulate goals and objectives. Goals - that word is a miasma of gooey terms. Objectives is a miasma of rubbery concepts and goals and objectives is a miasma of half baked illusions.

Section 14 of this Bill is based on the erroneous concept that the State Department of Education is somehow wiser and better able to run local schools than local people are. And those of you who read the State Auditor's Performance Audits of

the State Board of Education might think otherwise. To give the state the power by the route of injunction to force local districts to follow whatever the latest educational fad may be in Washington, or for that matter, Hartford, is short sighted folly.

The normal corollary to the power to order, rather than request local or regional school boards to comply with State Board edicts, is the enforcement of those orders by the courts. The General Assembly has been dancing too long to the judge's minuet.

Take a look if you will, what the injunction route did in the city of Boston when one judge for a while, via the injunction route was practically running the entire metropolitan school system for an extended period of time. Do we want that? I think not. Our courts are already too deeply involved in running what is otherwise legislative and executive matters. It should be obvious that one of the first battles which will be fought in the courts, unless this Amendment is passed, would be the metropolitan regionalization of our schools.

Another and not so far fetched result of the word order, rather than the word request, would be to find that in instances where a town is not meeting the minimum expenditure requirement in this act, the State Department of Education might take over

all collective bargaining via the injunction route and order settlements when it sees fit to do so.

Now it's always fashionable to cite holy writ, preachers do it, politicians do it and the holy writ in this case are the decisions of Judge Rubinow. And let us see what Judge Rubinow had to say on the subject of invading local power.

I have in my hand here a copy of his decision, December 26, 1974 and on page 119, section IV, sub-section 6, Judge Rubinow who started all this business wrote as follows, and I quote:

"there is however no reason why local control needs to be diminished in any degree merely because some system other than the present system is adopted. Indeed, there was convincing evidence that other systems have been adopted ;without any loss of local control."

So much for Judge Rubinow. Now I will also refer to holy writ once again. What does the Supreme Court have to say about Judge Rubinow's dictum. I have in my hand the opinion of Chief Justice C. J. House, 1977, page 376 and there the Chief Justice said, he was talking about all the parts of Judge Rubinow's decision which he affirmed and he said, "there is no reason why local control need be diminished in any degree merely because some system other than the one presently in effect is adopted" and he was quoting Judge Rubinow. And then the Chief Justice said, "we find no reason to reject the validity

of these findings." So my question to you is, who do you believe? If you really believe in Judge Rubinow you will vote for my Amendment. Thank you.

SPEAKER ABATE:

Will you remark? Will you remark further on the adoption of House Amendment Schedule "O"? Will you remark further on its adoption?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. For a while there I was tempted to ask why your -- I didn't know your voice hadn't changed yet. I might say that there has been no member of the Education Committee, certainly in my memory, who has been a more constructive force on the Committee than Yorke Allen. And I would pay him many, many tributes. With respect to this particular Amendment I think he's overstated his case, and I would like to try and put the issue back into some kind of perspective.

What we have done here is to introduce on top of some provisions that already exist in the statute, in the constitution and in the basic law of the state, a procedure for getting some things done that perhaps in the future we may need done. If we

do what this Amendment would do, we pretty much go back to the statute as it is which really leaves all the local school boards and the students and perhaps even the State Board without a tidy, clear cut, well expressed, due process procedure. And I think we need such a procedure. We had a very long debate on the word order versus request in the Committee and this Amendment in the form it was presented at that time was defeated and we left the word order in on the grounds that as in the Ashford case, where the State Board was able to put together the constitution and a couple of other pieces of information, including the breach of a specific statute, enough power to get an injunction.

So I think probably that an injunction would be sought in an extreme case like the Ashford case again, and probably won. It would be sought and won without some of the procedures, without some of the due process, without some of the local input that is possible under the statute as we are proposing it at the present time. I might point out that the power to order exists even in the statute, in the proposed statute, only if, in the case of failure to comply, comply with state law, not with State Board whims. And the failure to comply with state law has to be shown. It has to be demonstrated.

In addition, I think Rep. Allen has forgotten one other little bit that has to do with this. If you will take a look

at lines 546 to 547, you will find in those lines an increased protection to the town in cases where the State Board is threatening to withhold funds for failure to comply with the law. At the present time the State Board can do that sort of willy nilly with no due process of any kind. If we enact this provision, the provision for withholding funds makes reference to this due process, and the towns have increased protection, not decreased protection out of this. I repeat what I said before, that the money part of this says really nothing about how you get the money to the kids.

How it is reflected in programs, in quality, in opportunity. It only refers, all of the rest of the Bill only refers to the dollars. This is one way of trying to make sure that a genuinely recalcitrant, genuinely board, meets its responsibilities. It seems to me that's rather little, with handing out rather a lot of money here. And I think the town should have to consider the needs of the kids when they spend it. This is in the monitoring by the exception philosophy which it takes. It does give us a tool to do that. It's not a very strong provision, it's really a rather minimul provision and I certainly would not want to weaken it at this point. Thank you Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the Amendment House Schedule "O"? Will you remark further on its adoption?

The Chair would casually observe that the Chamber has been debating this issue for approximately five hours and suggest that the members should be mindful of that fact.

Will you remark further on the adoption of House Amendment Schedule "O"?

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Robert Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I'd like to direct a question through you to the Chairman of the Education Committee, please.

SPEAKER ABATE:

State your question please, sir.

REP. JAEKLE: (122nd)

Thank you. On Section, the lines to be deleted, sub-section C, lines 865 through 876, sets up a procedure where an injunction can be sought through the Superior Court. My question to the Chairman of the Education Committee is, did the Judiciary Committee review this language?

SPEAKER ABATE:

Rep. Goodwin will you respond to that inquiry, Madam?

REP. GOODWIN: (54th)

Through you, Mr. Speaker, I think it was not necessary.

SPEAKER ABATE:

Rep. Jaekle, you still have the floor, sir.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker, through you, then in which Superior Court of the State of Connecticut would the injunction be sought. My question concerns venue.

SPEAKER ABATE:

Rep. Goodwin will you respond to that question, madam?

REP. GOODWIN: (54th)

Through you, Mr. Speaker, I'm afraid I know very little about venue.

SPEAKER ABATE:

Rep. Jaekle, you still have the floor, sir.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker, my point being that this was a section that I think the Judiciary Committee should have reviewed. There is a question as to venue, in which Superior Court, in which judicial district the State Board should seek the injunction. Should it be the judicial district in which the State Board of Education is located, or in the Judicial District in which towns that is being enacted against, is located. I think for this reason there is now a question and I therefore support the Amendment to delete this Section. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "O"?

REP. ALLEN: (143rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Yorke Allen, sir.

REP ALLEN: (143rd)

Speaking for the second time. Briefly. Ashford, Ashford, Ashford, you would think the fate of the nation hung on that town which has a population of 2,700 people. We heard more about that town than any other town in our state and the injunction which was obtained in that particular case, and I won't take your time with the details, proves the very point that I have in mind. The state had a remedy, it took it. There is no need to provide this quiver of arrows and this arsenal of punitive injunctions to the State Board of Education. They did intervene in Ashford, they got their injunction and presumably everybody in Hartford was happy.

So it proves my point rather than the opposite. And finally Mr. Speaker since my voice has changed, I will ask for a roll call vote.

SPEAKER ABATE:

The question is on a roll call vote. All those in favor

please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% has been satisfied, when the vote is taken it will be taken by roll. Will you remark further on the adoption of House Schedule "O"? Will you remark further on its adoption?

REP. AHEARN: (55th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Aloysius Ahearn

REP. AHEARN: (55th)

Mr. Speaker, I would like to speak briefly on some of the comments made by Rep. Allen, a valuable member of the Education Committee whom I have great respect for, but in this case I would suggest that he is basically wrong in trying to change the order to request. I don't have the same faith in the local education agencies, the local autonomies that a great many people here seem to have. It's a marvelous chivalous to talk about local autonomy, but I would suggest to you that our school system is basically in a shambles. We have violence every day. We have our SAT scores going down. We have all kinds of problems to say nothing of truancy, disrespect for

law and order, vandalism in the schools day in and day out and what's being done about it? It's being left to the local people and they are not handling the problem. School boards, I would suggest to you, are people living basically in ivory towers. We've got to have more strength, more support from the state.

I would agree with my friend, Rep. Allen, that the State Board of Education, and particularly the State Department of Education leaves a great deal to be desired.

I also read the Auditor's report and I concur that there's a very weak bureaucracy that needs a great deal more power, but, not giving them the power is not the right thing to do. We've got to give them the power and as a legislative body demand that they use that power correctly and see that this state does provide a decent education for its kids. So I would suggest that we keep that word order in, not change the law as suggested and defeat the Amendment. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "O"? Will you remark further on its adoption?

REP. SHAYS: (147th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Christopher Shays.

