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### Desegregating Schooling in Hartford, Connecticut: The 1996 Sheff v. O'Neill Court Case and Two Decades of Integration Policy

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Trinity College

**Desegregating Schooling in Hartford, Connecticut:  
The 1996 *Sheff v. O'Neill* Court Case  
and Two Decades of Integration Policy**

Senior Thesis Submitted to the  
American Studies Department

By

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Hartford, Connecticut

May, 2019

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*Introduction: A City Divided*

Early into my Junior year studying at Trinity College, I was sitting in my car waiting to turn onto Brownell Avenue, along the East gates of Trinity's campus, to park at my off-campus house. It was around 4:00 in the afternoon and that meant one thing: lots and lots of school buses. The street that I lived on was directly across from the Learning Corridor, a collection of Interdistrict magnet schools that are a key component to efforts in Hartford to desegregate the school system. As I sat in my car waiting for the buses to pass, I noticed that each bus was labelled with the name of a different town. Individual buses had pieces of paper that designated where the students would be going home to: West Hartford, Hartford, Glastonbury, Avon, and elsewhere. I immediately noticed also that not only were the buses divided by the towns the students lived in, but they buses also filled with students that all looked like each other. Each individual bus was comprised of similar looking students but they all looked different from the one before them. One bus would pass by with an overwhelming majority of African-American students. Another would pass with the same majority of white students. I was unnerved seeing the segregation of the children on these buses. It was in that moment that I first began to contemplate how many children and their families in Hartford, and in most cities and towns across America, live in deeply segregated neighborhoods. It seemed that each town would only be home to people who all looked just like each other.

This is the story of the landmark school desegregation case in Hartford, Connecticut, *Milo Sheff et. al., v. William A. O'Neill et. al.* In 1996, Hartford's schools

were found by the Supreme Court of the state to be segregated, and this remains true for many Hartford schoolchildren now in 2019.<sup>1</sup> The case is important, because the programs that have evolved in the decades after have worked towards the goal of integration in Hartford, and can teach us what is effective and what is not in integrating schools. Chapter one of this thesis will unpack some of the history of how Hartford and its neighboring suburbs maintained segregation within the region throughout the 20th century. It will also argue that these efforts were integral in maintaining school segregation decades after it had been deemed illegal, because the structures that enforced segregation were never truly dismantled. While segregated residential areas were nothing new in the 1900s, many efforts throughout the century upheld and reinforced that segregation, digging the city deeper into its enforcement of the practice. Residents of Hartford and its neighboring suburbs lived in distinctly segregated spaces by the time the plaintiffs in the *Sheff* case filed their original complaint in 1989. The complaint charged that the state was in violation of its constitution by failing to provide schoolchildren an education in an integrated setting. As a result of this violation and the fact that children were sent to schools in the districts they lived in, the schools of the region were heavily segregated by race, class, and ethnicity.<sup>2</sup> Chapter one will explain how this process occurred over time, and what systems, institutions, and historical actors played a role in leading to the conditions confronted in the *Sheff* case. By connecting the residential segregation in Hartford with the segregation in the city's

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<sup>1</sup> "Hartford Public Schools: Striving for Equity through Interdistrict Programs," The Century Foundation, October 14, 2016.

<sup>2</sup> *Milo Sheff et al. v. William A O'Neill et al.* (July 9, 1996).

schools, an understanding of the historical context that led to the *Sheff* case provides insight into the trial and the years that have followed.

Chapter two will discuss the time between the 1989 original complaint throughout the trial and decision in 1996 in favor of the plaintiffs. The chapter will provide some insight into the arguments made by either side in the trial, which leads to a better understanding of the differences in how members of the community, as well as city and state officials, viewed the problems that were being presented in this case. After the decision was announced, how these wrongs would be corrected was unclear.<sup>3</sup> The second chapter will argue that this singular court decision was not enough to compel legislators to enact meaningful change in the face of public opinion that opposed mandatory integration in favor of market-based reforms

Chapter three will focus on the more than two decades since the 1996 decision by laying out the various settlements and stipulations that were agreed upon throughout many continuations of *Sheff* to set new goals and benchmarks for desegregating Hartford's schools. The chapter will once again call attention to the arguments that showcase how different actors in this case viewed the problem and its solutions. In addition, I will propose the reasons why many of these goals were not met, as well as how the court attempted to mediate between the two sides. By studying the desegregation programs and efforts that were taken up to solve this issue, a better understanding can be reached of what worked, what didn't work, and how Hartford's schools ended up the way that they are in 2019.

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<sup>3</sup> Jack Dougherty, Christina Ramsay, and Jesse Wanzer, "Sheff v. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008," *Trinity College Digital Repository*, 2009.

Chapter four of this thesis presents an argument that ties the previous three chapters together for an analysis of what went right and what went wrong in the 23 years following the 1996 decision. The chapter will unpack the *Sheff* saga as it has unfolded so far, and analyze why the efforts that have been undertaken were the way they are, how they have been and have not been effective in achieving the goals set forth in 1996 and beyond. This chapter will offer an answer to the question of why many of the *Sheff* goals were never reached, and why many of Hartford's public schools remain segregated in 2019, despite efforts dating back to 1996 to solve this problem. I will argue that political pressure from white suburban families shaped the types of programs undertaken. These programs were not sufficient in addressing the depth of the problems that caused and maintained school segregation in Hartford, and the root cause of school segregation, neighborhood segregation, was never addressed in the solutions. In addition, I will show that a lack of directive towards ensuring quality in integrated schools has been a shortcoming in giving all Hartford public schoolchildren an equitable education, not just an integrated one. *Milo Sheff, et al., v. William O'Neill* is an important court case not only for Hartford, but for the nation as a whole. An opportunity for a brighter future for Hartford's children stands before the state, and since the 1980s, it remains on trial.

