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Sheff v. O'Neill: Conflicting Agendas and Stymied Progress

Austin Moody

Trinity College, Austin.Moody@trincoll.edu

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Sheff v. O'Neill: Conflicting Agendas and Stymied Progress

Austin Moody
Public Policy and Law
Honors Thesis

Trinity College
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Introduction

In the fight to integrate America's schools, few battlegrounds remain. After decades of controversy, busing, racial tensions, and disappointments, millions of students remain in segregated schools and the battle to change this reality has lost much of its momentum. One of the few places where the battle for integration is still heated is Hartford, Connecticut, where progress towards integration has been slow despite the fact that the state Supreme Court has ruled that all children deserve a quality, integrated education. This court ruling in *Sheff v. O'Neill* came in 1996, but 17 years later, more than 60% of Hartford students still attend racially isolated schools. There are many explanations for why this gulf between the Court's decision and the current situation exists, but the most obvious pitfall results from the fact that the Court did not stipulate any specific remedies. Therefore, the Connecticut Supreme Court took the unique step of recognizing a positive right to integration but did not make the necessary orders to ensure that this right was guaranteed to all. Over the years, the *Sheff* decision has stood as a high-minded ideal to aspire to, but 100% integration has never come close to becoming a reality. Due to the Court's refusal to force state action, the continued seventeen-year fight for integration has been led by the original *Sheff* plaintiffs and a group of activists and lawyers that make up the Sheff Movement. Through a series of negotiations and settlements, they have slowly but surely pushed the state, especially the Hartford region, towards a higher degree of integration. Though the full *Sheff* decision is likely unenforceable, their efforts have forced the state to create more and more new seats in racially diverse schools. This has been accomplished through two primary methods: voluntary Open Choice interdistrict busing and regional magnet schools. These measures have

cost the state millions of dollars and while those students involved have benefitted academically, there is still a great deal of unmet demand for integrated schools.

This thesis will seek to uncover the many reasons why the *Sheff v. O'Neill* decision remains largely unfulfilled 17 years later. Despite a court order to provide integration and years of research that suggest that removing children from racially isolated schools is beneficial, the political will to make the necessary changes has never materialized. A review of the research and progress since the decision was first announced suggests that this failure stems from a lack of incentivization for all of the major parties whose support would be necessary to turn the *Sheff* decision into a reality. Neither the state, the city, nor the suburbs see integration as a particularly appealing objective, and due to the nature of the Court's decision, few measures are in place to incentivize their cooperation or punish their inaction. Students and parents undoubtedly have the most to gain from integration yet they have the least amount of power to influence the situation.

The first chapter of this thesis will focus on how the *Sheff* case came to be and what steps have been taken to create the required integration. It will also review the relevant legal decisions and precedents, both on the federal and state levels, which provide the underpinning to *Sheff*. Chapter Two examines the decision in the broader context of Hartford schools and the other, often-conflicting agenda's aimed at improving the scholastic improvement of Hartford's children. It argues that a major barrier to success lies in the fact that the *Sheff* remedies actually go against the programs that Hartford and the surrounding suburban school districts want to implement. Faced with the option of pursuing their own reforms and putting more money and effort towards *Sheff* remedies, these districts have consistently chosen to pursue their own goals. Without the implementation of greater rewards for integration or sanctions for noncompliance, the status quo is unlikely to change. For the major parties involved, there are very few carrots

and even fewer sticks. Chapter 3 goes on to explore the possibility of mandatory desegregation measures, their use and other cities, and the feasibility of enacting them in Hartford. While mandatory busing is the easiest and most efficient means of creating segregated schools, the idea is unpopular to the degree of being impossible. The chapter discusses the possibility of taking a middle ground approach of imposing mandatory measures on the districts while leaving the program voluntary for parents. Finally, Chapter four examines the literature on the effects that desegregation has on children. Multiple studies, including many in Hartford, have shown that integration leads students to have more success both in and outside of the classroom. Despite this research, integration programs are still incredibly controversial and difficult to implement. As the battle over *Sheff v. O'Neill* demonstrates, there is much more that goes into reforming schools than the question of what is best for the students.

Chapter 1: Setting the Stage

In November 2012, the disappointing news was released: the state of Connecticut had fallen short of its legally agreed upon target of providing a quality, racially integrated “reduced isolation” learning environment for 41% of Hartford’s minority students. The state also came up short on the goal of meeting 80% of the demand for such a setting. Reports showed that 37% of minority students were in a reduced isolation setting while 72% of the demand was being met¹. The state’s failure to meet the legally mandated goal agreed upon by both parties automatically triggered a new round of negotiations. The parties are faced with two options: either extend the current Sheff II remedy for another year, or negotiate a new multiyear agreement. The current plan seeks to achieve the goal of reduced racial isolation through two main methods: magnet schools and interdistrict transfers. Magnet schools reserve fifty percent of their seats for Hartford students and the other fifty percent for students from the suburbs. Interdistrict transfers allow students from Hartford to transfer to suburban schools and vice versa. In order to fully understand the factors that will go into the Sheff III negotiations, it is important to understand Hartford, its schools, and how things got the way that they are. The current negotiations are just one more chapter in a story that has been unfolding since the end of World War II. It is the story of white flight, discrimination, racial isolation, years of court battles, and disappointing progress.

¹ Rabe Thomas, Jacqueline. "State Falls Short on School Desegregation Requirements." *The Connecticut Mirror*, 15 Nov. 2012. Web. 28 Nov. 2012. <<http://www.ctmirror.org/story/18223/state-falls-short-school-desegregation-requirements>>.

When representatives from the state meet with the Sheff plaintiffs to negotiate, all of this history, implicitly or explicitly, is on the table.

In 2009, Hartford ranked as the fourth poorest city in America with a population over 100,000. The per capita income is \$16,959 and 32.9% of the population is below the poverty line². It is also very racially isolated. According to the 2010 Census, Hartford is only 29.8% white. In addition, 47.4% of residents speak a language other than English in the home³. This racial isolation is only magnified in Hartford's public schools, where approximately 95% of the students in Hartford public schools are either black or Latino⁴. Hartford's poverty and racial isolation can be found in the center of a very rich and white state. In contrast, the per capita income in Connecticut as a whole is \$37,627 and the population is 77.6% white. Only 9.5% of residents are below the poverty line⁵. The poverty of Hartford is only magnified by its surroundings. Wealthy suburbs such as West Hartford, Avon, and Glastonbury are only a few minutes drive away.

However, Hartford has not always been this way and such a fate was not inevitable. At the end of World War Two, the city had many positive attributes. It "was a major employer in a prospering region. It had good hospitals, a solid liberal arts college, the legacy of Mark Twain, a pretty river, architectural gems (some now demolished and replaced by parking lots), industry, a solid middle class, cohesive neighborhoods with strong characters, a beautiful art museum, and the nations oldest continually published newspaper"⁶. In short, Hartford was a booming, cultured city that seemed destined for future success. A 1950s time traveler visiting today's Hartford

² State & County QuickFacts. US Census Bureau 2010 <http://quickfacts.census.gov/qfd/states/09/0937000.html>

³ Ibid

⁴ Eaton, Susan. *The Children in Room E4: American Education on Trial*. Paperback Reprint. Algonquin Books, 2009 p.51

⁵ State and County QuickFacts

⁶ Eaton p.53

would be shocked to see the transformation that the city has undergone. However, looking back. It is easy to see how a series of ill-conceived policies led to Hartford's downfall. Policymakers did not set out to make Hartford what it is today, but this transformation did not happen by chance. A series of policy decisions that either misjudged or ignored the needs of the city quickly transformed it from one of America's richest cities to one with almost a third of the population below the poverty line.

Like many major cities across America, Hartford experienced high levels of "white flight" following World War Two. White residents left Hartford in droves and flocked to the suburbs. In the aftermath of the war, the federal government sought to help, veterans, increase home ownership through the GI Bill, and add construction jobs by offering favorable home mortgage terms: "The government, beginning in the 1940's, guaranteed more than 90% of the value of on mortgage loans; banks suffered little risk, and in turn, they lowered interest rates. The American dream – a house on a plot of land – was at hand for a mere 10% down payment"⁷. This policy certainly achieved its goals. Between 1934 and 1969, the percentage of Americans living in owner occupied dwelling increased from 44% to 63%⁸. New homes were erected and many, including veterans, found jobs constructing them. However, these generous mortgage terms did no apply to all cities and neighborhoods. In fact, they heavily favored new suburban construction. For one, the loans favored the construction of new, single family homes. Terms for fixing up old homes or constructing or purchasing multifamily homes were not nearly as generous. Both older homes and multifamily dwellings predominate in cities, whereas the land for new single-family home construction was widely available in the suburbs. However suburban growth was almost exclusively white. Through a variety of subtle as well as direct methods,

⁷ Eaton p.53

⁸ Massey, Douglas S., and Nancy A. Denton. *American Apartheid: Segregation and the Making of the Underclass*. Cambridge, MA: Harvard UP, 1993. Print. P.53

blacks were steered away from the suburbs towards heavily nonwhite neighborhoods in the city⁹. Whites, on the other hand, could not resist the financial incentives to leave the city. In many cases, buying a new house in the suburbs was cheaper than renting in the city: “Millions of white families across America found the governments incentives to leave the city irresistible”¹⁰. While the city had previously been largely segregated by neighborhood, it soon became a city populated almost exclusively by minorities. The suburbanization of America took place during a time of serious racism that kept minorities from following whites into the suburbs. Suburbanization encouraged segregation. White suburbs arose around a nonwhite city.

The postwar racial segregation did not end with this suburbanization. In the following decades, the isolation of Hartford from its suburbs was only reinforced. In 1967, a bill proposed by a Hartford state legislator would have created a regional housing authority that would have spread the burden of affordable and public housing into the suburbs. However, legislators from the suburbs staunchly fought the bill and it died. Racial discrimination in housing continued to be a problem in Hartford. In the 1970s an investigation by the advocacy group Education/Instruction found that real estate agents steered blacks and Hispanics into inner city neighborhoods while warning whites that these areas were dangerous and recommending suburban areas instead. A related investigation found that insurance companies also refused to do business in certain nonwhite areas of Hartford¹¹. Further government policies continued to exacerbate the situation. Large-scale highway projects made commuting from the suburbs to the city even easier. Those with money continued to leave the city. Hartford became even poorer and less white. The racial segregation that exists in Hartford and its public schools is the result of

⁹ Eaton p.53

¹⁰ Eaton p.54

¹¹ Ibid p.56-7

decades of discrimination and government policies favoring suburbanization and racial isolation. Racial segregation is not a new phenomenon in Hartford. The current situation has been in place for some time now: “The current racially segregated and isolated urban-suburban structure which defines Greater Hartford was firmly established by the early 1970s. Government officials regularly built schools, as few as 15 years after *Brown v Board of Education*, that were 100% racially segregated from day one... Simpson Waverly did not *become* segregated over time. The day its doors opened in 1970, it was a back school”¹². Racial isolation has been an ongoing problem in Hartford’s public schools for decades. Therefore, the task of ending this segregation is not an easy one. Further complicating matters is the fact that a 1909 statute specifies that, unlike in many states, each city and town in Connecticut operates its own school district: “Each town shall through its board of education maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts”¹³. As long as cities in Connecticut are segregated, the school districts will be as well.

Legal Decisions Leading to Sheff

The 1954 case of *Brown v. Board of Education* led to a desegregated educational environment for vast numbers of children in America. The case challenged the practice of racially segregating schools by law. This separation had been deemed constitutional by the 1896 case of *Plessy v. Ferguson* that stated that separate facilities such as schools were constitutional as long as they were equal. The *Brown* plaintiffs argued that not only were the separate schools

¹² Eaton p.58

¹³ Connecticut General Statutes LawServer CGS § 10-240 http://www.lawserver.com/law/state/connecticut/ct-laws/connecticut_statutes_10-240

not equal, separation itself was damaging to the children¹⁴. In large part, this claim was supported by research done by Kenneth and Mamie Clark that looked at students' perceptions of black and white dolls. The study gave dolls of both races to black and white students and asked the students to describe them. What they found was that students of both races were likely to label the white dolls as good and the black dolls as bad. This was offered as evidence that students segregated schools harmed blacks students' images of themselves¹⁵. The Supreme Court found this evidence very compelling. In fact, the Opinion of the Court, written by Chief Justice Earl Warren was largely rooted in the idea that segregated schools are damaging not only to children' academic futures, but also their psychological welfare:

“To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone...The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system”¹⁶

The Court recognized that the separate, racially segregated schools that had existed by law, primarily in the south, were damaging to the minority students' educational opportunities and life chances.