REP. SHAYS: (147th)

Thank you Mr. Speaker. I'm speaking for the first time and probably the last time today, but I would like to speak on this Amendment. I think what we just heard is justification for the Amendment. What Rep. Ahearn has told me makes me feel the Amendment is more important than ever.

Now I represent a city, its the only -- it's the city of Stamford, we get nothing but the ADM grants, the $250 per student and some say I should be grateful to get that, but that's all we do get. We lose money in special education, we lose money under grants for transportation as we'll lose money under the old GTB formula because we've got about $407,000. And I can tell you very frankly, and very honestly, I'm prepared to accept that.

Stamford is a city, with all the problems of a city, but we are as cities go, a very wealthy city and very honestly, to attempt to try to get us into the formula would distort this formula in a way that nobody here would want and I can see that we will become more wealthy as time goes on, and even if you would be able to get us into the formula, we'd be tripped out.

But there's a bitter pill to this Bill. And I would accept this Bill and vote for it with some reluctance, but feeling that we have no other way to go, if it weren't for the fact that while you say we get less, we will be contributing

more to the State in taxes, we will be getting less grants to the city, and then you say we have more state control of our local education. That's the bitter pill, and that's what we're trying to deal with.

I sincerely urge those members who are receiving a good deal of money under this Bill, to recognize that problem with the Bill and at least give us that.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "O"?

REP. GLASSMAN: (14th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Abraham Glassman.

REP. GLASSMAN: (14th)

Mr. Speaker I urge defeat of the Amendment. I've been hearing some comments about local autonomy being impinged upon and about us giving the State Department of Education, the State Board, unprecedented power and I would suggest to you that this is not the case in this Bill and that if anyone would take the time to read what we are doing in the Bill, they would recognize the fact that we are not taking away any control from the town, we are not giving up unnecessary powers to the State Department of Education. It's been repeated time and

time again, that what we're doing is giving them the authority to act where towns have come up with plans and have failed to act.

It is a greater partnership between the towns and state. There is more guidance, more cooperation.

For people to get up and say that local autonomy is being impinged on is merely throwing up a smoke screen and not really stating the facts as they exist.

Please take the time to read the Bill and you will recognize the fact that we are not at all, not at all harming local autonomy.

And those of you who get up and speak with no knowledge of having read the Bill are doing a disservice to both yourself and (belt ended at this point

next belt picked up as follows:)

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "O"?

REP. VAN NORSTRAND: (141st)

Mr. Speaker

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND:

In fairness to Representative Glassman, I have

I read it, I read it in some detail. I'm not exactly sure what it does do. I share some of the concerns and yes, I do feel it does impinge on local autonomy considerably, but I'm not sure exactly what it does. It talks in terms of its departure as we know it. I talks in terms of a local government body. Something other than a Board of Education which has been the historic response.

I'm not exactly sure what that means. Is a town meeting a local government body? If a town is unable, what does that mean?

Perhaps I should pursue that, Mr. Speaker with a question through you to Rep. Goodwin. What does it mean a town is unable in line 827 or in line 847?

SPEAKER ABATE:

Rep. Goodwin, will you respond to the question?

REP. GOODWIN: (54th)

Through you, Mr. Speaker, I believe that means a circumstance, I'm sorry I have to mention Ashford again, but it's the most current case in this connection, where the Town was unable to deal with a situation because it couldn't get a budget passed. The schools were closed and the State Board stepped in and said you have to reopen the schools, you've got to find the money.

SPEAKER ABATE:

Rep. Van Norstrand, you still have the floor, sir.

REP. VAN NORSTRAND: ((141st)

Through you, Rep. Goodwin if I understand your answer, there is a section down in here, line, it's right around line 848, in through there, that an order can enter but, as I understand it cannot order, this is in the situation where someone is found unable, an amount of increase in expenditures if that school district is already at the MER, with the exception of special ed, as I read it.

REP. GOODWIN: (54th)

Yes, I think that's right.

SPEAKER ABATE:

Rep. Goodwin, through the Chair, Madam.

REP. GOODWIN: (54th)

Through you, Mr. Speaker.

REP. VAN NORSTRAND: (141st)

Then what would be the effect of a town who was unable, but was meeting that level?

SPEAKER ABATE:

Rep. Goodwin, will you respond to that?

REP. VAN NORSTRAND: (141st)

Or is that the definition?

REP. GOODWIN: (54th)

I'm not sure that I can answer the question in legal terms here. I think the anticipated fact is that we don't

except the conjunction of the town that is meeting its MER to fail to spend money on its schools.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Well if I might, Mr. Speaker, ask one more question. Lines 861 to 864. What is the import, as you see it, of those lines?

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

I think that, the import of those lines is very clear. If it turns out that the problem arises from something that's wrong with the statutes, we can, or the State Board tells the Governor and the Governor asks the Legislation.

REP. VAN NORSTRAND? (141st)

To correct the defective..

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

I thank you, Mr. Speaker. I have trouble with just what's going on through this section in terms of funding this so called remedial process. I don't know how you could ask a town to spend more money than it's already appropriated under other sections of the law as it cannot tax or borrow that which it has

not appropriated, and I don't know how you have the authority to change those unless you address those laws. I have a feeling that 861 through 864 may mean something different to me and not just a cleaning up of the statute, because that could routinely be done and would not need specific statutory authorization.

The State Board comes with a requests of legislation every year. I do believe this Bill undercuts fiscal autonomy, a tradition and indeed what the people of the state want.

Under existing law, the state can investigate, I don't know why this is needed, I don't know how much money will have to be spent in terms of this laborious process, in terms of defending complaints, some of which may be serious. I support the Amendment, Mr. Speaker. I was curious. I read the same language when I looked at the decision that Rep. Allyn did. I don't believe there's any need, I do support the Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "O"? Will you remark further on the adoption? If not, would all the members please be seated. Would the members please be seated. Would staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time, would the members please return to the Chamber immediately. The House is voting by roll at this time, members please return to the Chamber.

Have all the members voted? Members please check the roll call machine to determine if their vote is properly recorded? The machine will be locked. The clerk will take the tally.

REP. ALLEN: (143rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Allen.

REP. ALLEN: (143rd)

I note the tally reads 98 to 52 and yet I note there are two names on the board for which there is neither a red or a green light.

SPEAKER ABATE:

You're absolutely right, sir. That has been brought to the Chair's attention, the remedy at this point would be to clear the machine and for the membership to cast its vote again. Will the members please be seated. Will the members please be seated. Members please be seated. Staff and guests please come to the well of the House. Machine will be opened. The House of Representatives is voting by roll at this time, would the members please return to the Chamber immediately. The House of Representatives is voting by roll at this time, would the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted?

Members please check the machine to determine if their vote is properly recorded. The machine will be locked. The Clerk will take the tally.

The Clerk please announce the tally.

CLERK:

Amendment Schedule "O" to House Bill 7586.

Total Number Voting	147
Necessary for Passage	74
Those Voting Yea	52
Those Voting Nay	95
Those Absent and Not Voting	4

SPEAKER ABATE:

House Schedule "O" failed. Will you remark further on the Bill? Rep. Edward Krawiecki of the 78th Assembly District.

REP. KRAWIECKI: (78th)

Will the Clerk please call and read LCO #6986 and may I be granted time to speak on it?

SPEAKER ABATE:

Would the gentleman care for the Clerk to read the Amendment:

REP KRAWIECKI: (78th)

Yes, please.

H-221

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SPEAKER ABATE:

Would the Clerk please call and read LCO# 6986, designated House Amendment Schedule "P".

CLERK:

LCO# 6986, offered by Rep. Krawiecki of the 78th.

In line 869, after the word "to" insert "TAKE REASONABLE STEPS TO"

In line 875 after the word "to" insert "TAKE REASONABLE STEPS TO"

SPEAKER ABATE:

The Amendment is in your possession, sir, what is your pleasure?

REP. KRAWIECKI: (78th)

I move adoption.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "P", will you remark on its adoption?

REP. KRAWIECKI: (78th)

Yes, please. Mr. Speaker, this is merely a technical change in the Bill. I hope that we can pass it through, it merely ties the language of sub-section 14A with the language with sub-section 14B, so that sub-section 14C reads the same. There is no intent to change what we have done, it is merely a technical change to tie the bill together more tightly. I hope this House will approve this Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "P"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Goodwin of the 54th.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker, but before I comment on this let me make sure I've got the right LCO. 6986?

SPEAKER ABATE:

That is correct, Madam.

REP. GOODWIN: (54th)

I don't feel strongly about the Amendment one way or the other. It's kind of an "yeant" sort of thing.

I wonder how the record will translate that.

It does weaken the Bill to some extent. I doubt if it's really a substantive change, but it does weaken it. What it really says -- it does, it is to say it's a substitute to comply in two places it says to substitute, to take reasonable steps to comply. It's not a disaster, it's not much of an improvement. I think on balance, I would vote against it. I won't really twist anybody's arm on this one.