*Where You Live is Where You Learn: How We Got Here*

In 1989, a group of Hartford Public School students led by fourth-grader Milo Sheff filed a lawsuit that challenged racial segregation in the district's schools.<sup>4</sup> The plaintiffs brought forward a complaint that detailed the discrepancies in the racial composition between Hartford's public schools with their majority-minority school populations and those of the surrounding school districts that were majority white. Sheff and the other plaintiffs pointed to the State of Connecticut's knowledge of school segregation in Hartford, and accused the state of being complicit in this problem for failing to act to remedy the disparities.<sup>5</sup> They pointed to The Connecticut State Constitution, which guarantees both a free public education to all Connecticut children, and a guarantee that no person can be denied "equal protection of the law nor be subjected to segregation or discrimination," as the reason that Connecticut was required to act.<sup>6</sup> Seven years later, in *Sheff v. O'Neill* the Connecticut State Supreme Court decided in favor of the plaintiffs by declaring that Hartford schools indeed were segregated by race, and that the State of Connecticut held responsibility for this problem. In the Court's ruling, the justices stated that Sheff and his fellow students had been denied the right to an "equal educational opportunity" as was guaranteed to them by the State Constitution.<sup>7</sup> The Court was clear about how this segregation had happened. The decision pointed to a districting statute from the year 1909 that assigned children to the public school district they reside in and asserted it was "the

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<sup>4</sup> Milo Sheff, et al., v. William O'Neill - Plaintiffs' Complaint (Hartford Superior Court April 26, 1989).

<sup>5</sup> Ibid

<sup>6</sup> Constitution of The State of Connecticut, State of Connecticut (1965).

<sup>7</sup> Milo Sheff et al. v. William A O'Neill et al. (July 9, 1996).

single most important factor contributing to the present concentration of racial and ethnic minorities in the Hartford public school system.”<sup>8</sup> This one comment illustrates the ways in which residential segregation in the Hartford region influenced racial segregation in Hartford’s schools. An understanding of how Hartford’s neighborhoods became segregated should be considered crucial contextual information that sets the scene for the state of school segregation leading up to the *Sheff* decision in the 1990’s and the more than twenty-years of attempting to achieve racial integration in Hartford’s schools that has followed.

The State of Connecticut played a key role in the creation and maintenance of the residential segregation that came to shape the imbalance in the schools and then failed to rectify segregation that they knew existed in Hartford. As early as the mid-19th century, black residents of Hartford faced discrimination and rising rent prices that forced them out of areas such as the South End, and into areas that still are deeply segregated such as the North End. In the early 20th century, as black migration into Hartford increased, housing discrimination continued as a powerful force shaping Hartford’s neighborhoods.<sup>9</sup> In 1933, as part of the New Deal, the Home Owners’ Loan Corporation was created in order to rescue private homeowners who were going to default on their homes. The Great Depression had been devastating for working and middle class families, and had created a massive housing crisis in which many homeowners were faced with foreclosure. The HOLC was created by the Roosevelt

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<sup>8</sup> Milo Sheff et al. v. William A O'Neill et al. (July 9, 1996).

<sup>9</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

Administration to address the crisis.<sup>10</sup> The purpose of the HOLC was to buy existing mortgages that were facing “imminent foreclosure.”<sup>11</sup> These new mortgages had repayment schedules that reached fifteen years and eventually extended to twenty-five years. Prior to this New Deal program, working and middle class urban families struggled to afford repayment plans that often offered only five to seven year repayment schedules. This deal was offered to homeowners across the country, and in all cases, the HOLC offered this help based on its own assessment of the risk of any borrower making the obligated regular payments in any property in a specific neighborhood. The HOLC evaluated risk by considering the property and its surrounding neighborhood to determine whether the property would retain its value. Using the process of redlining, the HOLC color coded maps of metropolitan areas, labeling the neighborhoods that they deemed most risky for loans in red. Local real estate agents were hired to draw the boundaries for these maps, but the National Association of Real Estate’s code of ethics directed agents to “never be instrumental in introducing into a neighborhood...members of any race or nationality...whose presence will clearly be detrimental to property values in that neighborhood,” leading local agents to follow the national policy of maintaining segregation by drawing discriminatory redlined maps in their cities.<sup>12</sup> In towns that had high populations of minorities, regardless of the economic status of the area, many of these neighborhoods were given a risky designation.<sup>13</sup> Hartford was no exception to the HOLC’s racist redlining practices. In a study of 1937 appraisal reports by the HOLC in

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<sup>10</sup> Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright Publishing Corporation, a Division of W. W. Norton & Company, 2017).