Brown v. Board is recognized as one of the most important cases in U.S History. In the following years, de jure segregation, or segregation by law was abolished and children began to go to school with classmates of all races. However, despite this impact, the Court's claim that

¹⁴ Patterson, James T. *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy*. New York: Oxford UP, 2002. Print. P.43

¹⁵ Patterson p.44

¹⁶ Warren, *Brown V. Board of Education (WARREN, C.J., Opinion of the Court)*, U.S., 1954, CCCXLVII, 483 <http://www.law.cornell.edu/supct/html/historics/USSC_CR_0347_0483_ZO.html>

segregation invariably harms minority children continues to be the subject of much debate. Many scholars argued, and continue to argue, that the Court should have based its decision on constitutional claims only, not social science research such as that conducted by the Clarks. For example, in the book *What Brown v. Board of Education Should Have Said*, Drew Saunders Days III, the former Solicitor General of the United States, argues that segregation in schools could have been ruled unconstitutional based simply on prior rulings demanding that any racially based distinctions meet pass a high bar:

“Moreover, we have developed criteria for evaluating the constitutionality of racial classifications that do not depend upon findings of psychic harm or social science evidence. They are based rather on the principle that 'distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality,' *Hirabayashi v. United States*, 320 U.S. 81 (1943), and must bear a very heavy burden of justification”¹⁷

By claiming that racial segregation in schools generates a feeling of inferiority in students, the Court set up a troubling dilemma. This is because the Court’s opinion made the claim that segregation was harmful in all circumstances, yet its legal impact was only to put an end to de jure segregation. However, this ruling failed to address the de facto segregation that existed in Hartford and many other (mostly northern) cities. Hartford and its public schools were not segregated by law. Instead, they were segregated by suburbanization, housing discrimination, and poor policy decisions. The new legal question became: if the Court has claimed that segregation is harmful to all students, how can any racial segregation in schools continue to exist?

In 1970, the NAACP brought a lawsuit against Michigan state officials demanding that the state act to integrate public schools in Detroit and surrounding suburbs. The case, *Miliken v.*

¹⁷ Balkin, J. M., and Bruce A. Ackerman. *What Brown v. Board of Education Should Have Said: The Nation's Top Legal Experts Rewrite America's Landmark Civil Rights Decision*. New York: New York UP, 2002. Print. P.97

Bradley, claimed that the state had a responsibility to integrate schools even in the case of de facto segregation. The claim followed the ruling in *Brown* by attempting to correct the wrongs of segregation, no matter the cause. The racial dynamic in Detroit is very similar to that in Hartford and many other cities across the country. Affluent white suburbs surround the poor, nonwhite city. Like Connecticut, Michigan gives independent control of school districts to individual towns and cities, meaning that if cities are segregated, school districts will also be segregated. This segregation came about for the many of the same reasons the segregation in Hartford did, most notably redlining, the practice of denying minorities the right to live in certain areas through explicit or subtle means. The lawsuit claimed that even though the state had not made school segregation the law of the land, the city of Detroit and its suburbs had enacted policies that had the effect of increasing segregation. Therefore, the state should be responsible for remedying the situation through desegregation efforts.

The Court did not accept the plaintiff's argument and instead found that an interdistrict remedy would be inappropriate. Discrimination had occurred in some districts, but it would not be proper to involve other districts in a remedy. An interdistrict remedy would only be suitable if it could be proven that the boundary between districts was drawn with the intent to discriminate. Such intent, which is difficult to prove, could not be shown in this case¹⁸. Just as in Hartford, government policies had certainly led to segregation. However, the court ruled that it was not the state's responsibility to fix de facto segregation between districts. The Court also found that an interdistrict remedy would be unduly complicated and violate the principle of local control:

“The inter-district remedy could extensively disrupt and alter the structure of public education in Michigan, since that remedy would require, in effect, consolidation of 54 independent school districts historically administered as separate governmental units into a vast new super school district, and, since -- entirely apart from the logistical problems

¹⁸ Burger. *Milliken V. Bradley* (BURGER, J., *Opinion of the Court*). Vol. 418. 1974. Web. 16 May 2013. http://www.law.cornell.edu/supct/html/historics/USSC_CR_0418_0717_ZO.html

attending large-scale transportation of students -- the consolidation would generate other problems in the administration, financing, and operation of this new school system”¹⁹

In a case where not every district could be directly linked to intentional segregation, the Court did not feel there was a justification in enacting drastic measures that would put an end to Michigan’s tradition of having individual school districts for each city. As in Connecticut, the principle of local control is considered very important and the Court did not feel that de facto segregation justified this extreme restructuring of Michigan’s educational system. The Court did not find any justification in the Constitution or prior precedents such as *Brown* for the level of intrusion necessary to completely restructure the schools system of Detroit and the surrounding suburbs. As Justice Burger wrote in the Opinion of the Court, the formation of a multi-district school district would create multiple logistical problems such as transporting students, and restructuring the administrative procedures.

The *Milliken* decision, decided by a 5-4 vote, included one concurring opinion and 3 dissents. The Warren Court’s decision to base its opinion in psychological research led many on the Court to favor creating a desegregated environment for all children in both de jure and de facto segregation. In the dissenters’ view, the right to a quality, integrated education is a fundamental one that should be given to all children. As Justice Marshall wrote in his dissenting opinion:

“We deal here with the right of all of our children, whatever their race, to an equal start in life and to an equal opportunity to reach their full potential as citizens. Those children who have been denied that right in the past deserve better than to see fences thrown up to deny them that right in the future. Our Nation, I fear, will be ill-served by the Court’s refusal to remedy separate and unequal education, for unless our children begin to learn together, there is little hope that our people will ever learn to live together”²⁰

¹⁹ Ibid

²⁰ Marshall, *Milliken V. Bradley* (MARSHALL, J., *Dissenting Opinion*), U.S., 1974, CDXVIII, 717
<http://www.law.cornell.edu/supct/html/historics/USSC_CR_0418_0717_ZD2.html>

Throughout his dissent, Marshall references the *Brown* decision and the damage done to minority children by segregated schooling. In his mind, the damage done to students by a segregated environment is the same, regardless of the causes. Therefore, the state should take the same steps to remedy the situation: “It will be of scant significance to Negro children who have for years been confined by *de jure* acts of segregation to a growing core of all-Negro schools surrounded by a ring of all-white schools that the new dividing line between the races is the school district boundary.”²¹ In addition, the dissenters rejected the idea that an interdistrict solution was too great of an intrusion on local control and that the administrative challenges would be too large. After all, as Justice Douglas wrote in his dissenting opinion, “Metropolitan treatment of metropolitan problems is commonplace. If this were a sewage problem or a water problem, or an energy problem, there can be no doubt that Michigan would stay well within federal constitutional bounds if it sought a metropolitan remedy”²². However, despite these dissents, *de facto* segregation was allowed to remain and, as with *Brown*, only *de jure* segregation was deemed unconstitutional.

At the time of this ruling, another case, *Lumpkin v. Meskill* was pending in federal court. This case challenged the constitutionality of Hartford’s school system. As with *Miliken*, the suit alleged that *de facto* segregation was just as damaging to children as *de jure* segregation. It too demanded an interdistrict solution by the state of Connecticut to remedy this situation. In fact, the city itself had filed a similar complaint. The decision in *Miliken* rendered the Hartford suits moot. The Court’s refusal to confront *de facto* segregation ended all chances of success²³.

²¹ Marshall

²² Douglas. *Milliken V. Bradley (DOUGLAS, J., Dissenting Opinion)*. Vol. 418. 1974
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0418_0717_ZD.html

²³ Eaton 79-80

Clearly, Hartford's segregated schools would not be changed by a federal opinion. Those looking to make a difference would be forced to look elsewhere.

The *Miliken* decision forced school reformers to look for other means to achieve integration. In Connecticut, this meant examining the possibility of a lawsuit in state rather than federal court. The chances of success on this front were heightened by the ruling in the 1977 Connecticut school finance case of *Horton v Meskill*.

This case challenged the way that school districts in Connecticut were funded that resulted in poor areas such as Hartford receiving much less funding. At the time, Connecticut's school funding scheme varied significantly from those found in the rest of the country. In the 1970s, Connecticut school districts were funded primarily through local property taxes. Local funding made up approximately 70% of funding, while the state provided 20-25%. The remainder of the funding was provided by the federal government. This contrasted with the national average of 51% of funding coming from the district and 41% coming from the state. The state of Connecticut provided a flat grant of \$250 per student to all districts, leaving the local district to fund the rest²⁴. Due to the wide disparities in wealth and property value from town to town, the amount the school districts were able to collect in tax revenues varied widely²⁵. As a result of this disparity, the per-student expenditures of poor towns and cities such as Hartford paled in to comparison to their wealthy neighbors. To take the most extreme example, in the 1972-73 school year, Greenwich, Connecticut's wealthiest town, spent \$1,429 per student while Sterling, the poorest town, spent \$709 per student. This was a result of Greenwich having \$156,564 of property wealth per student to Sterling's \$17,551²⁶. Wesley Horton, whose child

²⁴ Wetzler, Lauren A. "Buying Equality: How School Finance Reform and Desegregation Came to Compete in Connecticut." *Yale Law & Policy Review* 22.2 (2004): 484

²⁵ *Ibid* p.485

²⁶ *Ibid* 484-5

was in the Canton Public school system, sued Connecticut Governor Thomas Meskill and other state officials claiming that this system of school funding violated his child's right to an equal education.

The Connecticut Supreme Court agreed, finding that:

“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 elementary and secondary education as it presently exists and operates cannot pass the test of ‘strict judicial scrutiny’ as to its constitutionality”²⁷

Horton successfully argued that the state's funding of school districts led to unequal educational environments and that the state had a responsibility to compensate districts for the difference in funding brought on by differences in property values in each district. The court did not establish any specific remedy and progress towards an equal funding solution was slow. However, by the 1989-1990, local funding dropped to 51.1% and state funding rose to 44.7%. In more property poor areas, this ratio was tilted even further towards state funding²⁸. *Horton* was very important because it established a right to an “equal educational opportunity” in the state of Connecticut²⁹. Lawyers hoping to challenge school segregation were also encouraged by the Connecticut state Constitution, which guaranteed that “No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights because of religion, race, color, ancestry or national origin”³⁰. Overall, the task of showing a constitutional violation appeared more manageable on a state rather than a Federal level.

²⁷ Horton v. Meskill 172 Conn. 615, 376 A.2d 359

²⁸ Wetzler p.490

²⁹ Eaton p.91

³⁰ Connecticut State Constitution Art. 1 Sec. 20.

The complaint in *Sheff v. O’Neill* was first filed in 1989. It was brought on behalf of parents and children in both the city and the suburbs. The complaint alleged that segregation itself rendered education unequal and that the state was required to remedy this segregation and inequality regardless of why it existed. The state had a positive right to provide an equal educational opportunity to all children segregation, whether de facto or de jour, made such opportunity impossible³¹. In 1995, the Superior Court rejected these claims and the case was appealed to the state Supreme Court. In 1996, the Supreme court reversed the decision and ruled in favor of the plaintiffs, writing that the, “legislature is required to take affirmative responsibility to remedy segregation in public schools, regardless of whether that segregation has occurred de jure or de facto.”³² However, just as importantly, the Court did not provide any specific remedies or explain how the state might confront the goal of achieving integration. General assemblies and the executive were told to “put the search for appropriate remedial measures at the top of their respective agendas”³³. In response to this order, the state Legislature passed “An Act Concerning Educational Choices and Opportunities in 1997. This Act encourage the use of voluntary, interdistrict methods to confront segregation: “In order to reduce racial, ethnic, and economic isolation, each school district shall provide educational opportunities for its students to interact with students and teachers from other racial, ethnic, and economic backgrounds and may provide such opportunities with students from other communities”³⁴. In order to meet this goal, the legislature recommended the use of magnet schools, charter schools, and interdistrict transfers.