SPEAKER ABATE:

Will you remark further on House Amendment Schedule "P"? Will you remark further on its adoption? Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Mr. Speaker, if nothing else, Ms. Goodwin has proved that Ms. Goodwin has not been a recording.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "P"?

If not, will all the members please be seated. I'm sorry, the Chair is in error. All those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Those opposed, no.

REPRESENTATIVES:

NO

SPEAKER ABATE:

In the opinion of the Chair, the noes have it, the Amendment fails. Will you remark further on the Bill? Will you remark further on this Bill?

REP. RYBAK: (66th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Michael Rybak.

REP. RYBAK: (66th)

The Clerk has an amendment and at the risk of offending my brethren, would the Clerk please call and read LCO #7605.

SPEAKER ABATE:

Will the Clerk please call and read LCO #7605, designated House Amendment Schedule "Q"?

CLERK:

LCO #7605, offered by Rep. Rybak of the 66th. In line 809, after the comma, following the word "inability", insert "THE DESIGNATED AGENT SHALL ENDEAVOR TO ELIMINATE THE BASIS OF THE COMPLAINT BY CONFERENCE, CONCILIATION AND PERSUASION"

In line 809, insert brackets around the word "said" and insert "WHERE THE DESIGNATED AGENT AFTER FINDING REASONABLE CAUSE FAILS TO RESOLVE THE BASIS FOR THE COMPLAINT THE"

SPEAKER ABATE:

The Amendment is in your possession, sir, what is your pleasure?

REP. RYBAK: (66th)

I move its adoption.

SPEAKER ABATE:

The Question is on adoption of House Amendment Schedule "Q" Will you remark further on its adoption?

REP. RYBAK: (66th)

I will sir. This Amendment, in my opinion will specify what may already be implicit in the complaint procedure specified in Section 14D of the Act, but I am not certain. It requires the State Board of Education fact finding agent make an attempt to mediate, much as in our labor negotiation processing, before the State Board of Education will call a formal hearing, or inquiry with its attendant time, cost to the local school board.

The language is taken from the Fair Labor Practices section of the statute 31-127, governing complaint procedures before the Human Rights and Opportunities Commission. It will not increase the cost of the Act, and it may indeed save some money and expedite complaint resolution under this Act.

I move its adoption.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "Q"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

This is another Amendment which is not crucial one way or the other but which I think I would urge rejection of.

I think the basic grounds for a rejection of this Amendment is that it places a kind of a lot of discretion to an agent of the state at a rather critical point in the procedures and that it may be better to leave this aspect of the problem somewhat informal and subject to resolution by people who have broader experience in the process than a designated agent may have.

I would like to point out if I could find it here. I'm sorry, just a second. There is provision somewhere here, and I can't seem to find it for the -- oh yes, if the State Board or its designee -- no, that's not the place. Where it provides for a resolution and negotiations at the very initiation of the complaint, so that there is -- oh here it is. Has been unable to resolve a complaint. It's in line 784. Any resident of a local or regional school district, etc. who has been unable to resolve a complaint with a Board of Education of such local or regional school district. In other words, there has to be a good place even at the local level, between the complaintant and the school board before the complaint can go higher and I think this does involve some of the kinds of protections that the Amendment addresses itself to.

And I think on balance, that I would urge rejection of this Amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "Q"?

REP. RYBAK: (66th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Rybak.

REP. RYBAK: (66th)

With that in the record that that is indeed the legislative intent, I would withdraw the Amendment.

SPEAKER ABATE:

House Amendment Schedule "Q" has been withdrawn. Will you remark further on the Bill?

Will you remark further on this Bill?

REP. MANNIX: (142nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Mannix.

REP. MANNIX: (142nd)

Thank you, Mr. Speaker. The Clerk has an Amendment. If he would please call LCO #7280 and may I be permitted to summarize?

SPEAKER ABATE:

The Clerk has in his possession LCO #7280, designated House Amendment Schedule "R". The Clerk please call LCO #7280/

CLERK:

LCO #7280, offered by Rep. Mannix of the 142nd and Rep. Glickson of the 137th, Rep. Joyner of the 12th.

SPEAKER ABATE:

Is there objection to the gentleman summarizing this Amendment in lieu of the Clerk's reading? Is there objection? Hearing none, it is so ordered and you may proceed with summarization, Rep. Mannix.

REP. MANNIX: (142nd)

Thank you. Mr. Speaker, ladies and gentlemen of the House, what this Amendment would do, and I'm really summarizing it, would establish a 3% income a 3% tax on income, adjusted gross income of the people of our state. It also permits tax credits for taxes paid on income generated outside of the state, if that state has an income tax. It also provides for tax credit for people with income of $10,000 or less, tax credit of 100%. So anybody having an income of less than $10,000 would not pay any income tax between $10,000 and $15,000 there would be a tax credit somewhat less than 100%, between 15 and 20, and above $20,000 of adjusted gross income, there would be no tax credit and you would be liable for 3% tax on your adjusted gross income.

It also states specifically that the amount of monies generated by this tax would be used for the equalization of educational funding. In other words, this specifically says that the monies would go for equalization of education. On top of that, the Amendment would reduce the present state sales tax from 7% to 5%, a 2% reduction. It would also do away with the

dividends tax and the capital gains tax. Mr. Speaker, I move the Amendment.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "R". Will you remark further on its adoption?

REP. MANNIX: (142nd)

When appropriate, may I ask for a roll call?

SPEAKER ABATE:

The question is on a roll call vote. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% has been satisfied and when this vote is taken, it will be taken by roll.

REP. MANNIX: (142nd)

Thank you, Mr. Speaker.

SPEAKER ABATE:

Rep. Mannix, you still have the floor, sir.

REP. MANNIX: (142nd)

Thank you, Mr. Speaker. This Amendment, as you well know by now, has really not touched the formula, how monies are distributed. What it basically does is generate the monies for

distribution. Now, it's interesting. I talked to one of the more learned reporters in the House today, a friend of mine and I said did you hear about this particular thing and he said no, I didn't hear that. And I believe what he meant is probably one of the most important aspects of the debate today and it was represented by Rep. Goodwin, I think she was very astute and very accurate in saying this.

Basically what she indicated was that the Supreme Court judge and the Superior Court judge is forcing this body, through its Appropriations Committee to make, place as the highest priority, one of the highest priorities of this session of the General Assembly, spending of monies for education equalization. Where, at the same time Ms. Goodwin pointed out, we are warehousing people in our mental institutions.

We are not doing justice to many areas, including mental retardation. And perhaps getting down to the more practical, we're not buying enough police cars to properly, properly patrol the roads of our state, speaking for people that are interested in law and order, that should ring a bell. We're only buying about half of the cars that we need in this state.

We're not putting enough money into equipment to take care of the roads in our state. We're reducing the funding of community colleges substantially. 2% reduction, a little over 2% reduction in the Governor's budget but we're in about an 8 or 10% inflation, so we're down reducing that between 10 and 12%.

Now is that what you want to do? Is this your priority? I believe Rep. Pier said we don't have any other choice. We do have another choice. Certainly we have another choice. And I believe it's a viable choice if you analyze my amendment.

And let me say I missed one thing in my explanation of my amendment. The amendment does not become operative until the package of a constitutional amendment, a very important part of the amendment. I know some people disagree, a very important part of the amendment, the passage of a constitutional amendment limiting taxation in the state of Connecticut. So that we won't have runaway government, but we will have two things.

It will, if passed, this amendment, and the constitutional amendment, it will free up additional monies for the state, but it would also limit the amount of these freed up monies and on top of that, we will be able to, I believe, partially correct the imbalance of taxation in our state. So it's killing many birds with one stone here through education equalization which of course, in itself, is extremely important.

Several other -- very briefly items that I think ought to be mentioned, dealing with this proposal. We're talking, when you talk about not funding higher education, or if you talk about not equalizing education under this act, or if you talk about not funding mental retardation properly, you're talking about our children. All the children of the state

because these various areas of our state budget and state function affect the children. And I think we are, if we establish the priority that we're not going to fund the various areas I mentioned, and in effect, discriminate in favor of funding and equalizing education, we're making a mistake, and I think a serious mistake which you may not realize.

You won't realize it today, but you will relize it in the future. You're had the community college people outside, the youngsters. But you won't see this right now, but a couple of years down the road and I think the time has come for the General Assembly to provide leadership.

It's easy to say President Carter's not providing leadership, or Governor Grasso is not providing leadership, or somebody outside ourselves, that the person or that group is not providing leadership. The buck is here today, as Harry Truman said. The buck is here, stopping here today. Do we want to make this decision today that's going to affect the lives and the futures of some of our youngsters in our state? I don't think we're forced into making this decision. There's an alternative and a very viable alternative. Purely and simply, it's an income tax.

You may say an income tax is going to ruin the business in the state of Connecticut, industry is going to move out. Is that true? Of course it isn't, particularly if you have a

constitutional limitation. Where are they going to go? South Carolina, North Carolina? Colorado? They have income taxes and yet they're blossoming and booming. They've picked up industry from Connecticut. That's a phoney issue, that's a phoney issue and I have -- for anybody that's interested I have the facts and figures right in here in the book of the state, what the income tax is.