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Ibid

Hartford's neighborhoods, it is made clear that there was a deliberate effort to deny loans to homeowners in majority-minority neighborhoods. One neighborhood, designated with the label "D-2," was considered a 'red' district, which brought with it the highest determined level of risk. The population of neighborhood D-2 was described as 100% "foreign-born," and the explanation for the highest-risk status it had been assigned was the "character of neighborhood and inhabitant."<sup>14</sup> The reports described that the characteristics of a risky neighborhood were based on the presence of an "undesirable population."<sup>15</sup> In contrast to this, the least-risky districts were described as being "homogenous."<sup>16</sup> Even all black neighborhoods, which technically were homogenous, were still given risky assessments, regardless of the quality of the neighborhood itself.<sup>17</sup>

One neighborhood in Hartford, designated as "D-1," was also labelled in red. The report of this neighborhood listed the population as being "66% Negro," and described the area as having "gradually drifted into a Slum area now mainly occupied by Negros."<sup>18</sup> The comment that the area had become a slum was not based on the quality of buildings in the neighborhood, but rather was used as a racialized tool that highlights the perceptions of black people as being of a lower class and character than whites. A report by the Federal Housing Administration from 1948, a separate organization from the HOLC that was formed in 1934 for the purpose of insuring bank

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<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> "Federal HOLC "Redlining" Map, Hartford Area, 1937," 2012, University of Connecticut Libraries Map and Geographic Information Center - MAGIC.

mortgages, claimed that allowing black people to enter a neighborhood would lead to a decline in property values and the quality of a neighborhood.

10-1-37

AREA DESCRIPTION - SECURITY MAP OF HARTFORD, CONN.

1. AREA CHARACTERISTICS:

a. Description of Terrain. Land slopes toward the river where it is subject to floods in time of high water.

b. Favorable Influences. Centralness of location.

c. Detrimental Influences. A slum area.

d. Percentage of land improved 85 %; e. Trend of desirability next 10-15 yrs Downward

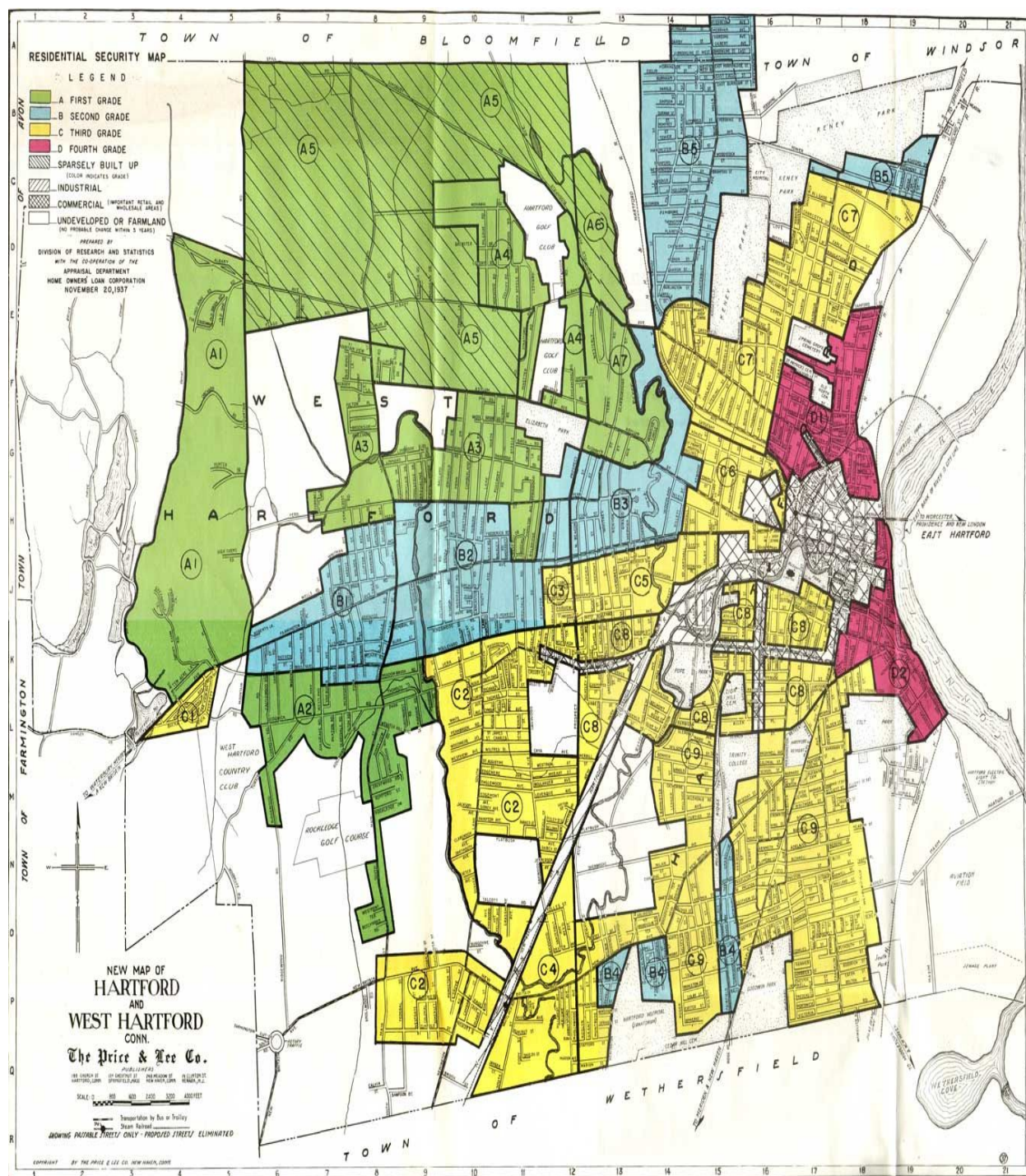
2. INHABITANTS:

a. Occupation Laborers & domestics b. Estimated annual family income \$ 1,000

c. Foreign-born families 34 %; Italians predominating; d. Negro Yes; 66 %

<sup>19</sup>The HOLC report on Neighborhood "D-1" from 1937. Describes populations as being "Italian" and "Negro." Says under "detrimental influences" that the area is a "slum."

<sup>19</sup> Ibid



<sup>20</sup> Figure shows a redlined map of Hartford and West Hartford from 1937. The two red zones are the “D-1” and “D-2” neighborhoods that are deemed most risky. The green zones are designated least risky, followed by blue, and then yellow.

<sup>20</sup> Jack Dougherty and contributors, *On the Line: How Schooling, Housing, and Civil Rights Shaped Hartford and Its Suburbs* (Trinity College, book-in-progress, 2018)

The city's oldest residential section which has gradually drifted into a  
 5. CLARIFYING REMARKS: slum area now mainly occupied by Negroes. It is a very  
 congested neighborhood containing scattered plants and a variation in type  
 of dwelling from small singles to multi-family with prices largely theoret-  
 ical in view of the many tax and sacrifice sales. South of the railroad,  
 are found combination stores and dwellings and this portion, as well as  
 along the eastern boundary, is particularly subject to floods. There has  
 been a sizeable amount of demolition on the part of institutional holders  
 and they will no longer land in this section.

5. NAME AND LOCATION HARTFORD, CONN. SECURITY GRADE FOURTH AREA NO. 1-1

<sup>21</sup> The HOLC report on Neighborhood "D-1" from 1937. Describes the area as a "slum" that is "occupied by Negroes."

To convince white homeowners that their neighborhoods were declining in value and quality, therefore becoming slums, prospectors used racialized tactics that portrayed towns populated by black people as lower in quality. In some cases, black women were hired to walk through white neighborhoods with their babies in strollers and black men were paid to drive through white neighborhoods blaring music from their radios. Even the suggestion that a white neighborhood was becoming inhabited by racial minorities was enough to convince white homeowners that their neighborhoods were deteriorating, illustrating how the concept of what was considered a slum was often based on race.<sup>22</sup>

These reports highlight how government policy was driven by an effort to maintain neighborhood segregation in Hartford and around the country. It becomes

<sup>21</sup> Ibid

<sup>22</sup> Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright Publishing Corporation, a Division of W. W. Norton & Company, 2017).

apparent that government policy, such as the HOLC's redlining policies, played an influential role in forming and intensifying the residential segregation that became standard in Hartford and many metropolitan areas around the nation. The Federal Housing Administration, which was a separate entity from the HOLC, issued statements and guidelines, for use by everything from federal agencies to local real estate agents, that highlighted the federal government's dedication to maintaining residential segregation. The federal guidelines issued by the FHA trickled down from the federal level to the state level, and were used to encourage residential segregation throughout the country, including in Hartford, through practices such as redlining. In a manual from 1935, the FHA instructed that "if a neighborhood is to retain stability it is necessary that properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally leads to instability and a reduction in values."<sup>23</sup> Particularly worrisome was the FHA's concern with what residential integration would mean for education. If children, the FHA manual reads, "are compelled to attend school where the majority or a considerable number of the pupils represent a far lower level of society or an incompatible racial element," such neighborhoods "will prove far less stable and desirable than if this condition did not exist."<sup>24</sup> This statement shows the government's investment in racist policies that ensured that mortgage lending would be undesirable in integrated neighborhoods.

Another practice that perpetuated residential segregation in Hartford was the use of racially restrictive housing covenants, private clauses in housing deeds that generally

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<sup>23</sup> Ibid

<sup>24</sup> Ibid

prohibited non-white families from living in certain homes and neighborhoods. In 1926, the Supreme Court ruled that these racial clauses were private agreements, and were not illegal as they were not the result of state actions.<sup>25</sup> In 1948, the Supreme Court shifted slightly. The government could not enforce these restrictions, the court ruled, although they were still considered to be valid private agreements.<sup>26</sup> In other words, the new position of the government was that the use of restrictive covenants was still legal, but that they could not be enforced judicially. These racially restrictive covenants were used to create exclusionary housing in Hartford, as well as in other cities around the nation. A study of restrictive covenants in West Hartford in the 1940's shows the effect that this system had on intensifying the already existing residential segregation in the *Sheff* region by restricting neighborhoods, landlords, and homeowners from engaging in integration efforts. One example of these covenants appearing in Hartford is the development of High Ledge Homes, a land development in West Hartford under the direction of Edward Hammel.<sup>27</sup> Hammel's development included a racially restrictive covenant. "No persons of any race," the housing deeds in High Ledge Homes read, "other than the white race shall use or occupy any building or any lot."<sup>28</sup>

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<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> Jack Dougherty and contributors, *On the Line: How Schooling, Housing, and Civil Rights Shaped Hartford and Its Suburbs* (Trinity College, book-in-progress, 2018)

<sup>28</sup> "Race Restrictive Covenants in Property Deeds, Hartford Area, circa 1940.," University of Connecticut Libraries Map and Geographic Information Center - MAGIC, 2012.