³¹ Eaton p.112, *Sheff v. O’Neill*, 238 Conn. 1, 678 A.2d 1267 <http://www.jud.ct.gov/external/news/sheff.htm>

³² *Sheff v. O’Neill* 238 Conn. 1, 678 A.2d 1267

³³ *Ibid*

³⁴ Connecticut State Legislature “An Act Concerning Educational Choices and Opportunities” 1997. <http://www.cga.ct.gov/ps97/Act/pa/1997PA-00290-R00HB-06890-PA.htm>

In 2002, a hearing was held to gauge the progress being made towards integration. This hearing between the Sheff plaintiffs and the State led to the Sheff I settlement. This required the state to actually implement many of the strategies put forth in “An Act Concerning Educational Choices and Opportunities”. The state pledged to build new magnet schools in the Hartford area: The agreement requires the state to create eight new interdistrict magnet schools in Hartford at the rate of two schools per year. These schools must serve approximately 600 students each. The state may decide to make one or more of these schools a regional magnet school”.³⁵ The goal of these magnet schools was to create a balance between students from different backgrounds. Therefore, caps were placed on how many students in the schools could be from different districts or of different races: “By law, the approved enrollment for an interdistrict magnet school before July 1, 2005 is restricted so that no more than 80% of students may come from one participating district. After July 1, 2005, no more than 75% of students can come from one participating district, and at least 25% but no more than 75% may be members of racial minorities. Under the agreement, the percentage of minority students at the eight interdistrict magnet schools created by the agreement may not exceed the *Sheff* region minority percentage plus 30%”³⁶. The agreement also called for expansion of an existing Open Choice program with enabled students to transfer from one district to another: “The program must provide at least 1,000 seats for minority public school students from Hartford in 2003-04, 1,200 in 2004-05, 1,400 in 2005-06, and 1,600 in 2006-07”³⁷. The Sheff I Settlement set the goal of providing a reduced racial isolation setting for 30% of Hartford students by 2007.

³⁵ *Sheff v O’Neill*, Stipulation and Order, Superior Court at New Britain, January 2003 (Sheff I Remedy)

³⁶ Ibid

³⁷ Ibid

However, in 2007 a report done by professors and students at Trinity College found that the state was nowhere close to meeting the requirements of the Sheff I agreement. It found that based on the legal language of *Sheff*, only 16.9% of students were in reduced isolation settings³⁸. Even more troubling, the report found that a large portion of the 16.9 percent were only counted due to exemptions or part time programs:

“Together, only 9.2 percent of Hartford public school minority students are actually enrolled in reduced isolation schools. By contrast, the remaining students represent legal compliance with Sheff. In other words, 4.7 percent are in magnets exempted from Sheff standards due to the third year of operation rule, and 3 percent comes from interdistrict cooperative grant spending levels (which are part-time programs, not full-time schools). As a result, the total 16.9 percent of legal compliance with Sheff is higher than the 9.2 percent of students who are actually enrolled in reduced isolation schools”³⁹

No matter the numbers used, the point was clear: the state was nowhere close to achieving its goals. The settlement’s requirement that 30% of students be in a reduced isolation setting was a distant dream. The failure of the state to comply with the agreement automatically triggered a new round of negotiations. The two sides agreed on a new Sheff II settlement, which raised the goal to 41% (or 80% of demand) and utilized similar methods as the previous settlement, namely magnet schools and open choice programs. In addition, the new settlement put more people in charge of ensuring implementation and monitoring progress:

“The agreement establishes an administrative structure to implement its provisions. It requires the state to provide sufficient resources to plan, develop, open, and operate the schools and programs necessary to achieve its goals. It requires the creation of a Comprehensive Management Plan (CMP) and a Sheff Office within the State Department of Education to create, develop, and oversee the plan's implementation. The state must also create and fund a Regional School Choice Office to support the collaborative effort between the state and stakeholders, including the Capital Region Education Council, to

³⁸ Dougherty, Jack, Jesse Wanzer, and Christina Ramsay. *Missing the Goal: A Visual Guide to Sheff V. O'Neill School Desegregation: June 2007*. Hartford, Connecticut and Storrs, Connecticut: The Cities, Suburbs and Schools research project at Trinity College and the University of Connecticut Center for Education Policy Analysis, 2007. http://digitalrepository.trincoll.edu/cssp_papers/6/. p.12

³⁹ Dougherty et al. p.12

support Sheff initiatives. The Regional School Choice Office will be responsible for supporting and coordinating marketing, recruitment, transportation, and information services and facilitating best practices. The office must specifically develop the application process discussed above. The office must engage in all of these activities by May 30, 2008. It must include a plaintiffs' representative funded by the state up to \$50,000 per year⁴⁰

This new strategy of implementation has made desegregation efforts much more effective.

Magnet schools and the open choice program are now more successfully marketed, Families are more aware of their school options and the process is more streamlined and efficient. Even though the state again failed to meet its goals, it is certainly closer than it was five years ago.

Now, as the new negotiations continue on *Sheff III*, the question is: what comes next?

The two sides are committed to voluntary methods such as magnet schools and open choice and that is unlikely to change. The new settlement will likely set a higher threshold for students in reduced isolation settings. This is because the *Sheff* plaintiffs believe that the goal of having 41% of students in a reduced isolation setting does not achieve their ultimate objectives. They maintain that the Supreme Court decision grants all 100% of Connecticut students this right. They view this as the ultimate goal⁴¹. Whether or not this goal is feasible, especially considering the voluntary measures, remains to be seen.

⁴⁰ Sheff v. O'Neill. Superior Court - Complex Litigation Docket at Hartford. 4 Apr. 2008. Sheff Movement,. Web. <<http://www.sheffmovement.org/pdf/SheffPhaseIIStipandOrder.pdf>>. (Sheff II remedy)

⁴¹ Rabe Thomas. "State Falls Short on School Desegregation Requirements"

Chapter 2: Sheff in the Broader Context of Hartford Schools

Though the state of Connecticut and Hartford are legally obligated to provide children with an equal and integrated school setting, integrating schools is far from their primary education policy objective. In fact, the desegregation methods of *Sheff* are often viewed as antithetical to many of these other initiatives. The Hartford Public School system is engaged in several initiatives to help improve the dismal educational outcomes of the city's children. There has been a strong effort to improve the quality of Hartford's public schools. These initiatives include a system of school choice within the city and the implementation of Career Academies. Like the *Sheff* mandate, these measures are aimed at providing all students with a quality education. However, they present a very different vision of how to accomplish this goal. Advocates of these programs believe that regardless of whether students are put in a reduced isolation setting, the number one goal should be to improve their educational outcomes as measured by graduation rates and test scores. These measures are seen as concrete examples that students are doing better in school. Desegregation is laudable but it does not provide specific data to demonstrate that Hartford schools are improving. *Sheff* supporters are not against programs to improve the performance of students in Hartford and no one is against increasing diversity per se. There is no inherent conflict between improving the quality of local schools and reducing segregation. However, a problem arises due to the fact that the *Sheff* supporters and those that favor improving local schools have very different visions and must compete over limited resources, as well as students.

In 2007, Hartford's new superintendent of schools, Steven Adamowski introduced a series of reforms aimed at improving the district's low test scores and graduation rates. At the

time of his appointment, Hartford's high school graduation rate was only 29%⁴². Scores on the Connecticut Mastery Test (CMT) were also less than stellar. For the 2006-7 school year, 32.7% of Hartford third grade students rated as "below basic" while an additional 18.9% scored "basic". Only 22.4% tested on a "goal" or "advanced" level⁴³. Similar results can be seen across all subjects and grade levels. For example, 51.3% of third graders and 41.8% of eighth graders were reading at below basic levels^{44,45}. While many of these problems can be blamed, at least to some degree, on the racial segregation in the city and the school district, it was perfectly clear to Adamowski and other observers that the district was in need of changes beyond the Sheff mandate, in order to improve academic achievement.

Hartford's Career Academies

A key element of these reforms was the introduction of career academies to Hartford. Despite protests by teachers and parents, in December 2007, the school board approved the plan to divide Hartford Public High School into smaller academies with the goal of expanding this model to Weaver and Bulkeley schools in the near future⁴⁶. Career Academies are small schools, usually located within a larger school. They are usually high schools but the model is also used in middle and elementary schools. In addition to teaching traditional subjects, these schools also focus on skills in a particular industry that is of interest to the students. Public vocational training has existed in the United States since the 19th century. Before the implementation of ten years of

⁴² "Mr. Adamowski's Vision." *Hartford Courant*. N.p., 07 Feb. 2007. Web. 16 Feb. 2013. <http://articles.courant.com/2007-02-07/news/0702070137_1_new-schools-superintendent-superintendent-anthony-amato-student-achievement>.

⁴³ Connecticut State Department of Education CMT - Standard CMT Results by Performance Level Mathematics Grade 3 <http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx>

⁴⁴ CMT - Standard CMT Results by Performance Level Reading Grade 3, 8

⁴⁵ On this scale, 5 is considered "Advanced," 4 is considered "Goal," 3 is considered "Proficient," 2 is considered "Basic," and 1 is considered "Below basic."

⁴⁶ Frank, Rachel G. "Board Approves 4 New Schools." *Hartford Courant*, 19 Dec. 2007. Web. 16 Feb. 2013. <http://articles.courant.com/2007-12-19/news/0712190285_1_new-schools-academies-board>.

compulsory education, only a small number of students pursued a secondary education. The remainder generally learned a trade through apprenticeships. After secondary education became mandatory, public schools took up the task of preparing students for careers, essentially filling the same role as the apprenticeships. Lower performing students who were seen as at risk of dropping out of school or simply not bound for a college or a high skill job were funneled into a separate track that taught practical skills needed to find a position in the local economy: “Those students were provided with vocational education so that they could earn a decent living after leaving school. Although vocational education in the United States did not enjoy high status, it prepared young people for the work roles that awaited them in factories, farms, and offices”⁴⁷. However, as jobs in these industries began to wane over the years, the perceived value of this training began to fall. This type of education quickly fell out of favor and was seen as funneling certain students into undesirable tracks and depriving them of a four-year college degree and the benefits that come with it⁴⁸. Instead of being tracked towards steady, middle class careers, students were more likely to find themselves taught skills for low wage and vanishing jobs. As solid middle class jobs disappeared, the assumption that all students should be prepared to go to college began to emerge in American society.

Despite this reputation, a new type of vocational training has emerged in the form of Career Academies. Unlike the vocational training of the past, new programs seek to keep students engaged with their schooling by linking their class subjects to the real world⁴⁹. Many

⁴⁷ Castellano, Marisa, Sam Stringfield, and James R. Stone III, “Secondary Career and Technical Education and Comprehensive School Reform: Implications for Research and Practice,” *Review of Educational Research* 73, no. 2 (Summer 2003), 250, doi: 10.3102/00346543073002231 p. 243

⁴⁸ Banchemo, Stephanie “Vocational education now for college-bound students,” *Sunday Gazette Mail*, November 26, 2006, <http://search.proquest.com/docview/332461503?accountid=14405>.

⁴⁹ Stone III, James and Oscar Aliaga, “Participation in Career and Technical Education and School-to-Work in American High Schools,” in *Improving School-to-Work Transitions*, ed. David Neumark, 59-86 (New York: Russell Sage Foundation, 2007), 61-2.

students who drop out do so because they fail to see a connection between what they are learning in school and what they wish to do after they complete school. This finding leads to the sentiment that: “We fail these young people not because we are indifferent but because we have focused too exclusively on a few narrow pathways to success. It is time to widen our lens and to build a more finely articulated pathways system—one that is richly diversified to align with the needs and interests of today’s young people and better designed to meet the needs of a 21st century economy”⁵⁰. The idea that creating connections between school and real world applications will lead to greater success has become popular. It is argued that students will be more engaged and invested in their education and therefore score higher and graduate at higher rates. Whether or not this theory is sound is the subject of much debate. Morr⁵¹ finds that the evidence is mixed. While some studies show great improvements in graduation rates, others show the opposite. While there is no consensus that career and technical education classes directly lead to better education outcomes, there is correlation. A study of students across the country found that of the students enrolled in this type of track, 90% graduate within four or five years as compared with 75% of the population⁵².

Despite the conflicting evidence, the city of Hartford has committed to the career Academy model. The district has broken up its larger schools into smaller academies and created new, standalone schools as well. Today students have a variety of options when it comes to Career Academies. For example, The Academy of Nursing and Health Sciences, which is located in

⁵⁰ Symonds, William C., Robert Schwartz, and Ronald F. Ferguson. 2011. *Pathways to prosperity: Meeting the challenge of preparing young Americans for the 21st century*. Cambridge, MA: Pathways to Prosperity Project, Harvard University Graduate School of Education, p.11.

⁵¹ Morr, Mary. *Career Academies and Conflicting Agendas: An Analysis of Career and Technical Education in Hartford in the Context of Broader School Policies*. Thesis. Trinity College, 2009. Print. P.5

⁵² Rich, Motoko. “Tough Calculus as Technical Schools Face Deep Cuts.” *The New York Times*, July 9, 2011. http://www.nytimes.com/2011/07/10/business/vocational-schools-face-deep-cuts-in-federal-funding.html?_r=2&scp=1&sq=career%20and%20technical%20education&st=cse.

