VERTEFEUILLE, J., dissenting. I agree with the plurality's conclusion that the claim by the plaintiffs, the Connecticut Coalition for Justice in Education Funding, Inc., and numerous parents and their public school children, that the defendants, Governor M. Jodi Rell and various state officials and members of the state board of education,[1] have violated article eighth, § 1, of the Connecticut constitution by failing to provide the schoolchildren with suitable educational opportunities is justiciable. I also agree that this court's decision in *State* v. *Geisler*, 222 Conn. 672, 684–86, 610 A.2d 1225 (1992), sets forth the factors to be considered in determining the scope of the right guaranteed by the constitutional provision. I disagree, however, with the plurality's conclusion that the *Geisler* factors support the view that "article eighth, § 1, entitles Connecticut public school students to an education suitable to give them the opportunity to be responsible citizens able to participate fully in democratic institutions, such as jury service and voting," and that, to be constitutionally adequate, that education must "leave Connecticut's students prepared to progress to institutions of higher education, or to attain productive employment and otherwise contribute to the state's economy." Instead, I would conclude that the constitutional requirement that "[t]here shall always be free public elementary and secondary schools in the state"; Conn. Const., art. VIII, § 2; was intended to ensure the perpetuation of Connecticut's statewide system of free public schools, and was not intended to guarantee a "suitable" education as interpreted by the majority. I therefore would conclude that the trial court properly granted the defendants' motion to strike counts one, two and four of the plaintiffs' complaint.

The plurality stated that, "[i]n considering whether a particular subject matter presents a nonjusticiable political question, we have articulated [six] relevant factors, including: a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question. Unless one of these formulations is inextricable from the case at bar, there should be no dismissal for nonjusticiability on the ground of a political question's

presence. . . . Furthermore, simply because the case has a connection to the political sphere [is not] an independent basis for characterizing an issue as a political question . . . . *Office of the Governor* v. *Select Committee of Inquiry*, [271 Conn. 540, 573, 858 A.2d 709 (2004)]. Indeed, the principle that a case should not be dismissed for nonjusticiability as a political question unless an unusual need for unquestioned adherence to that decision is inextricable from the case, means that courts should view such cases with a heavy thumb on the side of justiciability, and with the recognition that, simply because the case is connected to the political sphere, it does not necessarily follow that it is a political question. *Seymour* v. *Region One Board of Education*, [261 Conn. 475, 488, 803 A.2d 318 (2002)]." (Internal quotation marks omitted.)

In *Sheff* v. *O'Neill*, 238 Conn. 1, 14, 678 A.2d 1267 (1996), this court considered whether the plaintiffs' claim that they were entitled to "a substantially equal educational opportunity arising under article eighth, § 1, and article first, §§ 1 and 20," of the state constitution was justiciable. The defendants in *Sheff* had claimed that the case presented a nonjusticiable question because the constitution conferred exclusive power on the legislature to "implement [the principle that there shall always be free public schools in the state] by appropriate legislation." Conn. Const., art. VIII, § 1; see *Sheff* v. *O'Neill*, supra, 13. This court responded to this claim by observing that in *Horton* v. *Meskill*, 172 Conn. 615, 625, 649–50, 376 A.2d 359 (1977) (*Horton I*), and *Horton* v. *Meskill*, 195 Conn. 24, 35, 486 A.2d 1099 (1985) (*Horton III*),[2] we had "reviewed, in plenary fashion, the actions taken by the legislature to fulfill its constitutional obligation to public elementary and secondary schoolchildren."[3] *Sheff* v. *O'Neill*, supra, 14. The court then observed that "[t]he plaintiff schoolchildren in the present case invoke the same constitutional provisions to challenge the constitutionality of state action that the plaintiff schoolchildren invoked in *Horton I* and *Horton III*. The text of article eighth, § 1, has not changed. Furthermore, although prudential cautions may shed light on the proper definition of constitutional rights and remedies; see *Fonfara* v. *Reapportionment Commission*, 222 Conn. 166, 184–85, 610 A.2d 153 (1992); such cautions do not deprive a court of jurisdiction." *Sheff* v. *O'Neill*, supra, 14–15. In light of these precedents, we concluded that the plaintiffs' claims in *Sheff* were justiciable. Id., 15–16.