WHEPEAS, HIGH LEDGE HOMES, INCORPORATED, a corporation organized and existing by virtue of and under the laws of the State of Connecticut, with its principal place of business in the Town of West Hartford, County of Hartford and State of Connecticut, is the owner of a certain tract of land situated in the Town of West Hartford, and known and described as follows:

<sup>29</sup> The property deed from High Ledge Homes in 1940

(e) No persons of any race except the white race shall use or occupy any building on any lot except that this covenant shall not prevent occupancy by domestic servants of a different race employed by an owner or tenant.

<sup>30</sup> Racially restrictive language from an original High Ledge Homes property deed in 1940.

A study conducted in 2012 by the University of Connecticut's Libraries Map and Geographic Information Center of housing deeds in West Hartford from the 1940s found the exact same racially restrictive language and wording as was seen in the High Ledge Homes development throughout the *Sheff* region.<sup>31</sup> In 1940, the population of the neighborhood where High Ledge Homes was built was 100% white. It remained this

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<sup>29</sup> Ibid

<sup>30</sup> Ibid

<sup>31</sup> Ibid

way until 1980, when the white population dropped only to 98%.<sup>32</sup> By the time of the *Sheff* case in the 1990's, the white population of this historically segregated neighborhood remained at 93%, with 3% of the population being Hispanic, and 1% being black. Despite the practice of racially restrictive covenants being made illegal later in the 20th century, the area remained segregated as few efforts were made, either by the federal, state, or local governments, as well as by private actors, to remedy the past wrongs and dismantle the systems and institutions that created the segregated conditions in the first place. Not only did Hammel's development explicitly exclude non-white residents, but the rhetoric used in the advertisements from the properties reflected federal policy and general white attitudes on segregated neighborhoods during the 1930's and 1940's. One advertisement, from the opening of High Ledge Homes in the 1940's, claims that the area is a "thriving community," in which homeowners would "like your neighbors."<sup>33</sup> The scholar Richard Rothstein argues that restrictive covenants were reliant upon "collaboration" between private actors and the federal judicial system.<sup>34</sup> Through these covenants, and through other structures such as redlining, Hartford and its surrounding neighborhoods actively resisted integration, creating the conditions for neighborhoods such as the High Ledge Homes area to remain 100% white.<sup>35</sup>

Practices that worked to keep minorities out of white communities did not end after the 1940's. Despite a 1974 report by the U.S. Commission on Civil Rights that

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<sup>32</sup> "Racial Change in the Hartford Region, 1900-2010," University of Connecticut Libraries Map and Geographic Information Center - MAGIC, 2012.

<sup>33</sup> Jack Dougherty and contributors, *On the Line: How Schooling, Housing, and Civil Rights Shaped Hartford and Its Suburbs* (Trinity College, book-in-progress, 2018)

<sup>34</sup> Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright Publishing Corporation, a Division of W. W. Norton & Company, 2017).

<sup>35</sup> [http://magic.lib.uconn.edu/otl/timeslider\\_racethematic.html](http://magic.lib.uconn.edu/otl/timeslider_racethematic.html)

found that banks in the Hartford region continued to show bias towards minorities who were searching for mortgages, the ability of black families to move into predominantly white neighborhoods was technically protected by law by the end of the 1960s. In 1968, Congress passed the Fair Housing Act, which prohibited “discrimination in the sale, rental, and financing of dwellings.”<sup>36</sup> While the Fair Housing Act was the formal platform of the federal government, the judicial system failed in many cases to actively prevent the continuation of housing segregation practices. In 1977, a study was conducted in Hartford by the organization Education/Instrucción that attempted to uncover denials of homeowners’ insurance to homes in majority-minority neighborhoods in the city. Properties in the predominantly minority North End neighborhood were highly likely to be denied insurance. At the same time, South End and West Hartford properties, which had higher populations of white residents, were more likely to be approved for insurance. The practice of insurance redlining, which appears in this study, is a threat to “equal housing opportunities,” the “revival of declining neighborhoods,” and it threatens homeowners’ “need for reasonable and adequate homeowners insurance for a mortgage closing.”<sup>37</sup> Twenty three out of thirty six properties in the study were denied insurance. Only one of the properties that was denied insurance was not located in the North End.<sup>38</sup> In one conversation with an insurance agent about a property in the North End, the agent stated that he could not approve the property for homeowners’ insurance

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<sup>36</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>37</sup> Education/Instrucción, “Fair Housing At Its Worst: Insurance Redlining, Report 10,” *Trinity College Digital Repository*, 1978.