Hartford Public High School, “provides students with a rigorous, high-quality education through its academics, enrichment programs, nursing and health care-related internships, and community service. Nursing and health care themes are threaded throughout the entire academy curriculum”⁵³ (Hartford Public Schools). High School Inc, another example, is a stand-alone academy that focuses on preparing students to, “pursue post-secondary education in finance-related majors as well as careers in the finance and insurance industries”⁵⁴. These academies fully embrace the model. Students wear a “uniform” that fit the theme (scrubs for the Nursing Academy and business attire for High School Inc.), learn core subjects in the context of these professions, and are placed in local internships that match the theme. For example, Nursing students are placed in Hartford hospitals and High School Inc. students intern in Hartford’s many local insurance companies. Hartford has invested a considerable amount of money and effort to create a variety of options for students. The hope is that every student will be able to find a school that matches his or her interests and will therefore keep them engaged, scoring higher, and on the path to graduation. The Academy model is only possible when coupled with Adamowski’s other major reform: school choice.

Hartford’s School Choice Plan

Another of Adamowski’s key provisions was the introduction of citywide school choice in Hartford. This means that parents can send their children to any school within the district. This includes neighborhood schools, the Career Academies, charter schools, and magnet schools. The theory behind school choice is based on a market approach. If parents are free to choose any school with the city, they are likely to choose the best schools. Schools are compensated according to the number of students that attend them. This means that schools are constantly

⁵³ Hartford Public Schools, “HPS Academy of Nursing and Health Sciences” <http://hpschoice.com/hphs-nursing-academy>.

⁵⁴ High School Inc. “About Us” <http://www.highschoolinc.net/about-us/>

competing amongst themselves to attract students by improving the quality of their education. Students benefit for two reasons: they theoretically receive a better education and they get to choose a school that fits their individual needs and interests: “Competition ensures that all schools are ultimately accountable to those who matter most—parents and students. Parents who have choices in education can “vote with their feet” by sending their children to another, better school when their current one is not serving their needs”⁵⁵. Advocates of this choice model believe that when students are not compelled to attend one school and are free to choose, schools will make far more of an effort to improve the education experience that they offer.

As with the Career Academy model, the idea of school choice is good in theory but the evidence of its effectiveness is mixed. A 2002 Columbia study of school choice programs found that on average, choice programs do create some gains in school quality but that the improvements are very modest⁵⁶. Hartford’s version of school choice hopes to improve on these results by adding a few sticks to the equation. Under the traditional model, schools that excel and therefore attract more students are rewarded by the extra funding that they bring in.

Underperforming schools that do not attract students receive no real penalty besides the fact that they do not receive the same amount of funds. This mostly hurts the students rather than the administrators. It is the lack of a benefit rather than a penalty. Individual public schools are not business and do not always make business minded decisions. In some cases, the carrot of more students bringing greater funding is not enough to drive them to make the changes necessary to significantly improve the quality of the schooling that they provide. Unlike in business, the individual actors within a school do not stand to reap significant financial rewards by attracting

⁵⁵ Commonwealth Foundation. "School Choice: Why What and How.", 07 Feb. 2011. Web. <<http://www.commonwealthfoundation.org/research/detail/school-choice-why-what-and-how>>.

⁵⁶ Belfield, Clive R. and Henry M. Levin. “The Effects of Competition between Schools on Educational Outcomes: A Review for the United States.” *Review of Educational Research* 72, no. 2 (Summer 2002): 279-341. <http://www.jstor.org/stable/3516034>, p.297

more customers, in this case students. In Hartford, the moderate benefits offered by this program of incentivization are supplemented by the threat of school closure for underperforming schools. Hartford measures each school's quality based on an accountability matrix that takes a variety of student academic performance measures into account. Most notably, the index measures CMT scores, Connecticut Academic Performance Test (CAPT) scores, and graduation rates⁵⁷. Schools that perform poorly for even two consecutive years face serious penalties such as the threat of closure or forced redesign: "Hartford has employed an aggressive strategy of closing low-performing schools and redirecting resources to higher quality new schools"⁵⁸. In Hartford, school administrators are forced to improve their schools not only by the promise of more students and greater funding, but also by the threat of closure should they fail in their objectives. In addition, schools that perform well on the accountability index are given far greater flexibility and autonomy than those that don't. All new schools are granted full autonomy at their inception. As long as they are performing well, individual schools are given total control over staffing and budget decisions. If performance slips, intervention from the district increases⁵⁹. According to the performance matrix for the 2011-12, fifteen schools currently have full autonomy, twenty-three are under "targeted supervision," and eleven are undergoing interventions⁶⁰. In practice, Hartford parents must fill out an application during every transition year, the last year at a particular school, or whenever they want their children to be moved to a different school. This is the case regardless of which school they want their children to attend. The process is the same

⁵⁷ Reason Foundation. "Weighted Student Formula Yearbook 2009.", 2009. Web. <<http://reason.org/files/wsf/hartford.pdf>>, p.65.

⁵⁸ Ibid, p.67

⁵⁹ Ibid, p.60

⁶⁰ Hartford Public Schools. "REQUEST FOR PROPOSALS FOR HARTFORD PUBLIC SCHOOLS HARTFORD PRIORITY SCHOOL DISTRICT EXTENDED SCHOOL HOURS GRANT." N.p., 02 Nov. 2012. Web. <http://www.hartfordschools.org/files/News/RFP_HPS_2012-2013_Extended_School_Hours_Grant.pdf>, p.31

whether the student is applying to a neighborhood school, a career academy, or some different model⁶¹. Parents rank their top four choices for their children and are guaranteed a spot in one of these four. Unlike in many cities, where a student's school is predetermined, this process is empowering to parents but it is also stressful. Within a system of choice and lottery, there is also the potential for disappointment⁶².

One stumbling block to the choice system is that parents are not always choosing the "best" schools with the highest scores. Despite the fact that the district has built a website that gives, full information on school characteristics such as test scores, some failing schools continue to be rated very highly by parents⁶³. A variety of factors go into choosing a school. For some, proximity to the home is the most important factor. In addition, some parents are simply not involved or informed. The concept of "choice" requires informed customers, in this case, parents. These parents must know which schools are best for their children and choose appropriately. As long as low performing schools continue to be chosen in high numbers, the incentive to improve, which is assumed to exist in any choice system is not as strong. Parents vote with their feet, and they are not always voting for the schools that Hartford wishes they would.

Whether or school choice and career academies directly lead to better education outcomes is up for debate. However, what is clear is that students in Hartford are doing better than they were in 2007 when Adamowski introduced his reforms. When he left office, the superintendent touted the district's improvements in high school graduation rates, which had climbed from an

⁶¹ Mozdzer, J.,. (2009, Feb 12). Choice program complicating school selection process. *Hartford Courant*. Retrieved from <http://search.proquest.com/docview/257242164?accountid=14405>

⁶² De La, Torre, Vanessa. (2011, Mar 30). Deadline thursday to choose a school. *Hartford Courant*. Retrieved from <http://search.proquest.com/docview/859425611?accountid=14405>

⁶³ Cohen, Jeff. "In Hartford, Parents Don't Always Pick Best Schools." *NPR*. N.p., 23 Mar. 2011. Web. 2 Apr. 2013. <<http://www.npr.org/2011/03/23/134766860/in-hartford-parents-dont-always-pick-best-schools>>.

abysmal 29% to a more palatable, yet still below state average 60%⁶⁴ (de la Torre City Graduation rate rises to 60%). In addition, scores have improved. In 2010-11, 60.8% of third graders were at or above proficient level compared with 48.3% in 2006-7⁶⁵. This improvement can be seen across all subject levels and grade levels. Though Hartford schools are still not high performing, on the whole, they have undergone serious improvements.

The Sheff Mandate in Conflict with Hartford's Reforms

Supporters of the *Sheff* mandate often find themselves in conflict with those seeking to improve Hartford's local schools. Both groups want to provide the city's children with a quality education. However, they represent two very different approaches to this same goal. One seeks to improve education through desegregation, while the other seeks change by restructuring the way that Hartford functions. The first group measures progress by the number of students that are placed in reduced segregation environments, while the second is more concerned with increasing the graduation rate and improving test scores. Conflict arises because these two approaches compete with each other for the same funds and the same students.

Both the *Sheff* remedies and local reforms are costly measures that demand more money than traditional school models. The district's efforts to improve test scores and graduation rates through measures such as smaller career academies and restructuring failing schools are expensive and require increased funding. The transition to smaller schools necessitates the hiring of more staff members. When a larger school splits into two, three, or four smaller academies, there is the sudden need for one to three new principals as well as variety of other positions. Some of the staff is split between the new schools, but there are some positions that must be

⁶⁴ De La Torre, Vanessa. "City Graduation Rates Rise to 60%." *Hartford Courant*. N.p., 28 July 2011. Web. 16 Apr. 2013. <http://articles.courant.com/2011-07-28/community/hc-hartford-graduation-rate-0729-20110728_1_graduation-rate-school-in-four-years-opportunity-high-school>.

⁶⁵ CMT - Standard CMT Score Summary Mathematics Grade 3
<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx>

present in each. In addition, splitting up schools or building new smaller academies presents substantial construction costs. Each new school costs half a million dollars, on average, to start.⁶⁶ Career Academies also necessitate additional costs to provide the type of hands on learning environment that they are based on. Examples of these costs include providing medical equipment for the nursing academy or providing a mock courtroom for the Law and Government Academy. While some of this funding is offset by corporate and philanthropic donations, the district still must cover much of the cost⁶⁷.

As Hartford schools seek to implement these costly measures, they also are required by law to pursue the *Sheff* mandate's goal of desegregation. Implementing the agreed upon remedies is costly and difficult. Hartford Public School officials have to contend with *Sheff* not as a main goal, but as a separate task that they are legally required to complete. The district can expand desegregation through two methods: constructing new magnet schools, or expanding the open choice system. Both choices involve a large financial investment. Over the past two decades, more than \$700 million has been spent on Hartford region magnet schools with the goal of bringing suburban students into Hartford⁶⁸. In addition to these high construction costs, school officials such as Adamowski have complained that Hartford is not compensated nearly enough for the suburban students that it educates. They argue that the way that magnet schools are funded simply isn't viable⁶⁹. Money that the Hartford School Districts spends on magnet schools due to the legal mandate cannot be spent on any other measures. This means there is less money available for the construction of new academies, hiring staff, and restructuring failing schools.

⁶⁶ D'Orio, Wayne "Hartford High's Extreme Makeover," *Scholastic Administrator*, February 2009, <http://www.scholastic.com/browse/article.jsp?id=3751251>

⁶⁷ Ibid

⁶⁸ Frahm, Robert. "Magnet School Costs Strain State, Local Budgets." *The Connecticut Mirror*, 06 Jan. 2010. Web. 16 Apr. 2013. <<https://www.ctmirror.org/story/magnet-school-costs-strain-state-local-budgets>>.

⁶⁹ Ibid

While Hartford officials are not against desegregation, their main priority is raising test scores and graduation rates. Desegregation is seen as secondary goal, even though it is required by law. School officials can point to gains in scores and graduation rates and say that progress has been made. For many people, desegregation is not as clear a barometer of school improvements.

While the open choice system does not carry the initial costs of constructing new magnets schools, it does present problems for the Hartford school district. When students take advantage of open choice, the Hartford school district must reimburse other districts that accept their students. In recent years, these appropriations have been growing as suburban schools demand greater compensation⁷⁰. For every child that leaves to a suburban school, Hartford loses out on funding that it could use to pursue the educational reforms that the district desires. When it comes to meeting the *Sheff* mandate through open choice, Hartford school officials have been very blunt about their diastase for open choice measures. In 2010, Adamowski claimed that in order to comply with *Sheff*, Hartford must send 3,500 students to the suburbs and that this would mean the closure of six or seven schools and that several hundred teachers would lose their jobs⁷¹. Hartford educators and school district officials do not want to lose students and are in direct competition with *Sheff* activists to keep students in the district. This competition even got to the point where Hartford public schools launched an advertising campaign discouraging parents from pursuing magnet schools and open choice just before parents were scheduled to receive their school lottery letters: "Why risk [your children's] future on a lottery and then a

⁷⁰ Rabe Thomas, Jacqueline. "Increased Reimbursements Pay off in Getting State Closer to Desegregating Hartford Schools." *The Connecticut Mirror*. N.p., 24 Nov. 2011. Web. 19 Mar. 2013. <<http://www.ctmirror.org/story/increased-reimbursements-pay-getting-state-closer-desegregating-hartford-schools>>.

⁷¹ Rabe Thomas, Jacqueline. "Officials: Efforts to Reduce Racial Isolation Need Overhaul." *The Connecticut Mirror*. N.p., 08 Dec. 2010. Web. <<http://www.ctmirror.org/story/officials-efforts-reduce-racial-isolation-need-overhaul>>.

waiting list?...They don't need to go anywhere else," the ads say"⁷². The ads argued that Hartford's new academies were of the same quality, less of a hassle, and that students were guaranteed a seat. Sheff supporters were outraged. They accused the district of discouraging students from exercising their rights to equal education and of attempting to drive down demand.⁷³ Given that Hartford can meet its obligations by providing seats for 80% of students seeking a reduced isolation setting, this tactic understandably drew criticism. Hartford is attempting to keep students, and the money that goes with them, in Hartford but at the same time appears to be attempting to meet a higher percentage of demand by taking steps to reduce the total number of students and parents seeking these seats. If overall demand decreases, it will be easier to meet 80% of the demand.