The court then rejected the *Sheff* defendants' claim that this court's decision in *Simmons* v. *Budds*, 165 Conn. 507, 338 A.2d 479 (1973), cert. denied, 416 U.S. 940, 94 S. Ct. 1943, 40 L. Ed. 2d 291 (1974), supported their claim that the case was nonjusticiable. See *Sheff* v. *O'Neill*, supra, 238 Conn. 15 n.17. In *Simmons*, the plaintiffs had claimed that the defendants, various University of Connecticut officials, had violated the consti-

tutional mandate of article eighth, § 2, of the Connecticut constitution that the University of Connecticut " 'shall be dedicated to excellence in higher education.' " *Simmons* v. *Budds*, supra, 513. The court in *Simmons* concluded that, when article eighth, § 2, was adopted, "[i]t was intended that the board of trustees and the administrators were to be free to decide what is wise in educational policy. . . . Corrective action, if warranted, lies within the provinces of the board of trustees from whom the university senate's authority is derived, the governor who appoints the trustees under § 10-118 of the General Statutes, and, ultimately, with the General Assembly to which the constitution of Connecticut, article eighth, § 2, entrusts the responsibility of governing the University of Connecticut." (Citations omitted.) Id., 514. The court concluded that "the constitutional [s]tandard of 'excellence' was not meant to be a wedge for penetration of the educational establishment by judicial intervention in policy decisions." Id. In *Sheff*, this court characterized its holding in *Simmons* as a decision on the merits of the plaintiffs' constitutional claim, and stated that "[w]e did not hold that the claim was nonjusticiable." *Sheff* v. *O'Neill*, supra, 15 n.17. Accordingly, we concluded that *Simmons* did not support the defendants' argument in *Sheff* that the plaintiffs' claim was nonjusticiable. Id., 15 and n.17.

It is clear, therefore, that this court has recognized that there is considerable overlap between the "prudential cautions [that] may shed light on the proper definition of constitutional rights and remedies"; *Sheff* v. *O'Neill*, supra, 238 Conn. 15; and the factors that inform our determination as to whether an issue constitutes a nonjusticiable political question.[4] See *Moore* v. *Ganim*, 233 Conn. 557, 614–15, 660 A.2d 742 (1995) ("[t]he difficulty of defining the scope of [a state constitutional right to minimal subsistence for poor citizens], or of deciding what is the appropriate government response [to indigence]" supports conclusion that no such right exists); *Fonfara* v. *Reapportionment Commission*, supra, 222 Conn. 185 ("[p]rudential and functional considerations [as set forth in *Baker* v. *Carr*, 369 U.S. 186, 217, 82 S. Ct. 691, 7 L. Ed. 2d 663 (1962)] are relevant to the classical enterprise of constitutional interpretation, especially where, as here, the constitutional provisions at issue are so remarkably open-textured"); see also *United States Dept. of Commerce* v. *Montana*, 503 U.S. 442, 459, 112 S. Ct. 1415, 118 L. Ed. 2d 87 (1992) ("[r]espect for a coordinate branch of [g]overnment raises special concerns . . . but those concerns relate to the merits of the controversy, rather than to our power to resolve it"). Thus, this court has been willing to treat factors such as respect for a coordinate branch of government and the difficulty of crafting appropriate equitable relief as prudential considerations relevant to the scope of a constitutional right, rather than as limits

on the scope of the courts' power to resolve constitutional questions. This approach is consistent with "the principle that every presumption is to be indulged in favor of subject matter jurisdiction." *Sheff* v. *O'Neill*, supra, 15.