<sup>38</sup> Ibid

“simply because of the location.”<sup>39</sup> A similar property in the same neighborhood was denied insurance, despite the agent declaring that the property was in “good condition.” “That,” referring to the location of the property, “is it in a nutshell,” the agent said.<sup>40</sup> The language used by the agent makes it clear that the variable that he is basing his denial on is the location of the property, which is a reflection of the racial and socioeconomic character of the neighborhood, not property quality. One striking conversation from the study was an outright admission of discriminatory practice by another insurance agent, who openly admitted that “we can’t give you a homeowners’ policy on it because the companies don’t allow homeowners’ policies in those areas. It is kind of discriminatory, course I never said that, but that is the way that works.”<sup>41</sup> Of the thirteen insurance agents who denied insurance policies solely based on location of a property in the North End in this particular study, nine offered policies to “identical” homes in the South End or West Hartford, where the populations were predominantly white.<sup>42</sup> It seems that these policies of racial discrimination were so widely unchallenged by the government, despite a Connecticut court case only a few years prior in 1974, which led to settlements by financial institutions, that made it apparent to the public and the government that discriminatory housing practices were continuing in Connecticut.<sup>43</sup> Despite being illegal under the Fair Housing Act of 1968, which outlawed discrimination

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<sup>39</sup> Ibid

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Ibid

<sup>43</sup> Savahna Reuben, "Education/Instrucción Combats Housing Discrimination," Connecticut History | a CTHumanities Project, December 1, 2014.

based on race by financial institutions in providing financial services for a home, these practices have been used to reproduce residential segregation in Hartford.<sup>44</sup>

The minority demographics in Hartford and its surrounding suburbs paint a clear picture of the exclusion that formed over the 20th century. From 1900 to 1920, black migration from the Southern United States to Hartford tripled, reaching a population of 4,119 African Americans in Hartford by 1920. By the year 1941, 80 percent of African Americans living in Hartford were confined to a 40-square-block area known as the North End.<sup>45</sup> A 1956 *Hartford Courant* report claimed that in Hartford, “the Negro population is concentrated in one general area...the north end,” where blacks are forced to live if they want “to work in Hartford. He must rent his room or buy his house in the North End because there is no place else to go.”<sup>46</sup> After the Fair Housing Act had been passed in 1968, some middle class black families were able to move into Blue Hills, a predominantly white area of Hartford. With the passage of the Fair Housing Act in 1968, it became illegal to discriminate in “the sale, rental, and financing of dwellings” based on race, which would have technically allowed black families to move into areas such as Blue Hills. Despite this, a U.S. Commission on Civil Rights in 1974 found that banks in Hartford “remained biased against minorities...looking for mortgages,” which shows that despite the appearance of some demographic shifts, it was still a struggle for black families to integrate into white neighborhoods. Soon after, the demographics of Blue Hills “tipped,” as white home owners, in reaction to “the black influx, sold their

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<sup>44</sup> Fair Housing Act, § Sec. 804.[42 U.S.C. 3604] (1968).

<sup>45</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>46</sup> Ibid

houses and moved out.” Investigators, such as the ones from the Education/Instrucción group that studied insurance discrimination in Hartford, would confirm that Blue Hill ‘tipping’ was the result of real estate agents steering blacks into the community, and steering whites out, into suburbs such as Glastonbury, South Windsor, and Simsbury.<sup>47</sup>

By the beginning of the 1960s, 6,000 Puerto Ricans had moved into Hartford, predominantly settling in areas such as the North End. A 1976 interview with the then mayor of West Hartford, Ellsworth Grant, shows the extent of discriminatory rhetoric against the integration of these Puerto Rican migrants. Puerto Ricans, Grant said, “should remain in the core city or go back where they came from. They don’t belong here. I think West Hartford - the Hartford area - has been a port of entry too long for these types of people.”<sup>48</sup> By 1990, after decades of economic struggles in Puerto Rico that led to many migrants leaving the island, 38,000 Puerto Ricans made up 27 percent of Hartford’s population.<sup>49</sup> By the time of the *Sheff* case, 93% of students in Hartford’s schools were either Latino or black, compared to the predominantly white surrounding suburbs, as a result of the practices that confined black and Puerto Rican people to Urban Hartford, and the lack of any form of clear remedy to fix the segregation that existed after discriminatory practices became illegal.<sup>50</sup> As demographics of minority and white populations shifted in Hartford during the 20th century, practices such as redlining, restrictive covenants, and blockbusting resulted in the dense concentration of black and Puerto Rican people in areas such as the North End.

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<sup>47</sup> Ibid

<sup>48</sup> Ibid

<sup>49</sup> Ibid

<sup>50</sup> Ibid



<sup>51</sup> A map of racial composition in Hartford in 1940. Darker shaded areas are more heavily African American and Hispanic neighborhoods. African American populations can be observed living, for the most part, in the same neighborhoods in the Northern part of Hartford.