Here, a serious issue emerges when it comes to implementing the *Sheff* remedies. The legal decision is binding and requires the state and city to facilitate desegregation. A serious stumbling block arises if one of the parties, in this case the city of Hartford, has strong disincentives to not integrate schools. The legal remedies stand in stark contrast to what the city wants to do in its schools. For Hartford, the goal is increasing test scores and graduation rates, not desegregation. In order for desegregation to work, all of the key parties need to be working towards a solution. For Hartford, the cost/benefit equation needs to be changed. This could be done if the state were required to compensate Hartford for any money lost as a result of transfers. Because the *Sheff* court did not specify any explicit remedies, the city is required to do very little. Therefore the city will act in its own best interest and try to do as little for segregation as

⁷² Frahm, Robert. "Ads Urging Parents to Keep Children in Hartford Schools Anger Sheff Lawyer." *The Connecticut Mirror*. N.p., 29 Apr. 2011. Web. <<http://www.ctmirror.org/story/ads-urging-parents-keep-children-hartford-schools-anger-sheff-lawyer>>.

⁷³ Ibid

possible as long as segregation goes against its own priorities. If this situation is to be changed, Hartford must be incentivized to change its priorities.

Suburban Disincentives

The city of Hartford is not the only major player involved in the implementation of the *Sheff* remedy that is not properly incentivized to work towards a solution. Whereas Hartford does not want to send its students out of the district, the suburban districts are also not provided with sufficient incentives to want to take Hartford students. Suburban districts are given some reimbursement for every Hartford student that they take, but this payout is not enough to compensate for the cost of educating these students. In recent years, there has been a focus on increasing the number of Hartford children in the Open Choice program by upping the compensation rate offered to suburban districts. However, the rate still does not meet the cost of educating a child in many school districts.

Under the *Sheff* remedies, suburban districts are not required to take Hartford students. Instead, they take students when they have room and it is feasible for them to do so. One of the biggest considerations when it comes to feasibility is cost. As Newington's Superintendent of schools, William Collins said: "The issue has always been money for why we couldn't offer more children [from Hartford] enrollment in our schools."⁷⁴ For years, schools were given \$2,500 dollars for every student that they took, not nearly enough not compensate for the cost of educating those children⁷⁵. A 2007 report prepared for the Sheff Movement found that, largely due to lack of funding, suburban districts made offering seats to Hartford students a very low priority:

⁷⁴ Rabe Thomas "Increased Reimbursements Pay off in Getting State Closer to Desegregating Hartford Schools"

⁷⁵ Ibid

“Most districts report that they determine how many seats to offer for Project Choice students by looking at their projected enrollments by grade (by determining how many students will be promoted at the end of the year) and, if there are available seats in any existing classrooms, offer them for Hartford students. In other words, they will take students if it is convenient for them”⁷⁶

The limited compensation offered by the state to the suburban districts is clearly a major reason that progress towards reaching the *Sheff* mandate was so slow. Schools had no real incentive to offer places. When faced with the option of an empty seat in a classroom or a Hartford student, the schools were likely to take the student. However, the \$2,500 compensation was not nearly enough to entice districts to make a conscious effort to make seats available for Open Choice. It is quite clear that a plan that is intended to reverse the patterns of school segregation in greater Hartford and eventually play a large role in providing a reduced-isolation environment for all of Hartford’s children cannot depend on suburban districts offering up the occasional seat when doing so is convenient to them.

In an effort to meet the mandate of *Sheff II*, Governor Dan Malloy increased the reimbursement rate for suburban districts substantially for the 2011-2012 school year. Faced with the goal of placing 41% of Hartford students in an integrated environment by October of 2012, Malloy sought to quickly boost the number of children in Open Choice by allocating \$7.2 million to increasing reimbursements. This was seen as a quicker, less costly alternative to constructing additional magnet schools⁷⁷. Reimbursement rates increased dramatically. For example, Newington now receives \$6,000 per student⁷⁸. This increase in funding was substantial,

⁷⁶ Frankenburg, Erica. "Improving and Expanding Hartford's Project Choice Choice." *Project Choice Campaign*. Sheff Movement, Sept. 2007. Web. <http://www.sheffmovement.org/pdf/ProjectChoiceCampaignFinalReport.pdf>, p.55

⁷⁷ Rabe Thomas, Jacqueline. "Malloy Taking Another Route to Reach Desegregation Goal." *The Connecticut Mirror*. 17 Feb. 2011. Web. <<http://www.ctmirror.org/story/malloy-taking-another-route-reach-desegregation-goal>>.

⁷⁸ Rabe Thomas "Increased Reimbursements Pay off in Getting State Closer to Desegregating Hartford Schools".

but it still falls short of the \$10,000 average per pupil cost in most districts⁷⁹. Nevertheless, the increased reimbursement did have the effect of enticing suburban schools to offer more seats. According to the Connecticut Department of education, 134 seats were added between the 2010-2011 and 2011-2012 school years⁸⁰. This sum was substantial enough to provide districts with more motivation to offer open seats to Hartford students but, as the fact that the state fell short of the *Sheff II* settlement shows, it was still not enough to prompt these districts to make a strong, concerted effort to bring in new students.

By offering increased compensation, Malloy was mirroring one of the principle recommendations of a plan made by the State Board of Education⁸¹. However, the Governor ignored another key recommendation aimed at creating greater incentives for districts to offer seats. The Board recommended that the Education Commissioner require districts to offer open seats to Hartford students or risk losing their state funding:

“The Commissioner of Education shall annually, not later than February 1, require school districts that the commissioner determines are able to assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al v. William A. O’Neill, et al., to participate in the program at a minimum level prescribed by the commissioner. If requested by a local or regional school district, the commissioner may adjust such level based on criteria which may include, but are not limited to, past participation levels and school building capacity. If a school district fails to participate at the level required by the commissioner, the commissioner may withhold from the grant payable under section 10-26i [general education grants] to such district’s town or towns an amount equal to the per pupil grant... for each seat not made available”⁸²

⁷⁹ Frankenburg, p.70

⁸⁰ "Hartford Open Choice Enrollment." *The Connecticut Mirror*. 23 Nov. 2011. Web. <<http://www.ctmirror.org/content/hartford-open-choice-enrollment>>.

⁸¹ Rabe Thomas, Jacqueline. "Education Officials Propose a Plan to Expand School Choice--at a Cost." *The Connecticut Mirror*, 08 Nov. 2010. Web. <<http://www.ctmirror.org/story/education-officials-propose-plan-expand-school-choice-cost>>.

⁸² Connecticut State Board of Education. "Sheff Settlement Proposal." *Connecticut Mirror*. Nov. 2010. Web. <<http://www.ctmirror.org/sites/default/files/documents/require%20districts%20accept.pdf>>.

By tying state education grants to participation in Open Choice, the Board believed that it could add a powerful stick to the districts' cost-benefit equation to go along with the carrot of increased funding. This would have essentially required the districts to accept students and almost certainly would have led to an increase in enrollments. This increase could have potentially accomplished the mandates of the *Sheff II* remedy of providing a desegregated environment for 41% of students or meeting 80% of demand. However, Malloy chose not to go down this path, instead offering only the increased funding. As has been the case throughout the *Sheff* proceedings, there was a clear reluctance to implement a mandatory program. As will be further discussed in the next chapter, mandatory programs are viewed with suspicion by the general public. Prominent politicians are therefore likely to shy away from any mandatory programs.

However, funding is not the only issue that prevents suburban districts from accepting Hartford students. Severe disincentives can also be found in No Child Left Behind. This federal program requires that schools maintain adequate yearly progress on standardized test scores both as a school, and in separate subgroups such as racial minority groups. In Connecticut, state law requires that students participating in the Open Choice Program be considered residents of the town in which they attend school⁸³ (Dougherty Sheff v. O'Neill: Weak Desegregation Remedies p.118). The standardized test scores of Hartford students often fall well below those of the suburban students. By accepting more students through Open Choice, suburban districts risk having lower test scores and being penalized by the federal government. Schools face the additional problem that, "research has shown in city-suburban transfer programs, achievement results actually decline in the first year (possibly due to the significant adjustment being made by

⁸³ Dougherty, Jack, Jesse Wanzer, and Christina Ramsay. "Sheff V. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008." In *From the Courtroom to the Classroom: The Shifting Landscape of School Desegregation*, edited by Claire Smrekar and Ellen Goldring, 103–127. Cambridge, MA: Harvard Education Press, 2009. http://digitalrepository.trincoll.edu/cssp_papers/3/

a student) before rising in subsequent years”⁸⁴. One possible way to remove this disincentive is to provide a one year waiver that keeps students’ scores from being counted until they have time to adjust⁸⁵. However, this common sense solution has not been seriously considered.

Another disincentive caused by No Child Left Behind comes about due to the extreme lack of diversity found in many of Hartford’s suburbs. Schools that do not have a significant number of minorities do not have to report their scores as a subgroup. By accepting additional, mostly minority Hartford students through Open Choice, new subgroups are likely to be triggered.⁸⁶ Districts are understandably unenthusiastic about adding these subgroups. Failure to achieve adequate yearly progress in a subgroup brings penalties, regardless of the school’s overall performance.

As with the City of Hartford, there are clear problems in implementing the *Sheff* remedies if the major parties are not incentivized to do so. Though suburban districts have recently been given greater compensation, there is no strong incentive for them to open up more seats, or penalties if they do not. However, this equation can be changed. If education grants are tied to accepting Hartford students and measures are put in place to ensure that suburban districts are not penalized by No Child Left Behind, the Open Choice program could potentially enroll a much greater number of Hartford students. Of course, Open Choice alone cannot meet the *Sheff* mandate. No matter how the equation is changed, there are only so many students that can be bussed out of Hartford into the suburbs. Open Choice can only be one part of the solution.

⁸⁴ Frankenburg, p.55

⁸⁵ Ibid

⁸⁶ Ibid

Chapter 3: Mandatory Measures

The Voluntary Nature of the Sheff Remedies

To this point, *Sheff* remedies have remained voluntary. While school districts have been enticed, although weakly, to accept Hartford students, they have never been forced to take them. Parents have also had the choice of where to send their children for school. Students have not been forcibly bused from one district to another. This is not to say that mandatory options have not been considered. Hartford serves as an example of an attempt to desegregate through entirely voluntary measures. However, the question of how to create a desegregated environment for students has long been the topic of debate. Since *Brown*, both mandatory and voluntary plans have been used throughout the country in an effort to desegregate schools.

As has been previously discussed in chapter 2, Education Commissioner Mark K. McQuillan proposed a plan that would essentially force suburban schools to take a certain number of Hartford students in 2010. At the time, McQuillan warned that such a plan was necessary to meet the 2008 *Sheff* mandate and that without it, the state would risk future court orders to do essentially the same thing: “We have to do more. We can make the investment now, or we can go back to court and they can make us meet our objectives. I imagine a court mandate will look very similar to what I am proposing”⁸⁷. This position by McQuillan represented a change of heart from his 2008 statements before the Connecticut state legislature. When the *Sheff* plaintiffs and defendants met to present the *Sheff II* remedy, McQuillan was directly asked by Senator Thomas Gaffey whether McQuillan should be given greater authority to pressure

⁸⁷ Rabe Thomas, Jacqueline. "Education Officials Propose a Plan to Expand School Choice--at a Cost." *The Connecticut Mirror*, 08 Nov. 2010. Web. <<http://www.ctmirror.org/story/education-officials-propose-plan-expand-school-choice-cost>>.

suburban districts to accept Hartford students. He declined this offer of greater power, in effect giving the suburbs the opportunity to comply with voluntary methods or risk harsher, mandatory measure⁸⁸. As was previously discussed, Governor Malloy declined to follow McQuillan's 2010 proposal, instead opting to use only the incentive of greater funding.

In 2011, a bill was introduced in the Connecticut legislature that would have given the Commissioner of Education the authority to place Hartford students in unused spots in neighboring districts starting July 1st 2012. House bill 05665, *An Act Concerning Extending The Moratorium On New Magnet School Construction And Financial Incentives For Participation In The Open Choice Program* was introduced by Democrat Linda Schofield. It too focused on increasing the amount of money spent on the Open Choice program and stalling future construction of new magnet schools. The bill proposed an increase in the reimbursement rate for suburban schools. But, if greater reimbursement did not work, "that chapter 172 of the general statutes be amended to give the Commissioner of Education authority, beginning July 1, 2012, to place out-of-district students in unused slots in neighboring districts"⁸⁹. The bill was referred to the Joint Committee on Education but was not enacted. Soon after, Malloy increased reimbursement but did not grant the Commissioner of Education any extra powers.