Accordingly, although I recognize, as Justice Zarella argues in his dissenting opinion, that the claim that the plaintiffs have raised in the present case is not precisely the same as the claim raised by the plaintiffs in *Sheff*,[5] the principles underlying this court's holding in *Sheff* that the plaintiffs' claim in that case was justiciable apply equally here. Accordingly, I would conclude that deference to the legislature and the difficulty of formulating appropriate equitable relief do not deprive this court of jurisdiction to determine the scope of the right but, instead, are factors to be considered in determining the scope of the right created by article eighth, § 1, as the trial court concluded.[6]

I turn, therefore, to the merits of the plaintiffs' claim that, under article eighth, § 1, they have a right to receive suitable and substantially equal educational opportunities. To support this claim, the plaintiffs allege in counts one, two and four of their complaint, that various plaintiffs: (1) are in classes too large to learn effectively; (2) have had no opportunity to attend preschool; (3) lack access to remedial instruction or summer school; (4) attend schools with limited or poor quality technological resources; (5) are taught by teachers lacking subject matter expertise;[7] and (6) attend schools with high concentrations of special education students, bilingual or non-English speaking students and students who are "at risk," and schools that lack access to resources commensurate with their needs. In addition, the plaintiffs claim that these inadequacies are caused by a flawed educational funding system.

I agree with the plurality that this question may be resolved by application of the factors set forth in *State* v. *Geisler*, supra, 222 Conn. 684–86.[8] Although *Geisler* ordinarily supplies "[t]he analytical framework by which we determine whether, in any given instance, our state constitution affords broader protection to our citizens than the federal constitutional minimum"; (internal quotation marks omitted) *State* v. *McKenzie-Adams*, 281 Conn. 486, 509, 915 A.2d 822, cert. denied, 552 U.S. 888, 128 S. Ct. 248, 169 L. Ed. 2d 148 (2007); I perceive no reason why this framework should not be equally useful in analyzing the scope of a right guaranteed by the state constitution that has no federal analog. See *Moore* v. *Ganim*, supra, 233 Conn. 581–82 (applying *Geisler* analysis to claim that state has constitutional obligation to provide minimal assistance to its poor citizens). Accordingly, I address each factor in turn.

With respect to federal precedent, I recognize that this factor has limited relevance in the present case

because the federal constitution contains no analog to article eighth, § 1, of the state constitution. I disagree, however, with the plurality's conclusion that the federal precedent is entirely irrelevant to our analysis. Rather, I believe the United States Supreme Court's decision in *San Antonio Independent School District* v. *Rodriguez*, 411 U.S. 1, 42, 93 S. Ct. 1278, 36 L. Ed. 2d 16 (1973), supports the trial court's conclusion that there are important prudential considerations that must be considered in determining the scope of the state constitutional right. In that case, the United States Supreme Court stated that "[e]ducation, perhaps even more than welfare assistance, presents a myriad of intractable economic, social, and even philosophical problems. . . . The very complexity of the problems of financing and managing a statewide public school system suggests that there will be more than one constitutionally permissible method of solving them, and that, within the limits of rationality, the legislature's efforts to tack the problems should be entitled to respect. . . . On even the most basic questions in this area the scholars and educational experts are divided. . . . The ultimate wisdom as to [the] . . . problems of education is not likely to be divined for all time even by the scholars who now so earnestly debate the issues. In such circumstances, the judiciary is well advised to refrain from imposing on the [s]tates inflexible constitutional restraints that could circumscribe or handicap the continued research and experimentation so vital to finding even partial solutions to educational problems and to keeping abreast of ever-changing conditions." (Citations omitted; internal quotation marks omitted.) Id., 42–43. The court in *San Antonio Independent School District* concluded that "[t]he consideration and initiation of fundamental reforms with respect to state taxation and education are matters reserved for the *legislative processes* of the various [s]tates . . . ." (Emphasis added.) Id., 58. I would conclude that this reasoning strongly counsels against interpreting article eighth, § 1, to endow the plaintiffs with the right to a "suitable" education that is enforceable in our courts.