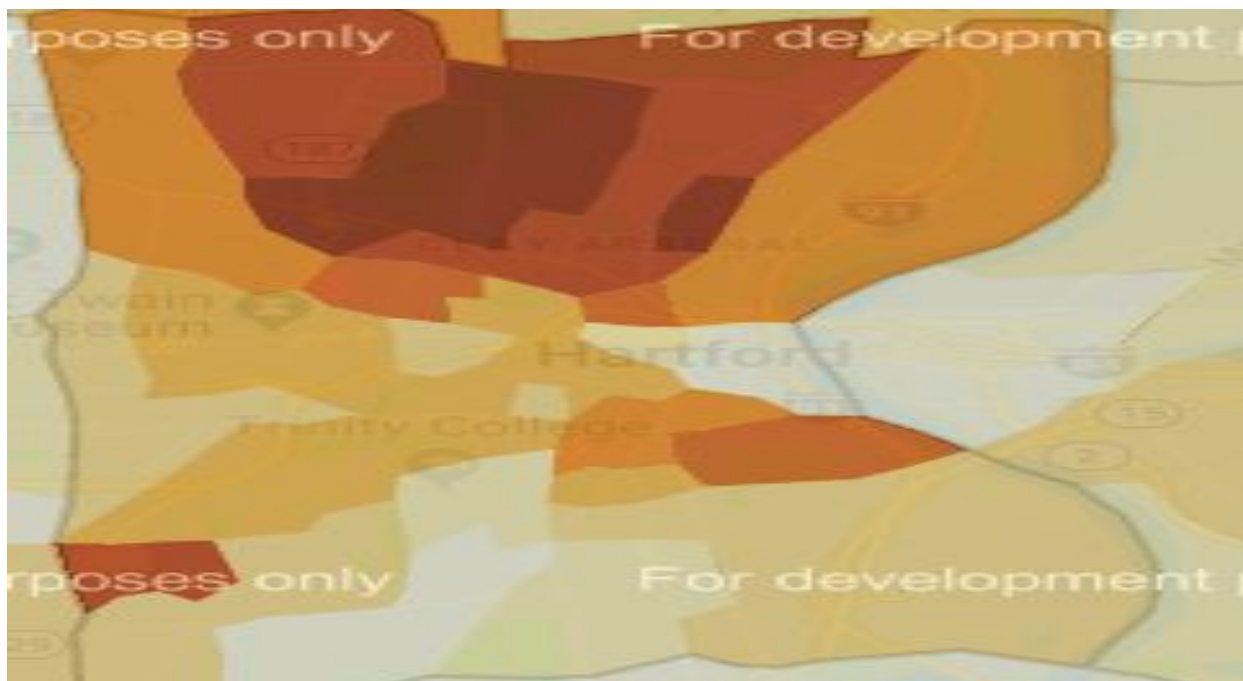


<sup>52</sup> This map from 1960 shows the furthering of the segregation of minorities into neighborhoods in and around the North End in Hartford into the second half of the 20th century.

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<sup>51</sup> "Racial Change in the Hartford Region, 1900-2010," University of Connecticut Libraries Map and Geographic Information Center - MAGIC, 2012.

<sup>52</sup> Ibid



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This map from 1980 shows that, despite practices such as redlining becoming technically illegal, African Americans and Hispanics continued to live in segregated neighborhoods, specifically the North End, where the population was around 90% African American at the time



<sup>54</sup> This map is from 2000, where every area in and directly around the North End has no white population that surpasses 2%. Coming just a few years after the initial *Sheff* case in 1996, this map highlights the residential segregation that lasted and flourished throughout the 20th century, and entrenched Hartford in segregation during that time.