I was out in Colorado over Christmas. The state, well I won't compare it with Connecticut, but business is lively out there, but it has an income tax. But an income tax is not the end of the world. We seem to be up tight and when you get up tight about something you don't operate correctly. A good baseball player doesn't get up tight, he has to stay loose. Don't worry about an income tax. Income tax is a just tax, it's a fair tax.

As reported in U. S. News and World Report, March 26, 1979, they compared the ranking of state and I'll read from it how the levies for individuals in both state and local taxes and they broke it down according to income. Now the U.S. average for people making between 10 and $15 is $1,129 goes from that person -- costs that person average throughout the country for those two taxes. What is it in Connecticut? It's higher. It costs more for a person in that tax category, or that income category to live in Connecticut than the U.S. average. A person making $50 to $100 thousand dollars, it costs less in the state of

Connecticut.

It's only $4,900 in the state of Connecticut. U.S. average is $5,300. We have an unfair tax system. I think equalization of education ought to be funded properly and this is the proper way to do it, ladies and gentlemen. I'm not again, Mrs. Goodwin, I'm not meddling with your formula, because I haven't commented on your formula today, I did in the Appropriations Committee. I'm purely and simply talking about how you fund education equalization.

It's certainly worthy of your consideration and incidentally in closing, we have a classic example here, a textbook example in political science, how a committee controls the destiny of the General Assembly. This is a deliberative body, but anybody sitting here, whether he be a young student here in front of me in law school here in Yale, I'm sure he's watching the votes and he's got to come to the conclusion that something's been rigged.

This is a deliberative body. The time has come, and I'm not talking about the formula, for you to vote your conscience. Whether you're against it or in favor of it, vote what you think is the right thing to do in this instance. Are you providing leadership? Are you going to worry about Jimmy Carter or Governor Grasso? You have to worry about yourself today. You're the leaders on this issue. Thank you Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "R"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. Last night when we were discussing this Bill, there was a voice that floated across the room that said something about not being seduced by Republican amendments. I find it a very seductive amendment.

As Rep. Mannix knows, I have supported an income tax for a quarter of a century and I have been up and down the state in almost every community and at one time or another in the last quarter of a century, arguing in favor of a state income tax. I hope that someday we will have one. I think there are many attractive features in the one Rep. Mannix has proposed although I have reservations which come out of constitutional law, not out of the principal ennunciated about the use of constitutional amendments to do the kind of thing he's talking about here. I just don't think its good constitutional law to do it.

At the same time I am, and not for the reasons some of

you may believe, but I am going to vote against this amendment really on the grounds that I really, for one thing, and I tell you this with a great deal of fervor, it would be tough, it would have to go back now to LCO, we'd have to do the whole damn thing all over again.

But also for a reason which I take very seriously indeed. And that is the roll of the public hearing and this amendment will not have had a public hearing this year and I really do believe that we should not adopt some amendments of any magnitude without going the public hearing route. I believe in the development of consensus. I believe that ultimately we will have a consensus and I will share my congratulations with you at that point, Rep. Mannix. But for the time, I can only urge rejection.

SPEAKER ABATE:

The Chair would observe that the lady is infringing on the Chair's prerogatives. Will you remark further on the adoption of House Amendment Schedule "R"?

REP. GLICKSON: (137th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Andrew Glickson.

REP. GLICKSON: (137th)

Mr. Speaker, I have opposed innumerable amendments today, many of which would have helped my district and some of which

might have attacked the problems behind this bill more aggressively than does this bill. And I did so because I believe I vote pragmatically and sincerely that we have an obligation to pass the bill today, that the bill before us is probably the best bill that can pass, and passage of this bill depends on the integrity of the formula.

The Amendment before us which doesn't affect the formula I think may, as Rep. Goodwin has been too tactful to say implicitely, may be something of a gesture at this point, but I think it is an appropriate occasion to remind this House that we have slighted one of the real issues before us today. I think Rep. Goodwin would be the first to admit that the Bill before us really has very little to do with education and a whole lot to do with taxes.

Our problem with school funding is merely symptomatic of the problems that are caused by our reliance -- over reliance on real property taxes to finance local government. In the long run, this Bill will not enable our larger cities or our rural towns to finance education or any other area of local government adequately. Let's face it. With any formula, the only way we're going to attack this problem is to impose a statewide personal income tax and use the proceeds to reduce local property taxes.

Hartford isn't the only city with a problem here. Residential property values everywhere are rising faster than non-

residential values. For example, 50% of the grand list in Danbury is now residential. Before the recent revaluation, which is something that's required every 10 years in every town by state law, this percentage was 39%. That means that an increasing part of the cost of local government is being shifted to single family homeowners. Mr. Speaker, I don't think the single family homeowner can sustain this burden forever.

I've heard many legislators from both parties complain in committee and on this floor today that this bill is unfair to the working poor, to the elderly, the low income people in property rich towns. I hope that those legislators will face up to the real question of inequity in our tax system. Sooner or later, this legislature, not a judge, has to face this issue. And we're going to have to face that issue even if the court accepts this Bill. And believe me, I hope that it does, and I believe that it will. But the problem of tax inequities, the problem of our overreliance on local property taxes is not going to go away with passage of this Bill. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "R"?

REP. STOLBERG: (93rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Irving Stolberg.

REP. STOLBERG: (93rd)

Mr. Speaker, to have four speakers uninterrupted favoring an income tax on the floor of this Chamber I think is an indication that directions are changing. And from that roar of support, I can see that my judgment is not in error.

There haven't been too many profiles in courage written on the floor of this House. But perhaps if such a volume, slim volume is written some day, I think John Mannix will be included in it. He doesn't have to offer real reform proposals to address the real problems of this state. His district doesn't demand it and his constituents don't demand it. But he has addressed them.

I'm going to vote against the Amendment mainly because I don't want to see the entire package interrupted and also because in concurrence with Rep. Goodwin, I do not feel the constitution is a vehicle for setting the vagaries of public opinion on tax policies. And also because there are some technical aspects of John's particular income tax proposal that I think need to be batted out against other income tax proposals for this Chamber when we come back in August, to come up with the right proposal. Or, when we come back next year, or sometime in the coming few years.

And many of you sitting here now, who have campaigned against an income tax, who in conscience cannot support an income tax, as you look at what we do today and as you've heard argument after argument against it, I think are going to come to believe that true tax reform, so that we raise revenue more equitably and distribute it in terms of where it's needed in the state, you're going to have your opinions shift.

It's not going to happen today. I have a hunch Rep. Mannix's amendment will fall somewhat short of adoption. I think if it were adopted, what we do today would have a better chance of passing muster in the courts. Let me say that. I think the revenue raising has not been adequately addressed and it is a factor here because if you continue to raise the money inequitably, it doesn't matter to what partial degree you address the problem, you're still collecting the money inequitably from the poorer towns and from the towns that need it back. And we're not addressing that.

And either our courts, or the Federal courts are going to impinge upon our freedom of latitude again and again in terms of Federal funds available, or in terms of our state equalization formula in the future. I would call to your attention, there is a fully drafted tax reform proposal, Committee Bill 6153 that's sitting on the shelf, in the Finance Committee. I would urge many of you, if you have a chance, to read it in coming weeks.

I think it will be relavant when this issue is back before us again and I hope to have the input of all the members here on drafting the best proposal. I'm going to vote against this because of the constitutional provision. I think without that it would improve constitutional viability of what we're doing today, but that's something that we'll find about out in relatively short order.

SPEAKER ABATE:

Will you remark further on the adoption of House "R"? Will you remark further on its adoption?

REP. MAZZA: (115th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Vito Mazza.

REP. MAZZA: (115th)

Just a brief comment, Mr. Speaker. My good friend Rep. Mannix ran unopposed last time. I dare say he'll have a dozen opponents next time. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "R"? Will you remark further on its adoption.

REP. RITTER: (6th)

Mr. Speaker.

SPEAKER ABATE:

Rep. George Ritter.

REP. RITTER: (6th)

And Mr. Mannix, if you are, I'll be proud to come down and campaign for you.

SPEAKER ABATE:

Will the House please come to order and direct their attention to Rep. Ritter.

REP. RITTER: (6th)

Or against you, if you request. I usually agree with the gentleman from New Haven and indeed today I do in every respect but its conclusion. I think when you see somebody who deserves the accolades of profiles in courage, you support it. I have the same reservation as the Representative from New Haven and as Dorothy Goodwin has about some of the contents of this bill, so I think our vote is pretty much symbolic, really. But as a matter of symbolism, I want to be somehow connected with this profiles in courage and I hope many other people who realize this Bill may not, as Irving said, may not quite make it, will realize that the Act itself, even though I think the Bill is faulty in some regards, deserves our support.