With respect to the text of article eighth, § 1, I disagree with the plurality's conclusion that it is ambiguous as applied to the claims in this case.[9] Article eighth, § 1, of the Connecticut constitution provides in relevant part: "There shall always be free public elementary and secondary schools in the state. . . ." As the plurality points out in footnote 29 of its opinion, the common understanding of the word " 'school' " is " 'an organization that provides instruction . . . .' " As the plurality also recognizes, article eighth, § 1, "does not contain any qualitative language, in contrast to § 2 of article eighth . . . which requires the state to 'maintain a system of higher education, including The University of Connecticut, which *shall be dedicated to excellence* in higher education' "; (emphasis in original); and in con-

trast to the education provisions of the constitutions of many of our sister states. In light of the language of article eighth, § 2, and inasmuch as this state was the last state to adopt a constitutional education provision; see *Sheff* v. *O'Neill*, supra, 238 Conn. 30; it is clear to me that the framers were well aware of their option to include a qualitative standard in article eighth, § 1, and deliberately chose not to include one. This deliberate choice weighs very heavily with me, and I therefore would conclude that the text of article eighth, § 1, reasonably cannot be read as mandating that the instruction in our public schools be "suitable" or effective for some specific end.[10]

With respect to the precedents of this court, I would conclude that our previous cases construing article eighth, § 1, provide no guidance in the present case because, as the plurality recognizes, they have involved claims of inequality, while this case presents for the first time a claim that that constitutional provision establishes a qualitative standard. There is ample precedent in our decisions, however, for the general proposition that prudential considerations such as an absence of judicially discoverable and manageable standards for resolving the case and the difficulty in crafting equitable relief are relevant to our determination of the scope of a state constitutional right. See *Sheff* v. *O'Neill*, supra, 238 Conn. 15; *Moore* v. *Ganim*, supra, 233 Conn. 614–15; *Fonfara* v. *Reapportionment Commission*, supra, 222 Conn. 185; *Simmons* v. *Budds*, supra, 165 Conn. 514. As Justice Zarella has demonstrated in part III B of his dissenting opinion in the present case, courts simply are not well suited to make the difficult policy determinations as to what constitutes a "suitable" education and how to achieve that end. In my view, these prudential considerations weigh heavily against an interpretation that article eighth, § 1, includes an implicit qualitative standard.

With respect to the history of article eighth, § 1, I disagree with the plurality that this factor supports its conclusion that the provision contains an implicit qualitative requirement. Rather, I would conclude that the statements of the delegates to the constitutional convention support a conclusion that the framers merely intended to guarantee that the legislature would continue to provide the free public school system that it traditionally had provided. Simon J. Bernstein, a delegate to the 1965 constitutional convention and the principal supporter of the provision that became article eighth, § 1, stated during convention proceedings that "we do have the tradition which goes back to our earliest days of free good public education and we have [had] good public schools so that this again is not anything revolutionary, it is something which we have . . . which is [in] practically all [c]onstitutions in the [s]tates of our nation and Connecticut with its great tradition certainly ought to honor this principle." Proceedings of

Constitutional Convention (1965), Pt. 3, p. 1039; see also Proceedings of the Connecticut Constitutional Convention (1965), Pt. 1, p. 312, remarks of Delegate Bernstein ("[w]e have a great history and tradition requiring that the public body supply our children with free public education"). Thus, Delegate Bernstein's statements emphasize that the provision was intended merely to honor and perpetuate Connecticut's tradition of providing free public schools for all of its school aged children. See *Moore* v. *Ganim*, supra, 233 Conn. 596 ("the framers of the education provisions looked to the historical statutory tradition of free public education in this state to support its explicit inclusion in the state constitution"); J. Dinan, "The Meaning of State Constitutional Education Clauses: Evidence from the Constitutional Convention Debates," 70 Alb. L. Rev. 927, 941 (2007) (including article eighth, § 1, among class of state constitutional education clauses that had "purpose of recognizing or confirming actions already taken by legislatures" and were intended to be merely hortatory); id., 943 (noting that Delegate Bernstein "was clear . . . that he did not mean for adoption of this clause to signal any change in the current school system"). There is no evidence that article eighth, § 1, was intended to create a new, judicially enforceable right to a suitable education.