Mandatory Integration in Hartford

If Connecticut were to enact mandatory methods, it would result in a unique scenario not seen in other metropolitan areas. When most people think of mandatory desegregation, the vision of forced busing immediately comes up. Hartford would be unique in the fact that desegregation measures would remain entirely voluntary for parents but mandatory

⁸⁸ Dougherty et al, *Weak Desegregation Remedies* p.125

⁸⁹ State of Connecticut General Assembly, "Proposed Bill No. 5665: AN ACT CONCERNING EXTENDING THE MORATORIUM ON NEW MAGNET SCHOOL CONSTRUCTION AND FINANCIAL INCENTIVES FOR PARTICIPATION IN THE OPEN CHOICE PROGRAM." January 2011.
<http://www.cga.ct.gov/2011/TOB/H/2011HB-05665-R00-HB.htm>

for the suburban districts. As Phil Tegeler, a lawyer for the Sheff plaintiffs and member of the Sheff Movement explained it:

“From the perspective of the Sheff Coalition and lawyers also, there is nothing voluntary about *Sheff v. O’Neill*. It’s a court mandate. It’s a court order agreement with very specific requirements. When we use the term voluntary, we’re talking about parental choice. Parents are not forced to send their kids to a magnet school. Hartford parents are not forced to bus their kids to a suburban school. It’s a completely voluntary...That’s what we mean by voluntary”⁹⁰

Sheff advocates are firmly in favor of implementing mandatory measures for districts but the preservation of parent choice. But this has not always been the case. When Sheff remedies were first discussed, forced busing was advocated as a possible desegregation tool. For example, a 1996 meeting of the Educational Improvement panel, a group convened to brainstorm Sheff remedies, became heated when several members refused to take the option of forced busing off of the table. Busing was seen as one of many legitimate options to comply with the Sheff decision stating that all children are deserving of a quality, integrated education. Interestingly Governor Malloy, then in his role as the mayor of Stamford, was one of those who did not want to see busing taken off of the table: “For us to be sitting in this room debating to take off the table one issue is wrong,” he said. ‘It means a lot of people failed to check their political horses at the door’”⁹¹. Though Malloy is no longer an advocate of mandatory measures, he joined a rather strong contingent of individuals who, at the very least, did not want to dismiss the idea of forced busing. However, the idea of forced busing in Connecticut was met with strong backlash. Republican State Senator John Kissel was one of many to attack the idea of forced busing: “‘The

⁹⁰ Torres, Karina. "The Middle Ground between Voluntary and Mandatory Desegregation." Trinity College Commons, 07 Dec. 2011. Web. <http://commons.trincoll.edu/cssp/2011/12/07/the-middle-ground-between-voluntary-and-mandatory-desegregation/>

⁹¹ Tuohy, Lynne. "Sheff Panel Adds Busing To Options." *Hartford Courant*. N.p., 27 Sept. 1996. Web. <http://articles.courant.com/1996-09-27/news/9609270303_1_busing-racial-isolation-educational-improvement-panel>.

whole issue of forced busing is volatile and will undermine everything we do on this committee,” Kissel said. ‘I don't think it's in the best interests of the people of Connecticut to have forced busing to achieve racial quotas’⁹². Attempts by Sheff plaintiffs to push busing were also firmly rejected by superior court judge Julia L. Aurigemma. She was critical of forced busing advocates and warned that implementing such a program would lead to even greater white flight from Hartford’s close suburbs⁹³. The implication was that whites would go as far as they needed to avoid busing. The possibility of mandatory measures was also met with distaste by the public. At the meeting of the Educational Improvement panel, the audience’s opinion on busing was clear:

“At Thursday's meeting, the topic was broached without drama. Craig Toensing, chairman of the State Board of Education, looked down at the preliminary list of options to consider and said, ‘With all due respect to the governor and the attorney general, I think busing has to be on this list. We must deal with it here. We can't just set it aside.’ A murmur went through the audience of about 60 people gathered in the meeting room at the Legislative Office Building. Toensing's words seemed to hang in the air for a few seconds, then dropped like a lead balloon”⁹⁴

By 1999, busing had become very unpopular with the general public. Even for those with very little experience in the matter, busing elicited a quick, negative kneejerk reaction from a vast majority of people. For example, a 1996 Gallup poll asked: “Suppose that on election day this year you could vote on key issues as well as candidates. Please tell me whether you would vote for or against each one of the following propositions.... Busing children to achieve better racial balance in the public schools”. This nationwide poll found that 62% of Americans opposed busing, 34% favored it, and 4% didn’t know or declined to answer⁹⁵. Nationally, and in

⁹² Tuohy

⁹³ Green, Rick. "Sheff Plaintiffs Push for Busing." *Hartford Courant*, 05 Mar. 1999. Web. <http://articles.courant.com/1999-03-05/news/9903050167_1_sheff-hartford-schools-desegregation>.

⁹⁴ Tuohy

⁹⁵ Gallup Poll, Apr, 1996. Retrieved Apr-9-2013 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut. http://www.ropercenter.uconn.edu/data_access/ipoll/ipoll.html

Connecticut, busing was not viewed favorably by the vast majority of the public. To understand this backlash, it is important to understand the history of forced busing in America starting with the 1971 case of *Swann v. Charlotte-Mecklenburg Board of Education*.

Forced Busing in America

Mandatory, court ordered busing was first enacted in Mecklenburg County and Charlotte, North Carolina. Following the decision in *Brown v. Board of Education*, Charlotte, like many cities created a neighborhood assignment plan. This meant that children were no longer separated by law, but that that segregated neighborhoods led to the continued segregation of schools such as what is seen in Hartford today. With the help of the NAACP legal defense fund, ten families sued the school board seeking more effective means of desegregation. In the case of *Swann v. Charlotte-Mecklenburg Board of Education*, the Court ruled that federal courts had broad power to implement desegregation measures and that busing was an acceptable method to achieve integration. Writing for a unanimous court, Justice Burger wrote that,

“the remedial techniques (busing) used in the District Court's order were within that court's power to provide equitable relief; implementation of the decree is well within the capacity of the school authority... We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school”⁹⁶.

After *Swann*, mandatory busing became a widespread tool throughout the country. However, its influence was severely limited, at least in the north by the *Miliken v. Bradley* decision discussed in chapter one. This case held that busing was not an appropriate measure when it was conducted between districts and was not remedying de jure segregation⁹⁷. Busing was still an acceptable technique within districts and in Southern states where schools had been racially segregated by law.

⁹⁶ Burger. *Swann V. Charlotte-Mecklenburg Board of Education* (BURGER, C.J., *Opinion of the Court*). Vol. 402. 1971. Web. http://www.law.cornell.edu/supct/html/historics/USSC_CR_0402_0001_ZO.html

⁹⁷ *Miliken v. Bradley*

Outside of the northeast, busing achieved its goal: “From 1968 to 1988, the percentage of black students attending predominantly minority schools fell sharply in the South — from more than 80 percent to around 55 percent — and declined significantly in every other region”⁹⁸. Busing was successful in providing minority students with an integrated environment but it was extremely controversial. Parents protested programs that bused their children away from neighborhood schools to other neighborhoods and even other towns and cities. When the specter of busing was raised in Hartford, onlookers immediately were reminded of several contentious battles over busing, especially in nearby Boston, Massachusetts.

Unlike Hartford during the Sheff negotiations, Boston in the mid 1970s did have many white students in its public schools. The city was heavily segregated by neighborhood, but the city itself was not overwhelmingly composed of minorities, surrounded by white suburbs. In 1965, the Massachusetts legislature passed the Racial Imbalance Act, which outlawed racially imbalanced schools, which were defined as schools with over 50% minorities. Boston, which had many such schools, responded by doing nothing. In response to Boston’s inaction, the NAACP brought a suit claiming that the city was ignoring the Act and essentially maintaining two segregated school districts. Judge Wendell Arthur Garrity agreed and ordered busing be used to desegregate the city’s schools starting in 1974⁹⁹ (Busing’s Boston Massacre).

Garrity’s ruling rocked Boston. Parents, mostly whites, objected to the busing for a number of reasons. Parents of both races lamented the loss of neighborhood schools and local school traditions such as the annual Thanksgiving Day "Southie-Eastie" football game between

⁹⁸ Jost, Kenneth. "School Desegregation." *CQ Researcher* 23 Apr. 2004: 345-72. Web. 17 May 2013. <http://library.cqpress.com/cqresearcher/document.php?id=cqresrre2004042300>

⁹⁹ Hoover Institution. "Busing's Boston Massacre." *Policy Review*. Stanford University, 01 Nov. 1998. Web. <<http://www.hoover.org/publications/policy-review/article/7768>>.

South Boston and East Boston high schools which was known to draw crowds of up to 10,000¹⁰⁰. However the objections made by white parents often carried explicit or thinly veiled, racist overtones. For example, at an anti-busing rally, one white father shouted: “The question is: am I going to send my young daughter, who is budding into the flower of her womanhood into [black dominated] Roxbury on a bus?”¹⁰¹. The initial implementation was marked by protests and violence. On the first day of busing, only 10 of the 525 white students in the program showed up and a bus carrying 56 black children into south Boston was stoned. An additional 450 black students did not participate out of fear¹⁰². Mandatory busing in Boston lasted until 1988. The fourteen years of busing were characterized by racial tensions, protests, and white flight. Total public school enrollment dropped from 93,000 to 57,000 and the proportion of white students shrank from 65 percent of total enrollment to 28 percent¹⁰³. Boston’s attempts at racial integration were widely seen as a failure. Cases such as Boston as well as Denver, Nashville and others gave busing a bad name. A 1989 survey asked Americans: “In general, do you favor or oppose the busing of (negro/black) and white school children from one district to another? It found that 66% of Americans opposed busing, 28% favored it, and 6% didn’t know¹⁰⁴. This public perception masked an interesting trend: those whose children took part in a busing program were actually quite satisfied with the experience. A 1988 survey conducted by the NAACP asked parents of all races: “How did the busing of children in your family to go to school with children of other races work out--very satisfactory, fairly satisfactory, or not satisfactory?”. 64% of parents said “very satisfactory”, 29% said “fairly satisfactory”, and 6%

¹⁰⁰ Hoover Institution

¹⁰¹ Patterson p.173

¹⁰² Ibid

¹⁰³ Hoover Institution

¹⁰⁴ General Social Survey 1989, Feb, 1989. Retrieved Apr-10-2013 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut.
http://www.ropercenter.uconn.edu/data_access/ipoll/ipoll.html

said “not satisfactory” while 2% refused to answer¹⁰⁵. This survey is consistent with others’ findings that, “parents of children who are involuntarily bused consistently reflect more positive attitudes toward desegregation than do parents whose children are not bused and other citizens”¹⁰⁶. Nevertheless, busing had a tarnished reputation and when it was first suggested as a *Sheff* remedy it is understandable that Hartford area residents were skeptical.

Barriers to Full Integration

In the broader framework of busing and national desegregation efforts, the *Sheff* remedy presents a dilemma. The Connecticut Supreme Court ruled that every child in Connecticut has a right to a substantially equal, quality, integrated education¹⁰⁷. However, the steps that would be necessary to provide such an education for Hartford’s children have never come close to being implemented. Seventeen years after the *Sheff* decision, Hartford is still striving for and failing to meet the relatively modest goal of 41%. In order fulfill the guarantees of the *Sheff* decision, much more comprehensive and mandatory measures would almost certainly be needed. If every child were to be given such an education, mandatory busing would undoubtedly be necessary. However, such a move is politically and legally impossible. The mere mention of forced busing creates such a strong backlash that including it in future remedies is not something the state would consider. Even the *Sheff* plaintiffs no longer see mandatory busing as desirable. Moreover, the type of mandatory busing that would be necessary to integrate Hartford schools has been ruled impermissible by the Supreme Court. Unlike in Boston, Hartford public school students are

¹⁰⁵ Unfinished Agenda On Race, Jun, 1988. Retrieved Apr-10-2013 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut.
http://www.ropercenter.uconn.edu/data_access/ipoll/ipoll.html

¹⁰⁶ Yarmolinski, Adam, Lance M. Liebman, and Corinne Saposs Schelling. *Race and Schoolign in the City*. Harvard

University Press, 1981. Print, p.150.

¹⁰⁷ *Sheff v. O'Neill*, 238 Conn. 1, 678 A.2d 1267

almost 100% minority. Therefore, desegregation cannot exist without an interdistrict remedy and due to the *Miliken* decision forced busing cannot exist on an interdistrict level.