I might say if there should happen to be a surprise, and if this Amendment happens to be voted up, it will make the rest of our session a much more enjoyable and a much more effective one for the people of the state.

SPEAKER ABATE:

Will you remark further on the adoption of the Amendment Schedule "R"? If not, will all the members please be seated. Will the members please be seated. Will staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time, will the members please return to the Chamber immediately. The House of Representatives is voting by roll at this time, with the members please return to the Chamber immediately.

Have all the members voted? Would the members kindly check the roll call machine to determine if their vote is properly recorded? The machine will be locked and the Clerk will take the tally.

Would the Clerk please announce the tally.

CLERK:

House Amendment Schedule "R" to Bill 7586

Total Number Voting	148
Necessary for Passage	75
Those Voting Yea	7
Those Voting Nay	141
Those Absent and Not Voting	3

SPEAKER ABATE:

The Amendment fails.

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The following is House Amendment Schedule "R":

After line 1947, insert new sections 35 to 48 as follows and renumber the remaining sections accordingly.

"Sec. 35. (NEW) a tax of three per cent is hereby imposed for each taxable year on the entire taxable income, as defined in section 37 of this act, of each resident of this state and on the taxable income of each nonresident which is derived from sources within this state.

Sec. 36. (NEW) Any term used in sections 35 to 43, inclusive, of this act shall have the same meaning as when used in a comparable context in the laws of the United States relating to income taxes, unless a different meaning is clearly required. Any reference to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to income taxes, as the same may be or become effective, at any time or from time to time, for the taxable year. Terms preceded by the word "federal" refer to the corresponding terms defined in the laws of the United States.

Sec. 37. (NEW) Taxable income as used in sections 35 to 43,inclusive of this act shall mean each resident's or nonresident's adjusted gross income as defined in the Internal Revenue Code of 1954, as amended. The provisions in said sections 35 to 43, inclusive, of this act shall be applicable with respect to any person, trust or estate, exclusive of any corporation subject to tax under chapters 208, 209, 210, 211 or 212 of the general statutes.

Sec. 38. (NEW) For purposes of sections 35 to 43, inclusive, of this act, a resident of this state shall mean any person who maintains a permanent place of dwelling within this state and spends in the aggregate at least one hundred and eighty days of the taxable year in this state.

Sec. 39. (NEW) Any employer maintaining an office or transacting business within this state and making payment of any wages taxable under sections 35 to 43, inclusive, of this act to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period a tax computed in such manner as to result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee under said sections 35 to 43, inclusive, of this act with respect to the amount of such wages included in his adjusted gross income during the calendar year. The method of determining amounts to be withheld shall be prescribed in regulations by the commissioner of

revenue services and said commissioner shall have tabular forms prepared for use by any such employer in determining the amount of such withholding. This section shall not apply to payments by the Unites States for service in the armed forces of the United States.

Sec. 40. (NEW) (a) The commissioner of revenue services shall prescribe regulations for determining the method of tax payment by residents and nonresidents whose incomes are derived wholly or in part from sources other than wages paid by an employer.

(b) If the income of any resident or nonresident was derived wholly or in part from sources other than wages paid by an employer and such non-wage income exceeded twenty five thousand dollars in the immediate preceding taxable year, such resident or nonresident shall submit to the commissioner of revenue services an estimate of his expected income for the next taxable year on a form prepared by the commissioner. This estimate of expected income shall be submitted when the resident's or nonresident's current tax return is submitted.

Sec. 41. (NEW) Any resident or nonresident subject to the tax under sections 35 to 43, inclusive, of this act shall be entitled to a tax credit in accordance with the following table:

If the taxable income is:	The credit is:
$0 - 10,000	100% of the tax due
10,001 - 15,000	58% of the tax due
15,000 - 20,000	25% of the tax due
20,001 and over	0% of the tax due

Sec. 42. (NEW) Any resident of this state shall be allowed a credit against the tax otherwise due under sections 35 to 43, inclusive, of this act with respect to any taxable year in the amount of any income tax imposed on such resident for such taxable year by another state of the United States or a political subdivision thereof or the District of Columbia on income derived from sources therein which is also subject to tax under said sections 35 to 43, inclusive, of this act. The credit provided under this section shall not exceed a proportionate part of the tax otherwise due under said sections 35 to 43, inclusive, of this act determined by the ratio of the amount of such resident's adjusted gross income derived from sources in such other taxing jurisdiction to such residen't entire adjusted gross income.

Sec. 43. (NEW) If a taxpayer is regarded as a resident both of this state and another jurisdiction for purposes of personal income taxation, the commissioner of revenue services shall reduce the tax on that portion of such taxpayer's income which is subjected to tax in both jurisdictions solely by virtue of dual residence, provided the other taxing jurisdiction allows a similar reduction. The reduction shall be in an amount equal to that portion of the lower of the two taxes applicable to the income taxed twice which the tax imposed by this state bears to the combined taxes of the two

jurisdictions on the income taxed twice.

Sec. 44. Subsection (1) of section 12-408 of the general statutes is repealed and the following is substituted in lieu thereof:

(1) For the privilege of making any sales as defined in subsection (2) of section 12-407, at retail, in this state for a consideration, a tax is hereby imposed on all retailers at the rate of (seven) FIVE per cent of the gross receipts of any retailer from the sale of all tangible personal property, except as hereinafter provided, sold at retail or, with respect to each transfer of occupancy, from the total amount of rent received for such occupancy, of any room or rooms in a hotel or lodging house for the first period of not exceeding thirty consecutive calendar days, and in lieu of said rate of seven per cent, at the rate of three and one-half per cent of the gross receipts of any retailer from: (a) The rendering of any service described in any of the subparagraphs (A) to (M), inclusive, under subdivision (i) of said subsection (2) of section 12-407 and (b) sales of seven cents or less, provided the retailer making such sales of seven cents or less shall keep records thereof acceptable to the commissioner of revenue services and upon his failure to keep such records, said rate of seven per cent shall apply to all such sales. The rate of tax imposed by this chapter shall be applicable to all retail sales upon the effective date of such rate, except that a new rate shall not apply to any sales transaction wherein a binding sales contract without an escalator clause has been entered into prior to the effective date of the new rate and delivery is made within ninety days after the effective date of the new rate.

Sec. 45. Subsection (3) of section 12-408 of the general statutes is repealed and the following is substituted in lieu thereof:

(3) For the purpose of adding and collecting the tax imposed by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof, by the retailer from the consumer the following bracket system shall be in force and effect as follows:

Amount of Sale	Amount of Tax
($0.00 to $0.07 inclusive	No Tax
.08 to .21 inclusive	1¢
.22 to .35 inclusive	2¢
.36 to .49 inclusive	3¢
.50 to .64 inclusive	4¢
.65 to .78 inclusive	5¢
.79 to .92 inclusive	6¢
.93 to 1.07 inclusive	7¢

On all sales above $1.07, the tax shall be computed at the rate of seven per cent.)

$0.01	TO	$0.10	INCLUSIVE — No Tax
.11	TO	.29	INCLUSIVE — 1¢
.30	TO	.49	INCLUSIVE — 2¢
.50	TO	.69	INCLUSIVE — 3¢
.70	TO	.89	INCLUSIVE — 4¢
.90	TO	1.10	INCLUSIVE — 5¢

IN ADDITION TO A TAX OF FIVE CENTS ON EACH FULL DOLLAR, A TAX SHALL BE COLLECTED ON EACH PART OF A DOLLAR IN EXCESS OF A FULL DOLLAR IN ACCORDANCE WITH THE ABOVE BRACKETS.

Sec. 46. Subsection (1) of section 12-411 of the general statutes is repealed and the following is substituted in lieu thereof:

(1) Imposition and rate. An excise tax is hereby imposed on the storage, acceptance, consumption or any other use in this state of tangible personal property purchased from any retailer for storage, acceptance, consumption or any other use in this state at the rate of (seven) FIVE per cent of the sales price of the property, and in lieu of said rate of seven per cent at the rate of three and one-half per cent with respect to the rendering of any service described in any of the subparagraphs (A) to (M), inclusive, under subdividion (i) of subsection (2) of section 12-407.

Sec. 47. (NEW) Payment of the tax due under sections 35 to 43, inclusive, of this act, shall be made no later than one month after the filing date for federal personal tax returns as prescribed in the Internal Revenue Code of 1954, as amended.

Sec. 48. (NEW) The revenues received by the commissioner of revenue services pursuant to sections 35 to 43, inclusive, of this act shall be deposited in an education equalization fund. Such portion as determined to be necessary to pay educational equalization grants computed in accordance with the provisions of subsection (b) of section 10-262c of the general statutes, as amended by section 2 of this act, shall be transferred to the general fund for such purpose, and the balance shall become revenues of the general fund."