With respect to the decisions of our sister states, I disagree with the plurality that they are "of paramount importance" in determining the scope of article eighth, § 1. The plurality relies on cases from New York, New Hampshire, South Carolina, Tennessee and Washington in support of its interpretation.[11] See part II E of the majority opinion. As the plurality acknowledges, however, courts in seven other states, several of which have constitutions containing education clauses with qualitative standards,[12] have concluded that claims seeking to enforce those provisions are nonjusticiable. See footnotes 24 and 54 of the plurality opinion. In addition, a number of states have concluded that the education clauses of their respective constitutions do not contain judicially enforceable qualitative standards or funding requirements.[13] Indeed, recent scholarship demonstrates that the trend in education adequacy litigation since 2005 has been "towards deference [to the legislature] and away from judicial intervention." J. Simon-Kerr & R. Sturm, "Justiciability and the Role of Courts in Adequacy Litigation: Preserving the Constitutional Right to Education," 6 Stan. J. C.R. & C.L. (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1312426, p.4 (last visited March 9, 2010). The primary reasons for this trend are the fact that the courts that have waded into these waters have found themselves drowning in endless litigation and they have increasingly realized that they are institutionally unable to craft appropriate relief. See id., pp. 5–6; id., p. 23 (proposed remedies are " 'rife with

policy choices that are properly the [l]egislature's domain' " and are "fundamentally political"), citing *Hancock* v. *Driscoll*, 443 Mass. 428, 460, 822 N.E.2d 1134 (2005); J. Simon-Kerr & R. Sturm, supra, p. 47 ("'The landscape is littered with courts that have been bogged down in the legal quicksand of continuous litigation and challenges to their states' school funding systems. Unlike those courts, we refuse to wade into that Stygian swamp.' "), citing *Nebraska Coalition for Educational Equity & Adequacy* v. *Heinman*, 273 Neb. 531, 557, 731 N.W.2d 164 (2007); see also part III B of Justice Zarella's dissenting opinion. The plurality attempts to distinguish these cases on various grounds; see footnote 24 of plurality opinion; but I find persuasive the statement of the court in *Lobato* v. *State*, 216 P.3d 29, 36 (Colo. App 2008), rev'd, 218 P.3d 358 (Colo. 2009), that these disparate results are not based on any clearly discernible legal principles, but "revolve around policy choices and value determinations"; (internal quotation marks omitted); that courts are ill suited to make in the first instance. Finally, even if the plurality were correct that this factor tends to favor the plaintiffs, I would conclude that the text of article eighth, § 1, of our state constitution, the history of the provision, and our state and federal precedents establishing that prudential concerns, such as the lack of manageable judicial standards and the difficulty of crafting equitable relief, are relevant to the scope of a state constitutional provision, are of greater importance and substantially outweigh this factor.

With respect to economic and sociological concerns, the plurality concludes that the plaintiffs and the state itself have a vital interest in a school system that provides a sound basic education to every child in the state. I agree with this assessment. The majority also concludes that this interest trumps any prudential concerns, such as the absence of judicially discoverable and manageable standards and the inability of this court to craft appropriate relief, which "are in our view better addressed in consideration of potential remedies for any constitutional violations that may be found at a subsequent trial on the merits, which might well require staying further judicial action pending legislative action." I disagree with this conclusion. Although this court has, on occasion, left the enforcement of a state constitutional right to the legislature in the first instance; see *Sheff* v. *O'Neill*, supra, 238 Conn. 45–46; *Horton I*, supra, 172 Conn. 650; I believe that, in the present case, the absence of any qualitative standard in the text of our constitution, together with the dismaying experiences of other courts that have attempted to enforce such a standard, weigh heavily against interpreting article eighth, § 1, to contain an implicit qualitative standard, and in favor of leaving the crafting of a remedy to the legislature. In my view, the absence of a judicially enforceable remedy strongly implies the absence of

a judicially enforceable right. See *Dimmock* v. *New London*, 157 Conn. 9, 16, 245 A.2d 569 (1968) ("for the vindication of every right there is a remedy" [internal quotation marks omitted]). The course taken by the plurality majority can only create unrealistic expectations and divert scarce public resources from supporting schools to defending endless litigation.