The feasibility of such a plan has been further weakened by recent federal Supreme Court decisions, most notably *Parents Involved in Community Schools v. Seattle School District No. 1*. This 2006 decision by the Robert's court said that assigning students to schools based solely or primarily on their race violates the equal protection clause of the 14th amendment and that creating diversity in schools is not legitimate interest The principle that racial balancing is not permitted is one of substance, not semantics. Racial balancing is not transformed from “patently unconstitutional” to a compelling state interest simply by relabeling it “racial diversity”¹⁰⁸. Therefore, any assignment of Hartford children to schools based on their race is federally impermissible. Sheff advocates are therefore left with a dilemma. In order to truly accomplish what the Connecticut Supreme Court has ruled that the state Constitution requires, measures would almost certainly need to be taken that the Federal Supreme Court has ruled violate the US Constitution. The state is not close to providing an integrated environment for 100% of students and this situation, “is not challenged, just renegotiated, because any attempt to enforce the supposed state constitutional right of every student to an integrated education — that is, racial assignment of every student to every school — would be challenged in federal court and eventually nullified by the federal constitution's guarantees against racial treatment”¹⁰⁹. In addition to the fact that neither the city of Hartford nor the suburbs see the *Sheff* remedies as being in their best interests, progress towards achieving the court ordered integration is hampered

¹⁰⁸ Chief Justice Roberts. *Parents Involved in Community Schools V. Seattle School Dist. No. 1* (Chief Justice Roberts, *Opinion of the Court*). 2007. Web <http://www.law.cornell.edu/supct/html/05-908.ZO.html>

¹⁰⁹ Powell, Chris. "Sheff vs. the Real World, Horton vs. Actual Results." *Journal Inquirer*. N.p., 26 Nov. 2012. Web. <http://www.journalinquirer.com/opinion/chris_powell/sheff-vs-the-real-world-horton-vs-actual-results/article_853e636d-cc87-5983-abdd-e065b96b085e.html>

by the unfeasible nature of the most effective desegregation tools. Mandatory, race based assignments would be effective at meeting far more than the 41% goal of the *Sheff II* agreement but it is not politically possible or permissible under the Federal Constitution. The middle road of forcing suburban districts to take students but keeping the programs voluntary for students cannot possibly provide an integrated classroom environment for every student but it would be far more effective than the current measures.

Chapter 4: Is Desegregation Beneficial?

At the heart of the current battle over the implementation of the *Sheff* remedies is a heated debate between supporters of integration and supporters of neighborhood schools. Those involved with the *Sheff* plaintiffs and the *Sheff* movement hold that no matter how much money is spent on children's education, students will be at a disadvantage if they attend segregated schools. They agree with Justice Warren's statement in *Brown v. Board of Education* that "Separate educational facilities are inherently unequal"¹¹⁰. The case of *Sheff v. O'Neill* is based on the assumption that segregated schools cannot be equal. The suit and ruling did not call specifically for an inflow of funding to Hartford schools, better facilities, or more qualified teachers. The underlying belief is that Hartford's students will not receive an equal education that prepares them for the future as long as they attend schools that are almost 100% minority. On the other side are the advocates for quality neighborhood schools. They argue that desegregation is not worth the trouble if it means busing students out of the city and spending millions of dollars on structural changes and regional magnet schools. They believe that what really matters is the quality of the schools that students attend and that if schools receive sufficient funding, quality facilities, and well trained teachers, students can thrive, even in a segregated environment. This contingent goes on to argue that students and the community benefit when students attend schools within their own neighborhoods.

The debate pitting the goal of desegregation against the goal of quality neighborhood schools is not new and not unique to Hartford. The argument that segregation itself, not just its associated effects such as poverty and funding disparities are detrimental to students was one of

¹¹⁰ *Brown v. Board of Education*, 347 U.S. 483

the key arguments made in *Brown v. Board of Education*. As was discussed in chapter in chapter 2, the doll study conducted by Kenneth and Mamie Clark played a key role in the majority decision in the *Brown* case. When the researchers gave black and white dolls to African American students, they found that: “it is clear... that the majority of these Negro children prefer the *white* doll and reject the colored doll”¹¹¹. The Supreme Court drew on this research and used it as proof that school segregation is damaging to the self-image of African American students. The problem was not solely that black schools received less money; the very fact of separation damaged the psyche of these students. However, the use of the Clark’s research has received heavy criticism, not just because of the use of social science research in an opinion, but because it is not entirely clear that the research proves that blacks are disadvantaged by being separated from white students:

“Clark’s studies reflected the relatively unsophisticated state of social science at the time. The doll studies had numerous flaws, including sample sizes that were too small and the lack of a control group. Perhaps most problematic was that black children in northern states without segregation were even more likely to prefer the white doll than black children in the segregated South. Clark may have offered evidence – if any was necessary – that in white-dominated American society, minority children would quickly learn the social meanings of white superiority and black inferiority. But he had hardly demonstrated that legal segregation in schools was the sole or even dominant cause for this understanding”¹¹²

The Clarks’ evidence showed that African American children had a more positive image of whites than blacks but it was unclear that school segregation was at fault. Nevertheless, their study was seized on by the plaintiffs and the Marshall Court and played a prominent role in the majority decision.

The benefits of desegregated schooling were later touted in the 1966 report “Equality of Educational Opportunity,” also known as the “Coleman Report” after its principle author James

¹¹¹ Clark, Kenneth Bancroft, and Mamie P. Clark. *Racial Identification and Preference in Negro Children*. Bobbs-Merrill, 1918. Print p, 175

¹¹² Balkin, p.51

Samuel Coleman. The report was conducted to measure the effectiveness and progress towards desegregation made since *Brown*. One of Coleman's key findings was that black students do better when they go to school with white students: "Comparing the averages in each row, in every case but one, the highest average score is recorded for the Negro pupils where more than half of their classmates were white... Those pupils who first entered integrated schools in the early grades record consistently higher scores than the other groups"¹¹³. The data from Coleman's report showed that when minority students were placed in schools with white students, they were more successful academically, though not by a wide margin. The reason for this difference, Coleman found, was that students do better when placed with higher achieving, middle class students who, especially at the time, were more likely to be white:

"Finally, it appears that a pupil's achievement is strongly related to the educational backgrounds and aspirations of the other students in the school. Only crude measures of these variables were used (principally the proportion of students with encyclopedias in the home and the proportion planning to go to college). Analysis indicates, however, that children from a given family background, when put in schools of different social composition, will achieve at quite different levels"¹¹⁴

While Coleman's report highlighted the fact that students do better in integrated schools, his findings are more related to class than any inherent characteristics of race. In other words, black children did better in desegregated schools because they were exposed to more middle and upper class peers, not because they were exposed to white students per se.

Research showing that blacks benefitted from desegregated schools, for whatever reason, along with key cases such as *Brown* and *Swann v. Charlotte-Mecklenburg Board of Education*, led to a strong push for desegregation and racial balancing in America's schools, especially in the south. However, this rush to ensure that all schools had an acceptable level of diversity was

¹¹³ COLEMAN, JAMES S., and OTHERS. "EQUALITY OF EDUCATIONAL OPPORTUNITY." (1966) Web <http://www.eric.ed.gov/ERICWebPortal/detail?accno=ED012275>, p.29

¹¹⁴ Ibid, p.22

met with pushback not only from segregationist, racist whites, but also from African American scholars. One prominent critic was Derrick Bell. In the 1950s and early 1960s, Bell worked tirelessly as a lawyer for the NAACP to undo racist laws, especially school desegregation. However, he later became disenchanted by what he saw as a blind push for desegregation that lost sight of the main objective in his eyes: quality education for minority students. Bell critiqued what he called the antidefiance strategy, an effort to make schools desegregate no matter what, as largely ineffective:

“The educational benefits that have resulted from the mandatory assignment of black and white children to the same schools are also debatable. If benefits did exist, they have begun to dissipate as whites flee in alarming numbers from school districts ordered to implement mandatory reassignment plans. In response, civil rights lawyers sought to include entire metropolitan areas within mandatory reassignment plans in order to encompass mainly white suburban school districts, where so many white parents sought sanctuary for their children.

Thus, the antidefiance strategy was brought full circle from a mechanism for preventing evasion by school officials of Brown's antisegregation mandate to one aimed at creating a discrimination-free environment. This approach to the implementation of Brown, however, has become increasingly ineffective; indeed, it has in some cases been educationally destructive. A preferable method is to focus on obtaining real educational effectiveness, which may entail the improvement of presently desegregated schools as well as the creation or preservation of model black schools.

Civil rights lawyers do not oppose such relief, but they clearly consider it secondary to the racial balance remedies authorized in the Swann and Keyes cases. Those who espouse alternative remedies are deemed to act out of suspect motives. Brown is law, and racial balance plans are the only means of complying with the decision. The position reflects courage, but it ignores the frequent and often complete failure of programs that concentrate solely on achieving a racial balance”¹¹⁵

Bell did not believe that desegregation was a bad thing, but he did believe that many civil rights lawyers were missing the point in their dogged pursuit of the *Brown* mandate through desegregation. For him, school desegregation had always been about ensuring that minority

¹¹⁵ Bell Jr Derrick A, “Brown v. Board of Education and the Interest-Convergence Dilemma”, 93 HARV. L. REV. 518 (1980)
http://www.eric.ed.gov/ERICWebPortal/search/detailmini.jsp?_nfpb=true&_&ERICExtSearch_SearchValue_0=EJ219589&ERICExtSearch_SearchType_0=no&accno=EJ219589, p.531-2.

students received the best education possible. The research by the Clarks and James Coleman suggested that the placing minority students with white students was conducive to this goal. However, Bell believed that many of these civil rights lawyers had become more focused on the goal of racial balancing, which he saw as a means to an end, rather than the goal itself. He believed that in certain incidences, high quality, well funded, neighborhood schools were best suited to reaching the goal of providing minority children with a quality education, even if these schools were segregated.

Even James Coleman, whose prior research was used as the justification for many large-scale school desegregation plans, began to question whether such plans were well advised. In 1975, he assessed the programs that had been implemented to achieve desegregation:

“The achievement benefits of integrated schools appeared substantial when I studied them in the middle 1960s. But subsequent studies of achievement in actual systems that have desegregated, some with a more rigorous methodology than we were able to use in 1966, have found smaller effects, and in some cases none at all. I believe the achievement benefits do exist; but they are not so substantial that in themselves they demand school desegregation, whatever the other consequences. And particularly when desegregation occurs through bringing together for the school day students from several different neighborhoods, it is questionable whether the same achievement benefits arise”¹¹⁶

Though some labeled Coleman as a racist after his change of opinion¹¹⁷, his position was informed by the fact that the methods being used to achieve desegregation, namely forced busing, were creating many hardships and resulting in very limited educational benefits. He began to question whether desegregating schools through dramatic, large scale busing measures actually left students with a better educational opportunities. Coleman based his opinion on emerging research, especially Nancy St. John’s *School Desegregation: Outcomes for Children*, which found desegregation efforts were not aiding the education outcomes of minority

¹¹⁶ COLEMAN, JAMES S. “Racial Segregation in the Schools: New Research with New Policy Implications.” *The Phi Delta Kappan* 57.2 (1975): 75–78. Web <http://www.jstor.org/stable/20298150>, p.77

¹¹⁷ Patterson, p.175

children¹¹⁸.

Despite the doubts that began to emerge in the 1970s, especially during the controversies around busing, the research over the years has overwhelmingly shown that school desegregation has positive effects on students. With a few outliers, such as St. Johns's research, most studies have shown a strong link between desegregated environments and student achievement. For example, Jonathan Guryan found that desegregation has played a significant role in lowering the national dropout rate among black students: "the results reported here are consistent with a one to three percentage point decline in dropout rates due to desegregation. Estimated effects are quite substantial. A one to three percentage point decline in dropout rates can account for about half of the decline in black dropout rates from 1970 to 1980"¹¹⁹. This data is extremely significant. Keeping children in school is obviously vital to their future achievement. Differences in test scores are important, but ensuring that more children are actually in school taking the tests is even more so.

In terms of student achievement, a complete consensus has never been reached. However, a 1982 review of 93 studies found that a clear majority showed positive gains in test scores resulting from desegregation. The study found on, on average that, "the effect of desegregation, when measured properly, is a gain of about .3 standard deviations (one grade level)"¹²⁰. The authors note that the achievement gap between blacks and whites is still large and that some have criticized desegregation for not doing enough to close this gap. However, while desegregation

¹¹⁸ St. John, Nancy Hoyt. *School Desegregation: Outcomes for Children*. Wiley, 1975. Print.

¹¹⁹ Guryan, Jonathan. *Desegregation and Black Dropout Rates*. National Bureau of Economic Research, 2001. Web. <http://www.nber.org/papers/w8345>, p.4.

