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**Crux of Grim Ruling: Schools Are Broken**

When a Connecticut judge threw out the state’s school financing system as unconstitutional this week, his unsparing 90-page ruling read and resonated like a cry from the heart on the failings of American public education.

Judge Thomas G. Moukawsher of State Superior Court in Hartford was scathing: He criticized “uselessly perfect teacher evaluations” that found “virtually every teacher in the state” proficient or exemplary, while a third of students in many of the poorest communities cannot read even at basic levels. He attacked a task force charged with setting meaningful high school graduation requirements for how its “biggest thought on how to fix the problem turned out to be another task force,” and called it “a kind of a spoof.”

Though his ruling was about Connecticut, he spoke to a larger nationwide truth: After the decades of lawsuits about equity and adequacy in education financing, after federal efforts like No Child Left Behind and Race to the Top, after fights over the Common Core standards and high-stakes testing and the tug of war between charter schools and community schools, the stubborn achievement gaps between rich and poor, minority and white students persist.

Too many American high school graduates are “let down by patronizing and illusory degrees,” Judge Moukawsher wrote. And too many decisions and too much debate about schools seem, as he wrote, “completely disconnected to the teaching of children.”

Judge Moukawsher’s decision in the case, Connecticut Coalition for Justice in Education Funding v. Rell, which has been making its way through the courts for more than a decade, did not say money does not matter. But it was a strikingly blunt way of saying what many people feel: The system is broken.

“The frustration of the court matches the policy movements across the states and across the federal government over the same time,” said Eric A. Hanushek, a fellow in education at the Hoover Institute at Stanford University, who testified for the State of Connecticut in defending what it spends on schools. “It’s not that the states or the federal government has said ‘We’re not going to do anything about schools.’ In fact, there’s been a concerted effort to try to improve things, but it is rather faddish and we do what people currently think is in vogue, and it just hasn’t worked.”

He added, “Just doing more of the same is unlikely to lead to a different result.”

Rather than tell the General Assembly to figure out a way to even out the gap in resources — which is what most courts in similar cases have done — the judge called for a radical reimagining that starts with the question of what schools should do: What are the goals for elementary students, or high school graduates? Then, he said, the state should decide how much money schools require so that all students, rich and poor, reach those goals. In the kind of rational system the judge proposes, you determine what you are trying to do before you decide what you are going to spend.

Over the past half-century, nearly every state has had a similar case about how to finance its schools, some more tortured than others. In New Jersey, for example, the state’s highest court has issued more than 20 rulings in a case that has stretched over four decades. David G. Sciarra, the executive director of the Education Law Center in Newark, which has helped litigate many school funding cases across the country, said he was watching pending litigation in Kansas, New Mexico, Pennsylvania, South Carolina and Washington.

In the earliest cases, experts would debate whether money mattered. Now, said James E. Ryan, the dean of the Harvard Graduate School of Education and a former law professor who has written extensively on school financing litigation, there is more consensus.

“Money spent well is a good way to boost outcomes; money spent poorly is not,” he said. “You don’t need an awful lot of social science research to prove that common-sense proposition: If you waste money you’re not going to see results.”

On the most recent National Assessment of Educational Progress, 46 percent of white fourth graders across the country read at or above “proficient,” compared with just 18 percent of their black peers. And 51 percent of white fourth graders were at or above proficient in math, compared with 19 percent of black fourth graders.

In Connecticut, the judge noted, nearly all high school students in affluent communities like Darien and Westport scored on state tests as “advanced” in math and approached the same level in reading. But one out of three students in nearby Bridgeport and other poor cities did not reach the most basic level in math, and did only slightly better in reading.

The policies and practices Judge Moukawsher singled out for criticism in his opinion are ones that make many parents and taxpayers cringe. The monthly school board meeting so consumed with squabbling that no real business is conducted until nearly midnight. A task force on graduation requirements that speaks in generalities, about things like “mastery” being more important than “seat time,” and then ends up weakening the state tests.

A New England judge with a Southerner’s flair for metaphor, he criticized “uselessly perfect teacher evaluations” as part of a rating system “that is little more than cotton candy in a rainstorm.” He described the state’s efforts to define high school proficiency as “like a sugar cube boat,” adding, “It dissolves before it’s half-launched.”

He told Connecticut to find a better way to evaluate teachers and tie their performance to whether students actually learn. He urged the state to rethink the almost universal practice of paying teachers based on their education level and how many years they have taught.

And he argued that Connecticut should intervene more aggressively in school districts, saying local control, grounded in American tradition but not the law, has given the state an excuse to bow out rather than meaningfully try to improve schools.

But while these ideas may resonate, they still need to face the push and pull of politics, racial bias and the power of teachers’ unions, to name just a few hurdles.

Mr. Ryan said: “It’s great to be the court. You can criticize all these people and come close to making fun of them for all these failed efforts and then say, ‘You fix it.’ Fixing it may not be as easy as the court imagines.”

“School funding cases don’t usually change the politics of funding,” he added. “And at the end of the day, the politics of funding are stronger than court orders.”

Local control, long a tenet of the political right, is now also a rallying cry on the left, and used to argue against state interventions in cities like Newark and New Orleans.

Judge Moukawsher gave the General Assembly some ideas, but no strict prescriptions. In particular, he applauded Massachusetts’s approach to reform. There, facing a school funding lawsuit, the legislature passed a sweeping act in 1993 that evened out school funding between rich and poor districts, but also set high standards for achievement and created a high-school graduation test requirement. Massachusetts schools have improved on national tests since then and are widely considered the best in the United States.

But Massachusetts, too, has faced controversy over its tests, and more recently, its embrace of the Common Core, the set of national standards rolled out in the past few years that has created political chaos in many states.

Moving beyond those debates might require reassessing the tradition of using property taxes to pay for schools, said Rebecca Sibilia, the founder of EdBuild, a nonprofit that works with states to redesign school financing systems. “We haven’t kicked that notion that property taxes are the primary way to pay for education,” she said.