In summary, I would conclude that none of the *Geisler* factors supports the plurality's conclusions that: (1) "article eighth, § 1, entitles Connecticut public school students to an education suitable to give them the opportunity to be responsible citizens able to participate fully in democratic institutions, such as jury service and voting"; and (2) that the constitutionally adequate education provided by the public schools will "leave Connecticut's students prepared to progress to institutions of higher education, or to attain productive employment and otherwise contribute to the state's economy." Accordingly, I would conclude that the trial court properly determined that the plaintiffs have failed to state a claim that the state has violated its constitutional obligation to provide "free public elementary and secondary schools in the state"; Conn. Const., art. VIII, § 1; and that it properly granted the defendants' motion to strike counts one, two and four of the plaintiffs' complaint.

Accordingly, I respectfully dissent.

[1] See footnotes 3 and 5 of the plurality opinion, respectively, for the listing of the individual plaintiffs and defendants in this case.

[2] "In *Horton* v. *Meskill*, 187 Conn. 187, 445 A.2d 579 (1982) (*Horton II*), we addressed the ability of municipalities to intervene in the litigation arising out of our decision in *Horton I*." *Sheff* v. *O'Neill*, supra, 238 Conn. 14 n.15.

[3] In *Horton I* and *Horton II*, this court did not directly address claims that the issues raised by the plaintiffs were nonjusticiable.

[4] This court has on occasion treated the textual commitment of an issue to the legislature, respect for the other branches of government, the need to make policy decisions and the difficulty of crafting appropriate equitable relief as prudential factors relevant to the scope and contours of a constitutional right rather than factors depriving this court of jurisdiction. See *Sheff* v. *O'Neill*, supra, 238 Conn. 15; *Fonfara* v. *Reapportionment Commission*, supra, 222 Conn. 184–85; *Simmons* v. *Budds*, supra, 165 Conn. 514.

[5] Specifically, the plaintiffs in *Sheff* claimed that the defendants had violated their state constitutional "right to a substantially equal educational opportunity"; *Sheff* v. *O'Neill*, supra, 238 Conn. 14; while the plaintiffs in the present case claim that the defendants have violated their state constitutional right to "suitable and substantially equal educational opportunities . . . ."

[6] The plaintiffs contend that the trial court's consideration of these prudential factors was premature and that they "would have been more properly considered after [the] plaintiffs had the opportunity to present appropriate and intelligible standards after discovery and at trial." This argument is circular. The court's alleged inability to determine "appropriate and intelligible standards" in this context *is* the prudential concern.

[7] In their complaint, for example, the plaintiffs allege that 68 percent of the teachers at Lincoln Elementary School in New Britain have a master's degree, while the state average is 80 percent.

[8] As set forth in part II of the plurality opinion, the *Geisler* factors are: "(1) persuasive relevant federal precedents; (2) the text of the operative constitutional provisions; (3) historical insights into the intent of our constitutional forebears; (4) related Connecticut precedents; (5) persuasive precedents of other state courts; and (6) contemporary understandings of applicable economic and sociological norms, or as otherwise described, relevant public policies." (Internal quotation marks omitted.) *State* v. *McKenzie-Adams*, 281 Conn. 486, 510, 915 A.2d 822, cert. denied, 552 U.S. 888, 128

S. Ct. 248, 169 L. Ed. 2d 148 (2007).

[9] I would also point out that, even if article eighth, § 1, were ambiguous, in accordance with the presumption that the state has acted constitutionally, "a well established jurisprudential doctrine counsels us to construe ambiguous constitutional principles narrowly." *Moore* v. *Ganim*, supra, 233 Conn. 629 (*Peters*, *J.*, concurring).

[10] In support of its interpretation of article eighth, § 1, the plurality relies on Justice Loiselle's statement in his dissenting opinion in *Horton I* that this provision "must be interpreted in a reasonable way. A town [constitutionally] may not herd children in an open field to hear lectures by illiterates." *Horton I*, supra, 172 Conn. 659. The allegations in the present case differ dramatically from the conditions described by Justice Loiselle, and the issue before us is whether the rights asserted by the plaintiffs in this case are cognizable under article eighth, § 1.