¹²⁰ Crain, Robert L., and Rita E. Mahard. "The Effect of Research Methodology on Desegregation-Achievement Studies: A Meta-Analysis." *American Journal of Sociology* 88.5 (1983): 839–854. Web <http://www.jstor.org/stable/2779442>, p.V

may not go all the way towards closing the gap, the fact that it leads to a average grade level increase of one year is certainly substantial.

In addition to studying gains in test scores, researchers have also looked at the long-term effects of desegregation on students' life outcomes. In 2007, the National Bureau of Economic research conducted a study examining the life trajectories of children born between 1950 and 1970 up until the time of the study. It aimed to determine what effect desegregation had had on their lives. The results were striking: "School desegregation and the accompanied increases in school quality resulted in significant improvements in adult attainments for blacks. I find that, for blacks, school desegregation significantly increased educational attainment and adult earnings, reduced the probability of incarceration, and improved adult health status"¹²¹. The change in test scores by students in desegregated environments is important, but this change is relatively meaningless in the long term if it doesn't lead to changes in the life outcomes of the students involved. However, this is not the case. On average, the lives of these individuals improved substantially. They earn more, are healthier, and are more likely to stay out of prison. In addition, the study found that desegregation had no negative impact on the white students involved. As has been discussed in previous chapters, the Supreme Court has recently said that schools cannot use race as a factor in determining school assignments in *Parents Involved in Community Schools v. Seattle School Districts*. Though desegregation measures are now hard to implement, a broad review of the research shows that they have had a positive effect on the students involved.

Despite the positive impacts of desegregation, it is far from universally supported. This does not mean that large groups are in favor of creating segregated schools, but that many, such

¹²¹ Johnson, Rucker C. *Long-run Impacts of School Desegregation & School Quality on Adult Attainments*. National Bureau of Economic Research, 2011. Web. <http://www.nber.org/papers/w16664>, p.2

as former superintendent Adamowski do not believe that active desegregation measures on the level of the *Sheff* remedy should be the primary focus of school districts. Instead, they advocate improving local schools, even if this means that they remain largely segregated. Like the desegregationists, this group has the goal of improving education for all children, but a different vision of how to achieve this goal. Following in the footsteps of Derrick Bell and James Coleman, this group of advocates believes that the focus should be on improving education for black students and that in some situations desegregation plans may not be the most effective measure. This vision was what prompted former superintendent Steven Adamowski's reforms to increase graduation rates and test scores within Hartford¹²² and the district's advertisements against *Sheff* measures¹²³. The importance of neighborhood schools to many parents is also reflected in the opinions of Hartford parents choose locals schools and continue to rate them highly despite their low performance¹²⁴

The goal of improving the quality of education regardless of segregation can also be seen in the continued financial support received by Hartford's charter schools. Charter schools are public schools that are privately run. The district holds them to certain standards but they are generally given a great amount of flexibility. In Hartford, charter schools play a major role in the school choice initiatives introduced by Adamowski. Such schools have received great support from Hartford as well as private foundations such as the Bill and Melinda Gates Foundation¹²⁵ (De la Torre Hartford School Board Accepts \$2.77M Gates Foundation Grant). Hartford Charter

¹²² "Mr. Adamowski's Vision"

¹²³ Frahm, "Ads urging parents to keep children in Hartford schools anger Sheff lawyer"

¹²⁴ Cohen

¹²⁵ De La Torre, Vanessa. "Hartford School Board Accepts \$2.77M Gates Foundation Grant." *Hartford Courant*. 25 Mar. 2013. Web. 26 Mar. 2013. <http://articles.courant.com/2013-03-25/community/hc-hartford-gates-grant-0322-20130325_1_milner-school-board-chairman-matthew-poland-superintendent-christina-kishimoto>.

schools are better funded than regular Hartford schools and enjoy better test results.¹²⁶ However, charter schools are generally very segregated. A 2010 study by the UCLA Civil Rights Project found that:

“At the national level, seventy percent of black charter school students attend intensely segregated minority charter schools (which enroll 90-100% of students from under-represented minority backgrounds), or twice as many as the share of intensely segregated black students in traditional public schools. Some charter schools enrolled populations where 99% of the students were from under-represented minority backgrounds. Forty-three percent of black charter school students attended these extremely segregated minority schools, a percentage which was, by far, the highest of any other racial group, and nearly three times as high as black students in traditional public schools. Overall, nearly three out of four students in the typical black student’s charter school are also black. This figure indicates extremely high levels of isolation, particularly given the fact that black students comprise less than one-third of charter students”¹²⁷

Supporters of charter schools in Hartford endorsed a vision that would have been supported by Derrick Bell. Charter schools represent a choice to improve schools, even if segregation continues to persist. The goal of educational quality for all takes precedent over desegregation.

Effects of Desegregation in Hartford

The Hartford area has been the topic of several important studies on the effects of desegregation. For example, a 1985 study looked at the life outcomes of graduates of Project Concern (the early version of open choice) compared with those who were chosen to participate through a lottery but elected to remain in Hartford. The study found that those who participated in Project Concern graduates were more likely to graduate from high school and less likely to drop out. They completed more years of college and were less likely to have run ins with police. They also reported a higher degree of comfort with whites and were more likely to live in

¹²⁶ Mozdzer, Jodie. "Charter Schools' Test Results May Aid 3 Urban Districts." *Hartford Courant*. N.p., 05 Dec. 2008. Web. <http://hartfordinfo.org/issues/documents/education/hbfd_courant_120508_1.asp>

¹²⁷ Frankenberg, E., Siegel-Hawley, G., Wang, J. (2010). *Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards*. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA; www.civilrightsproject.ucla.edu, p.4

desegregated neighborhoods¹²⁸. A second study found that Project Concern graduates were more likely to have white collar jobs and higher career aspirations¹²⁹.

Recent data on Hartford area public school students finds that those who participate in the Open Choice program or attend regional magnet schools consistently outperform students in regular schools: "The data shows that the percentage of students who achieved at or above proficiency on the state tests was generally about 20 to 40 percentage points higher for Hartford students in the magnet schools and in Open Choice programs than for students attending regular public schools"¹³⁰. This data says that students in *Sheff's* desegregated programs are learning at a higher level than those left behind in the neighborhood schools. However, this is not proof in itself that desegregation itself is responsible. It could be argued that these schools are simply of a higher quality and that the improvement of Hartford's neighborhood schools could be raised to the same level with more investments in school quality. Though overall school funding in Hartford matches that in other districts thanks to *Horton* and *Sheff*, many other differences can be seen between Hartford and surrounding districts that take in open choice students. For example, in neighboring Avon, 92% of teachers have a masters degree or above¹³¹. In Hartford, that number is 58.3%¹³². Such differences also exist between regular Hartford public schools and magnet schools. For example, in Hartford Magnet Middle School, teachers have an average of

¹²⁸ Crain, Robert L., and Others. *Finding Niches: Desegregated Students Sixteen Years Later. Final Report on the Educational Outcomes of Project Concern, Hartford, Connecticut*. 1992. Web <http://www.eric.ed.gov/ERICWebPortal/detail?accno=ED396035>

¹²⁹ Crain, Robert L., and Jack Strauss. *School Desegregation and Black Occupational Attainments: Results from a Long-Term Experiment*. 1985. Web. <http://www.eric.ed.gov/ERICWebPortal/detail?accno=ED260170>

¹³⁰ Megan, Kathleen. "Hartford Students In Regional Magnets And 'Open Choice' Outperform Kids In City Schools." *Hartford Courant*. N.p., 25 Oct. 2012. Web. <http://articles.courant.com/2012-10-25/news/hc-magnet-school-scores-20121025_1_hartford-host-magnet-schools-open-choice-hartford-students>.

¹³¹ Connecticut State Department of Education. "Strategic School Profile 09-10: Avon School District." 2010. Web. <<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx>>.

¹³² Connecticut State Department of Education. "Strategic School Profile 09-10: Hartford School District." 2010. Web. <<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx>>.

10.9 years of experience¹³³ while those in local Burr Elementary have 8.7¹³⁴. This kind of data indicates that the differences in educational attainment between Hartford public schools and those taking part in *Sheff* remedies cannot be entirely explained by the levels of segregation present. The schools are not equal in every other respect and therefore cannot be judged on desegregation alone. However, other studies have controlled for such factors¹³⁵ and found that desegregation by itself does lead to higher educational achievement levels. Therefore, it is quite reasonable to assume that Hartford fits this mold and that the desegregation of the area's schools has a positive effect of about one grade level¹³⁶ on those involved. While the desegregation measures of *Sheff* are extremely hard to fully implement for a variety of reasons, it seems clear that the vision of the *Sheff* plaintiffs and the *Sheff* movement is an effective one. If Connecticut were actually able to provide a quality, integrated school environment for all students, thousands of students would reap educational benefits. However, education reform does not happen in a bubble. As discussed in chapter 3, the measures that would be necessary to meet this goal are simply not politically feasible. When it comes to integration, there is a clear mismatch between the best policy when it comes to students, and the policies that politicians and administrators can comfortably support.

¹³³ Connecticut State Department of Education. "Strategic School Profile 09-10: Hartford Magnet Middle School." 2010. Web. <<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx>>.

¹³⁴ Connecticut State Department of Education. "Strategic School Profile 09-10: Burr Elementary School." 2010. Web. <<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx>>.

¹³⁵ Crain and Mahard

¹³⁶ Ibid

Conclusion

On April 30th, 2013 a state judge announced a one-year extension to the previous settlement negotiated between the *Sheff* plaintiffs and the state. The new agreement calls for the creation of four new magnet schools and adding seats to existing schools. It also involves creating new incentives for suburban schools by increasing per pupil reimbursement rates for all school districts whose enrollment is at least 4% Hartford students. The plan also involves a \$750,000 infusion of capital funding for building improvements. The state has until June 30, 2014 to meet the previously established goals of placing 41% of students in a racially integrated school or of meeting 80% of demand¹³⁷. One key part of the agreement changes three existing Hartford public schools into regional magnet schools. This is important because it means that not all of the students involved in the *Sheff* remedies will be lost to the suburbs. According to current Hartford superintendent of schools Christina Kishimoto, the plan ensures, “that we are not bleeding out Hartford Public Schools of students and reducing the size of the district”¹³⁸.

However, while the new plan does represent steps in the right direction, it is unlikely to significantly alter the long narrative on *Sheff v. O’Neill*. Despite the research discussed in chapter 4 about the benefits of desegregation, 15 years after the original case was decided, the goal will still be 41% integration. This is because the main underlying issues have not changed. The Hartford school district still wants to keep as many students as possible and while this plan addresses some of the issues, the reality is that thousands of students will be leaving Hartford for the suburbs. Without a greater effort to create integrated schools within Hartford, the city will likely never be fully on board with implementation. The more the settlement is implemented, the

¹³⁷ Megan, Kathleen. "Latest Sheff Deal Offers New Money For Schools." *Courant.com*, 30 Apr. 2013. Web. 01 May 2013. <<http://www.courant.com/news/education/hc-sheff-agreement-0501-20130430,0,2692633.story>>.

¹³⁸ Ibid

more students and money Hartford loses and efforts are directed away from the city's own goals. In addition, the increased reimbursement rates will help incentivize the suburban districts to take on more students but there are still limited seats and the worries related to No Child Left Behind. Extra funding makes the idea of taking on greater numbers of Hartford students more palatable, but it is still not something that they are highly motivated or forced to do.

As was discussed in Chapter 3, the easiest way to ensure that desegregation actually takes place is through mandatory measures. However, mandatory busing programs are incredibly unpopular and would likely not hold up if challenged in federal court. The unpopularity of busing is demonstrated by the fact the Governor Malloy is publically firmly against busing despite supporting it as a mayor and activist for integration. Busing is too toxic of an issue for any prominent politicians to publically support it.

The full measure of *Sheff v. O'Neill* is almost certainly an impossible goal. The goal of placing 100% of Hartford students in integrated schools was unenforceable and impossible from the day the decision was handed down. After 14 years of work, fewer than 40% are in such environments. Using the current strategies that are in place, it is unlikely that a much higher percentage will be reached. However, at this point a realistic goal does exist of meeting 100% of demand for integrated seats. This could be accomplished through imposing mandatory measures on the school districts or tying state funding to the acceptance of Hartford students. Too many seats remain unfilled because suburban districts do not see a need to accept out of district students. Though *Sheff* will never fully be met, the fact that the right to a quality integrated education been acknowledged by the Court, has provided a benchmark to strive for. As a result, thousands of students have benefitted. The goal of meeting 100% of demand remains a more realistic target and, if met, would provide a multitude of benefits for future students.

Chapter 5

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