In line 1949, after "statutes" insert "and chapter 224 of the general statutes"

In line 1951, after "1979" insert ", except sections 35 to 47, inclusive, of this act shall take effect upon the ratification of an amendment to the state constitution which shall provide that in any one fiscal year total state tax rate the proceed from which go to the general fund shall not exceed ten per cent of the estimated gross income of all Connecticut residents. Such estimated gross income shall be determined by the growth of personal income the previous three years."

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SPEAKER ABATE:

Will you remark further on this bill? Will you remark further on this bill.

REP. MATTIES: (20th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Mattie.

REP. MATTIES: (20th)

Thank you, Mr. Speaker. The Clerk has an amendment LCO 6985. I'd ask that you call -- call and read the amendment.

SPEAKR ABATE:

Will the Clerk please call and read LCO 6985 designated House Amendment Schedule S.

CLERK:

LCO #6985 as offered by Rep. Matties of the 20th, Rep. Myer of the 135th. After line 1127 insert the following: "(h) notwithstanding the provisions of this section a local or regional board of education incurring a net cost for an individual special education placement in excess of $10,000.00 shall be paid 70% of such cost in excess of said $10,000.00."

SPEAKER ABATE:

Rep. Matties, the amendment is in your possession. Sir, what is your pleasure?

REP. MATTIES: (20th)

I move its adoption.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "S". Would you remark on its adoption, sir.

REP. MATTIES: (20th)

Yes, thank you, Mr. Speaker. The amendment is self-explanatory. It's what I would like to term as catastrophic insurance. We have a fiscal impact statement which read $205,000.00 I do believe that number is high because it does not remove provisions for some who might have a case of that expense and would be covered under the 70% but it is a factor that we have not covered today. The few cases that the state would see could create some havoc with local budgets, as far as education goes. Just visualize a small town with three cases of $15 or $20,000.000. You can appreciate the impact. I think it's a very important element that should be addressed and I would hope that the body would support it.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "S". Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. Rep. Matties has undoubtedly placed his finger on a problem. There is no question at all about the burdensome of excessive special education placements, especially in a very small town; and there is a town in eastern Connecticut whose budget was practically shot out of sight by the

movement into the town by one family with two autistic children. One very small town where two children needing the kind of care that autistic children need made a major impact on the budget. That was sometime ago. During the first couple of years that I was up here we began to recognize the nature of this problem. As we began to try to get a handle on how you got some accountability into the placements, especially the placements out of state so that you knew that children with similar problems were getting similar care at a similar cost and that we were not simply pay what the freight would bear. I don't know that we have completely succeeded in that, but I think that there has been some progress made. I think the biggest part of the progress that has been made is in the increase in in-state placements where the State Department of Education has reasonable control over unwarranted and excessive costs.

At the same time I think that any measure of this sort ought to be placed somewhere in the context and the one that this amendment is placed in. A $10,000.00 cost in a town with 250 education -- with -- in a very wealthy town with 250 special education children one such cost is probably not catastrophic. A much smaller cost can be catastrophic in a very small, poor town. I would like to see this problem studies and examined over the interim and fitted into an equalization pattern with some relationship to the magnitude to such costs in relation to the rest of the towns billed for this problem. In addition, as we all know, given the inflation $10,000.00

doesn't stay still very long, and I would to see if we can find a way to generalize this so that it is responsive to the changes in the costs over time. I make the same commitment I have made before to study this over the interim. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "S". Rep. Terry Bertinuson:

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker. This is, of course, the problem that we have wrestled with since I've been up here. We have tried in many -- we have tried many approaches to it and have not found one yet. We have tried this approach and rejected it because it's another case where the reimbursement could certainly affect the placements. We don't want to write anything into this statute that would push aboard towards making a more expensive placement if that's not the best placement. If this would say that if you can provide a program for a child for a $9,500.00 you would be reimbursed $9,800.00, $9,900.00, you would be reimbursed according to the formula. If you place that child in some kind of a program that costs $10,100.00, you would be reimbursed at a higher percentage. It simply is not a good way to approach it. We are continuing to study it and, along with Rep. Goodwin, I certainly make my commitment to continue to try to solve this sort of major medical catastrophic type of problem, but I don't believe that this is the way and I hope that you will reject this

amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "S"?

REP. MATTIES: (20th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Matties.

REP. MATTIES: (20th)

Mr. Speaker, based on the comments by Rep. Goodwin and I think and hope we've made the point regarding this particular concern I will withdraw the amendment.

SPEAKER ABATE:

House Amendment Schedule "S" has been withdrawn. Will you remark further on this bill?

REP. DEMERELL: (35th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the bill.

REP. DEMERELL: (35th)

Mr. Speaker.

SPEAKER ABATE:

Rep. DeMerell.

REP. DEMERELL: (35th)

Thank you, Mr. Speaker. The Clerk has LCO #6775. Would he

please call and read.

SPEAKER ABATE:

Would the Clerk please call and read LCO 6775 designated House Amendment Schedule "T"?

CLERK:

LCO #6775 offered by Rep. DeMerell of the 35th. In line 69 after the word "totaled" insert "student."

SPEAKER ABATE:

The amendment is in your possession, sir. What is your pleasure?

REP. DEMERELL: (35th)

Mr. Speaker, I move adoption of the amendment.

SPEAKER ABATE:

The question is on the amendment of House Amendment Schedule "T". Will you remark further, Rep. DeMerell?

REP. DEMERELL: (35th)

Yes, thank you, Mr. Speaker. Mr. Speaker, I think throughout the course of the debate today it has been mentioned time and time again by some of the opponents of this bill that we feel that we're dealing with a very ascute formula and the formula indeed unevenly distributes the monies that will be available underneath it and a formula which strongly favors the urban areas in our state to the detriment, quite frankly, of the rest of the towns in the state. What this does, this amendment is a one word amendment; it addresses itself specifically to the mechanics of the formula

and what it seeks to do is, in my mind, to bring us into better accord with indeed the decision of the court whereby they were measuring the property wealth of communities as against students, not population of a town or the total population of the state but indeed the type of property wealth in the community that was available to finance student education and this amendment does just that. It brings this formula in line with that and what it would mean was we would now consider and give a better break to communities throughout the state who have had a continuing growing percentage of students as a percentage of their total population and would properly also react on those communities throughout our state who have had a declining percentage of students within their total population.

I think it is important as we move on this formula that we do the best we can to address it evenhandedly. I believe this amendment does it. I believe the Assembly should adopt it. I think again I would add that it is without any question to me that we have misused this formula for the last three years,with the passage of the formula as it is in file we will continue to misuse it, and if people in this Assembly want to address the question of municipal overburden it should not be placed in this particular legislation. It should be the subject of separate legislation and addressed on its own merits, what we are charged with with this file is to find a solution to a court order, to a court mandate. Let us stay within those perimeters. Mr. Speaker, I move that when

the vote is taken -- I hope they are very loud on this -- I see we're wearying -- I move that when the vote is taken, it is taken by roll call.

SPEAKER ABATE:

The question is on a roll call. All those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair, the requisite 20% has not been satisfied and when the vote is taken it will not be taken by roll. Will you remark further on the adoption of House Amendment Schedule "T"?

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER ABATE:

Mr. Speaker, Rep. DeMerell is tired; he doesn't know anything about it. I would like to urge rejection of this amendment. This is a perfect example of tinkering with one piece of a formula without looking at what it does to anything else and it will have some rather disastrous effects. In the first place, you changed the first fraction in the formula from a fraction that is somewhat contained by the fact that the denominator is rather large to one that is almost totally uncontained because the denominator is very small. It will cost an awful lot of money -- I don't know how

much -- but it blows the formula way off. This conceivably counter-balance for some of the other ill effects of this device, but I would point out that in the interests of balance we took out the things that were in the School Finance Advisory Panel that seem to be covered by other elements of the formula. We did not take this out. This is really almost the only element left that addresses some of the most severe problems in the state and I urgently request its rejection.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "T"? Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER ABATE:

The nays have it. The amendment fails. Will you remark further on the bill? Will you remark further on this bill?

REP. VAN NORSTRAND (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

I'm three hours late. It's my wife's birthday. She will get no present 'cause I haven't had a chance to shop in the last four days, but I did want to make a couple of comments about this, No. 1, in terms of my vote on the income tax proposal of John's, I don't want you to be discussed or thought of just in terms of the merits, but it represents my abject refusal to be a part of the seduction of Ms. Goodwin. (laughter)

You've labored long and hard, and I think the members of the committee have labored long and hard. I know the endurance contest it came to be serving on the Education Committee this year. This was a major issue. I congratulate the majority leader. He could not be seduced either and managed to keep his troops from being seduced. There will be votes and I think -- I find the majority leader one of the best examples of that advice in my past service here that there will be occasions when feet are to the fire and they did very well today.