[11] I would note that the New York cases on which the plurality heavily relies were split decisions. In *Campaign for Fiscal Equity*, *Inc.* v. *New York*, 100 N.Y.2d 893, 801 N.E.2d 326, 769 N.Y.S.2d 106 (2003), the dissenting justice argued that the constitutional standard articulated by the majority was "illusory"; id., 948 (Read, J., dissenting); because the court was "without any way to measure whether [the standard] has been (or may be) met." Id., 952; see also *Campaign for Fiscal Equity*, *Inc.* v. *New York*, 86 N.Y.2d 307, 342, 655 N.E.2d 661, 631 N.Y.S.2d 565 (1995) (Simons, J., dissenting) ("[t]he courts have the power to see that the legislative and executive branches of government address their responsibility to provide the structure for a [s]tatewide school system and support it but we have no authority, except in the most egregious circumstances, to tell them that they have not done enough").

[12] See *Lobato* v. *State*, 216 P.3d 29, 38–40 (Colo. App. 2008) (construing article IX, § 2, of Colorado constitution providing that "[t]he general assembly shall . . . provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state" [internal quotation marks omitted]), rev'd, 218 P.3d 358 (Colo. 2009); *Coalition for Adequacy* v. *Chiles*, 680 So. 2d 400, 405 (Fla. 1996) (construing article IX, § 1 [a], of Florida constitution providing that "[a]dequate provision shall be made by law for a uniform, efficient, safe, secure and high quality system of free public schools" [internal quotation marks omitted]); *Committee for Education Rights* v. *Edgar*, 174 Ill. 2d 1, 10, 672 N.E.2d 1178 (1996) (construing article X, § 1, of Illinois constitution providing that "[a] fundamental goal of the [p]eople of the [s]tate is the educational development of all persons to the limits of their capacities" and "[t]he [s]tate shall provide for an efficient system of high quality public educational institutions and services" [internal quotation marks omitted]); *Nebraska Coalition for Educational Equity & Adequacy* v. *Heineman*, 273 Neb. 531, 535, 731 N.W.2d 164 (2007) (construing article I, § CI-4, and article VII, § CVII-1, of Nebraska constitution, respectively, providing that "[r]eligion, morality, and knowledge . . . being essential to good government, it shall be the duty of the [l]egislature to pass suitable laws . . . to encourage schools and the means of instruction" and "[t]he [l]egislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years" [internal quotation marks omitted]); *Oklahoma Education Assn.* v. *State ex rel. Oklahoma Legislature*, 158 P.3d 1058, 1062 n.6 (Okla. 2007) (construing article I, § 5, of Oklahoma constitution provision providing that "[p]rovisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the state" [internal quotation marks omitted]); *Marrero* v. *Commonwealth*, 559 Pa. 14, 15, 739 A.2d 110 (1999) (construing article III, § 14, of Pennsylvania constitution providing that General Assembly is to "provide for the maintenance and support of a thorough and efficient system of public education" [internal quotation marks omitted]); *Pawtucket* v. *Sundlun*, 662 A.2d 40, 49–50 (R.I. 1995) (construing article XII, § 1, of Rhode Island constitution providing that "[t]he diffusion of knowledge, as well as of virtue among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools and public libraries, and to adopt all means which it may deem necessary and proper to secure to the people the advantages and opportunities of education and public library services" [internal quotation marks omitted]).

[13] See *Charlet* v. *Louisiana*, 713 So. 2d 1199, 1207 (La. App.) (construing preamble to article VIII and article VIII, § 13 [B], of Louisiana constitution, respectively, providing that " '[t]he goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence"

and requiring state to " 'develop and adopt a formula which shall be used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools,' " and concluding that constitution "does not require that educational funding provided by the state be 'adequate' or 'sufficient,' or that it achieve some measurable result for each pupil or each school district"), cert. denied, 730 So. 2d 934 (La. 1998); *School Administrative District No. 1* v. *Commissioner of Education*, 659 A.2d 854, 857 (Me. 1995) (construing article VIII, pt. 1, § 1, of Maine constitution providing that " '[a] general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the [l]egislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools,' " and concluding that "[t]here is no provision in the Maine [c]onstitution guaranteeing a certain level of state funding of education or equitable funding").