I have only a couple of comments, one of them relates to an amendment I was going to offer and am not and it relates to my feeling and I just want to express to you that this is the product of the work of members of this -- of both chambers. There are other products -- there are other ways -- I am not fully satisfied that we have addressed what I think should be addressed which is just education. We had an amendment in mind with a formula that would have come in at around $320 million for educational loan

plus 37 on the side in terms of the pilot money. You're familiar with some of the proposal. I feel it's legitimate and it addresses municipal burden. I stated earlier I'm not convinced this addresses educational burden -- overburden as aptly as I would like to see. I'm just not quantified -- satisfied that it does. There's one other factor I would point out. There was a mention in that thick yellow book of the School Finance Advisory Panel of something about the cost of living and I discussed it upon occasion briefly with Sen. Schneller and I think most of you on the Education Committee are aware of the Florida experience and that it was not going to particularly bear fruit. I still think it's a problem in the state. You don't solve all the problems in one day, but there are rank variations, and I think in the future some perception of that in terms of fairness is going to have to be needed because the -- really, the fiber of people to accept the result depends on their belief that it was ultimately fair. There are great disparities in my area and I realize what it is thought of -- it is -- what, the gold coast, is that the phrase, whatever it is, the fact remains that there are problems in terms of costs. We did a study based on just salary contracts and there's like a 20% variation above the state mean in my area of the state -- not my town -- my area. And it includes cities like Stamford and Norwalk and will soon include Danbury and one of these days because of the influx it's really just kind of a funnel coming out from New York. My friends from Bridgeport will find out that on

this formula they're now rich and the costs are just moving -- it's -- the problem is that with increasing frequency people in my town cannot afford to own the house they live in. I couldn't afford to buy the house I'm in and I read in this past week the scores in the Appropriations meeting between Miss Goodwin, I guess it was Rep. Niedermeier, describing the difference in Sterling and what Wilton is like and the irony is that they are both right. Wilton is a pretty town and Sterling may be a poorer town in terms of the buildings. I'm willing to guess a greater percent of those people can afford to own them because the press of inflation is not upon them the way it is in our section of the state.

There's a bill in, as you know, I think it's now in Appropriaations, about a housing study. That's a part of the problem because it is a growing dislocation and the inability of people to be able to live in an area;we are still one state and I would hope that some day that this is addressed. I did not offer the amendment I mentioned earlier because I did look at the columns and it was not one of those appealing ones in terms of the numbers because you're dealing with substantially less money, obviously, each town would get less. I just hope that the day does not come because I have some problems with the funding mechanism that is in this bill that has been alluded to here today. The business of going light the first year and ballooning the last four. I'm not sure exactly what the court will do with that, but if that ever comes back here that amendment I did not

offer today, those numbers may be the best numbers you've ever seen. I have still not made up my own mind on this bill largely because of the equity section. I do believe there is an unnecessary takeover by a state board that has not proven itself necessarily capable of exercising even the authority it has now. My experience and executive nominations has done nothing to reassure me about the caliber of the members of the State Board of Education or what scrutiny goes into their selection. I think it's a cause for concern. It bothers me. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Will you remark further on this bill?

REP. RITTER: (6th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Ritter.

REP. RITTER: (6th)

Thank you, Mr. Speaker. Mr. Speaker, while I have trouble accepting the formula and the five year length of phase-in time my chief objection, and the reason why I will vote against this bill, is the very arbitrary decision to provide only $30 million in total this year for GTV. I have massive respect for Dorothy Goodwin as almost all of us have demonstrated here today and indeed we respect also the members of her committee and the way they have functioned. They have worked hard and long to prepare an

artful and indeed a very thoughtful bill for our consideration. My unconsolable grief is caused by what I believe to be a false assumption by many representatives of good will that the people of this state will not support the fair, the intelligent, the right position in this crisis. In my view, this legislature cannot meet its sworn obligation to the people of this state or to our State Constitution without enacting a sizable state income tax to provide the revenue necessary to meet these obligations. In my view then we are shirking our obligations today, we are inviting the State Supreme Court to do our job. I have little doubt for myself that the court will, indeed should, reject this entirely as an inadequate measure. I predict then that the court will mandate equalization. We will then be called into special session and we will be forced to do what, in my opinion, we should be willing to do, be happy to do, and that is to vote for a state income tax to provide the necessary funds.

SPEAKER ABATE:

Will you remark further on this bill? Rep. Astrid Hanzalek.

REP. HANZALEK: (61st)

Thank you Mr. Speaker. Mr. Speaker, many of the people in this chamber are unhappy with the formula. They're unhappy with the amount of money that's dedicated to that formula. They're also unhappy with the so-called equity provisions in this bill. Despite that fact, many of those who are unhappy will vote for the

package. May I just share with you a little bit of ancient history. There was a town in ancient Greece called Locree and when the legislators in that town of Locree wanted to present the community with a new proposal -- with a legislative proposal -- they went to the town square and there in the presence of all the local residence presented their legislative proposal. As they presented that proposal they were standing on a platform. The platform had a trap door. As they presented the proposal, a noose was placed around their necks. If the townspeople accepted that proposal, thought it was a good idea, there was great acclaim for the legislator who presented that fabulous idea. Laurel wreaths were placed upon the legislator's brow. If on the other hand, the proposal met with the disapproval of those people of Locree, the trap door was sprung. May I suggest that the supporters of this bill should be very thankful that our system will treat them somewhat more humanely than people of Locree treated their legislators. Thank you.

SPEAKER ABATE: Will you remark further on this bill?

REP. BARNES: (21st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Dorothy Barnes.

REP. BARNES: (21st)

In deference to the minority leader who has a birthday

celebration and even myself who has an engagement, I will try to speak quickly. But after we go through the legislative process here, and I assume we will through both houses and then to the Executive, I expect from what I read in the paper that this issue will then go back to court. And if also what I read in the newspaper is so, what may not be explicit at the time but may be implicit with what's going on, the issue may revolve more on that of tax relief rather than on equal opportunity of education. Mr. Pier this morning went over very carefully and very clearly I think for all of us here the mandates that were provided, the guidelines that were provided in the Horton-Meskill case, and I'd like to continue slightly where he left off.

In that case, as many of you who are familiar with it know, the court -- the State Supreme Court -- relied in great measure on a Federal Supreme Court case, San Antonio vs. Rodriguez. And in that case, there were several different quotations made. And if I may, I'd like to put them into this record. The court said -- and this is the United States Supreme Court -- the plaintiffs "would have the Court intrude in an area in which it has traditionally deferred to State legislators." The court further went on it lacks again "both the expertise" and here we're talking about the court "both the expertise and the familiarity with local problems so necessary to the making of wise decisions with respect to the raising and disposition of

public revenues." In other words, the Supreme Court of the United States here is saying that the courts themselves are not in the position to deal with matters such as taxing matters and policy matters. Lastly, in the same decision, the court said " the consideration and initiation of fundamental reform with respect to state taxation and education are matters reserved for the legislative processes of the various states." The Connecticut court then, in Horton vs. Meskill, went on to say "discrimination in this case is relative rather than absolute." and when you have a relative discrimination rather than an absolute discrimination, I think it can be presumed you have more than one solution to that discrimination that will meet the requirements necessary.

If I may repre -- through you Mr. Speaker --

SPEAKER ABATE:

Rep. Barnes.

REP. BARNES: (21st)

May I ask a question of Rep. Goodwin, which I expect she is not able to answer, and if she -- the reason I think she's unable to answer it is because she says she has a bad memory. But --

SPEAKER ABATE:

Rep. Barnes. Would you state your question, please Madam?

REP. BARNES: (21st)

To Rep. Goodwin. Here's the question, Rep. Goodwin, that

I wouldn't think you'd be able to answer, but I know over the period of years you've had numerous public hearings and at those numerous public hearings you've had numerous people coming to those public hearings representing various interests, and I think this is over a period of three, four years. By any chance would you have any idea how many times your committees have listened to the testimony of outside interests who are very much concerned about the outcome of this and how many people have spoken before you?

SPEAKER ABATE:

Rep. Goodwin, will you respond to that question, Madam?

REP. GOODWIN: (54th)

Through you Mr. Speaker. You're talking about all the way back to 1975? I couldn't possibly remember.

REP. BARNES: (21st)

I assumed you couldn't, but is it fair to say - through you Mr. Speaker -- that over the years, you have probably heard from every major interest group in the state on this subject, whether it be business, labot, education -- whatever it is, that you have conducted numerous public hearings so that perhaps your committee is somewhat unique in its ability to know what the interests of this state are as related to equality in education.

SPEAKER ABATE:

Rep. Goodwin, will you respond?

REP. GOODWIN: (54th)

Through you Mr. Speaker. I think it is fair to say that the testimony that we've had over the years has been almost entirely from educational interests. It's been from parents and from school boards and from lobbying organizations such as the Connecticut Association of Boards of Education, the Connecticut Association of School Superintendents, or school administrators and so on. I would say once in a great while, especially where revenue questions are raised, you get a more sort of general public kind of opinion expressed. But generally speaking, I would say that the thing that has characterized the testimony most over the years is the increasing understanding by the education interest groups, including some very lay people who are part of those groups, in what the formulas do and how they behave. There has been a very significant educational process achieved, I think, in terms of understanding of the formula. Beyond that I would say from the regional hearings you get the flavor of differences in problems in different regions and those differences are extremely interesting to hear. I don't remember CBIA, for instance, ever testifying on this. They may have. I simply don't remember. You get a great deal of rather self-serving kinds of testimony of a kind that we've all heard and, indeed, engaged in this afternoon about my town versus your town. I know I would not say that what has been brought to the

attention of the committee has been that broad.

SPEAKER ABATE:

Rep. Barnes, you still have the floor, Madam.

REP. BARNES: (21st)

Well, let me put it this way, Rep. Goodwin, is there any other committee -- any other group within this state -- that has been able to collect the kind, the quality and the volume of information about educational funding that you have been able to over the last several years?

SPEAKER ABATE:

Rep. Goodwin, will you respond?

REP. GOODWIN: (54th)

Through you Mr. Speaker. I certainly would include in the list of people who learned a lot out of this, the School Finance Advisory Panel, which was a tremendous catalyst in terms of new ideas over the last 18 months. We've learned a lot from the State Department of Education. I personally have learned a lot from several people at the University of Connecticut in the School of Education. I've also taught a course at school finance at the Graduate level at the School of Education at the University of Connecticut. I think it's probably true that we have access to more information than most people have, yes.

SPEAKER ABATE:

Rep. Barnes.

REP. BARNES: (21st)

Through you then again Mr. Speaker. On the School Finance Panel, were there not representatives of CBIA and the labor union?

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

Yes, Mr. Speaker, that's true. I was limiting my initial response to the people who've appeared before the Education Committee. There is no question as Representative Neumann, Representative Osler and Representative Henderson, Representative Glassman who were all members of that panel will surely testify, that that was an incredibly broadly based panel. It really drew from every segment of the society. There's no question about it.

SPEAKER ABATE:

Rep. Barnes.

REP. BARNES: (21st)

Then through you one last time, Mr. Speaker. The information from the School Finance Advisory Panel and through the public hearings and through all other public sources of information directly or indirectly came back to your committee, the committee responsible for preparing the formulas that -- the formulas and the legislation that is before us today, is that not so? Mr. Speaker, through --

SPEAKER ABATE:

Rep. Goodwin.

REP. GOODWIN: (54th)

I don't see how I could deny that.

SPEAKER ABATE:

Rep. Barnes, you still have the floor, Madam.

REP. BARNES: (21st)

I'm glad to hear that. Then to carry -- thank you very much Rep. Goodwin. To carry on then, this committee that Rep. Goodwin has been overseeing probably has more knowledge on this subject than any other group within the state. It has had to consider the finite limits of government within the budgetary constraints that are before us. It has had to consider the issues of rural vs. suburban vs. city and most important, it has had to spread itself not only in the Education Committee, in the Appropriations Committee in particular, beyond the question that the court discussed -- which was the fundamental right to equal opportunity of education. There are many fundamental rights. There is the fundamental right to food, clothing, for housing and healthcare and one could go on and on. All of these fundamental rights, the legislature itself, and no other body must weigh, in making its monetary decisions. It must consider each of these and weigh their importance, come up with a final document that is satisfactory not only to the needs of the people of this state, but within the constraints that are necessary to meet the budgetary requirements of balanced budget and fiscal probity.

So I'd just like to close on this one last comment, also from the Horton-Meskill case. The ultimate solutions must come from the lawmakers and from the democratic pressures of those who elect them.

REP. OSIECKI: (108th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill. Rep. Osiecki.

REP. OSIECKI: (108th)

I'd like to comment on the bill, Mr. Speaker, having served in this House under the defendent Governor. And I'd like to respond to Rep. Pier who told us at the introduction today that this bill was to meet three tests, political, legal and moral. I would say you meet the political test, you carry the votes. I don't believe anyone knows if we meet the legal test. And I think it matters where you come from whether or not it meets the moral test. And I represent Danbury, and I've heard it mentioned on both sides today. Thank you for recognizing us. That's in Fairfield County. It's in northern Fairfield County. It is not a part of what you might call the gold toast -- gold coast -- it's a city, which has overcome its problems in 15 years from a depressed area when the Hadding Industry moved out. Where the natives worked 6 months of the year and spent 6 months looking for work. I believe that this bill fails the moral test for my

part of the state. I think that born here today if this bill passes is the next Horton vs. Meskill case, and that you will be back here to help us resolve the problems you say you are resolving today for Hartford and New Haven and other cities. I think you fail the moral test by giving stronger police power to a state agency which has been unable to fulfill the mandates given to it previously. Which is attested by the problems in our schools today. I think you fail the moral test when you remove from those of us who will be paying more the rights to protect the deepest vested interests we have in the education of our children. You've established a great deal more here than educational policy if all the lights are green in the majority. I think it depends upon what your moral standards are, but naturally we know they're tied today to the political test that must be won with a majority vote. I congratulate Rep. Goodwin for the hard work of her committee. I'm disappointed I can't support the bill, because I was here in 1974 when the first decision in this case came down. And we all knew it would make some changes in our state, and I didn't think they would come down so hard on my part of the state.

SPEAKER ABATE:

Will you remark further on this bill? Will you remark further? Rep. Boyd Hinds.

REP. HINDS: (8th)

Thank you, Mr. Speaker. Just briefly -- I too rise to

oppose the product that we have hammered out here this afternoon. Let me briefly say for the record, my opposition is based on the fact that I feel this fails tests also. This is too little too late. It's too little because at the end of five years we will only be covering with the state participation some 43%, the best estimates I heard this afternoon, of the cost of local education. I don't feel that's enough, leaving more than 50 to 52% at least, excluding inflation as far as I can tell, for the local tax payor. It's too late because we are adding a five-year phase-in on top of litigation that has already run for five years. This contains a flat grant which was specifically mentioned in the court decision to eliminate a thinly veiled flat grant as a hold harmless for $250 minimum per pupil. This does not significantly decrease our dependence on the property tax.

What we are putting forward today, in my opinion, does not go far enough for us to be taking a leadership role in education that's what we were elected to do, not to just react with what we think is just the minimum that will pass; but to take a leadership role, and I think we have failed to do that this afternoon, and therefore my opposition. Thank you.

SPEAKER ABATE:

Will you remark further on this bill? Will you remark further? Rep. Charles Matties of the 20th.

REP. MATTIES: (20th)

Thank you, Mr. Speaker. The debate's been long but I

think its been very necessary. Over the hours we've discussed some of the concerns that some of us have with the legislation but my vote in favor of this bill will reflect a concern for the people that I represent to start addressing the problem. It comes down to, really, it's the only game in town and we don't have much time and I would rather see a legislative verdict than a court verdict with the hope that some fine tuning will be done over the next few years. Thank you.

SPEAKER ABATE:

Will you remark further on the bill?

REP. GROPPO: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROPPO: (63rd)

Mr. Speaker, it's been a long afternoon, six and a half hours, some twenty amendments and I'm grateful to the 16 individuals that withdrew their amendments. But you can't blame this side of the aisle, Van, for being late for your wife's birthday. I came over and told you that, hopefully, this would be the only bill that we would discuss today. And, Mr. Speaker, with your permission, I hope it is the only bill that we discuss today.

We've heard a lot of debates this afternoon, a lot of good debates. I think this is what it's all about. I think Mrs. Barnes

stated it very well, that the court's decision to have the legislature mandate this kind of legislation and that Dorothy Goodwin and her committee certainly have looked through many of the issues that the courts would never consider. I think that John Mannix coming out with the income tax amendment, Mr. Speaker, I was going to raise a point of order, but I figured that maybe we ought of sit here and listen to it today and, hopefully, when they bring out the tax package that they wouldn't discuss this issue, because I think the final indicated what most of us here feel about that issue.

I know it's been a long afternoon and I only want to say that I heard this once and maybe I'll say it once more, that on both sides of the aisle today voting for this bill is going to be like taking castor oil. It's hard to take but, in the long run, it's going to do us a lot of good. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill? Will you remark further on the bill? If not, would all the members please be seated. Would the members please be seated. Would the staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately. The

House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? Would the members kindly check the roll call machine to determine if their vote is properly recorded. The machine will be locked and the Clerk will take the tally.

Would the Clerk please announce the tally.

CLERK:

House Bill 7586.

Total number voting	147
Necessary for passage	74
Those voting yea	104
Those voting nay	43
Those absent not voting	4

SPEAKER ABATE:

The bill passes. Rep. John Groppo. Rep. Groppo.

REP. GROPPO: (63rd)

Mr. Speaker, before anyone leaves the Chamber, let me remind you again that there'll be a technical session on Monday and Tuesday and a regular session next Wednesday, Thursday and Friday at 11 A.M. and that there'll be a Democratic Caucus next Wednesday after the end of the session. And, Mr. Speaker, we have this afternoon --

SPEAKER ABATE:

Would the Chamber please come to order. Would the members