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<sup>53</sup> Ibid

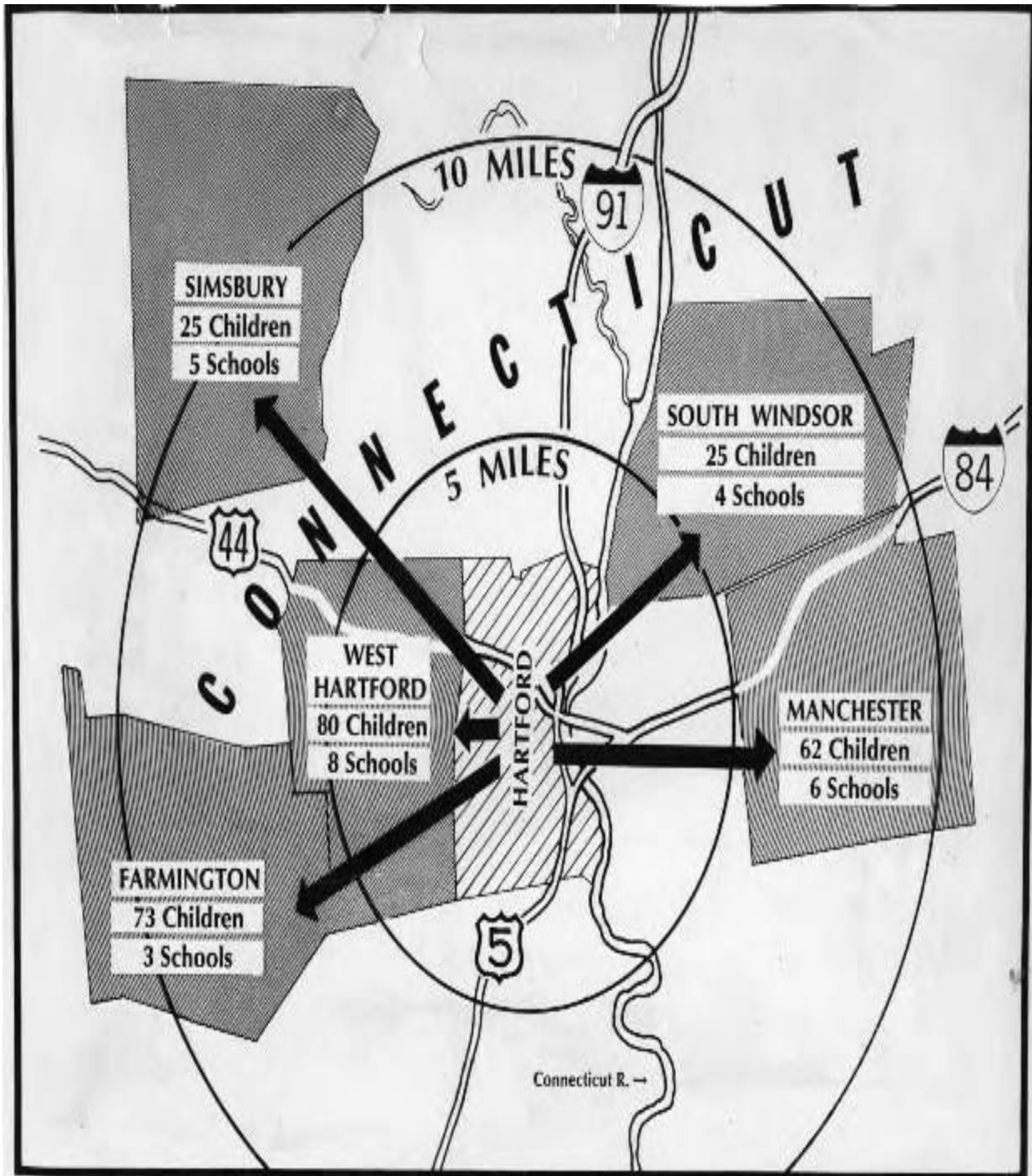
<sup>54</sup> Ibid

As teacher Susan Eaton claims in her book, *The Children in Room E4*, “*Sheff* challenged those school district boundary lines, which lawyers argued,” acted to separate “the middle class from poor children, and white children from black and Latino children. The lawyers in the *Sheff* case pointed to school district boundaries that separated suburban towns from Hartford, “corralling” minority students into separate schools that had unequal resources and offered lesser opportunities than suburban schools.”<sup>55</sup> These inequalities that appear in segregated schools highlight why segregated schools are detrimental to children. As local property taxes provide much of the funding for schools, areas with high poverty such as Hartford find themselves lacking in the resources they need to support their students’ academic achievement and growth. In addition, high school graduation rates for students in segregated metropolitan schools are lower than those of students in integrated schools.<sup>56</sup> As a result of the 1965 U.S. Civil Rights commission that documented the racially segregated schools in Hartford, and as a result of an investigation by consultants from Harvard, Project Concern was developed in 1966 as an early attempt to address the segregation problem in Hartford’s public schools.

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<sup>55</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>56</sup> Lincoln Quillian, "Does Segregation Create Winners and Losers? Residential Segregation and Inequality in Educational Attainment," *Social Problems* 61, no. 3 (2014):.



<sup>57</sup> A map from 1966 of busing in the Hartford Region in the early days of the Project Concern desegregation program.

<sup>57</sup> "Sheff v. O'Neill Settlements Target Educational Segregation In Hartford," Connecticut History | a CTHumanities Project, April 7, 2016.

Project Concern was a small program that allowed for certain Hartford students to be able to attend schools in the suburbs. Project Concern was created out of the finding that segregated schools threatened the “life opportunities” of minority students.<sup>58</sup> Under the program, children from the city of Hartford were bused to neighboring school districts to attend school outside of their neighborhood. The program became popular, as its wait list by 1970 had reached several thousand students. Despite this, there was no effort made to expand the program beyond 1,500 students, which made up a mere 2.5 percent of Hartford’s nearly 30,000 students.<sup>59</sup> Parents of suburban students in neighborhoods that bused in students from Hartford reported mixed feelings about the program, citing concerns about the effectiveness of the program, whether or not education should take place in a student’s actual neighborhood, and concerns that their local schools were already overcrowded. This shows how towns that had even had successful years under Project Concern had parents with attitudes that remained divisive about the continuation of the program.<sup>60</sup> Project Concern was not being expanded upon in a way that would allow it to have a meaningful effect that could impact the other 97.5 percent of Hartford students who remained in the city’s public schools. Minimal efforts were made by the city to integrate the schools by the end of the 1970s.

Residential segregation in Hartford has a long history that has been influenced by Federal, State, and Local government actions, as well as the actions of insurance

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<sup>58</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>59</sup> Ibid

<sup>60</sup> Thomas W. Mahan, *Project Concern - 1966-1968; A Report on the Effectiveness of Suburban School Placement for Inner-City Youth*, report (Hartford Public Schools).

companies, private owners, and developers. Practices such as redlining and the use of racially restrictive covenants in housing deeds were used to corral minority populations into areas separate from white people. As black and Puerto Rican populations began to settle in Hartford throughout the 20th century, government policies and private practices sought to separate these groups from the white population that already lived in Hartford and its surrounding districts. As many of the explicit 'de jure' practices that came to define the first half of the century began to fade away with the passage of civil rights laws, many players in the region continued to find subtle and hidden ways to continue to maintain neighborhood segregation in Hartford throughout the second half of the century. This legacy of residential segregation has had lasting impacts on the segregation in Hartford's public schools, as students mostly attend schools in the segregated neighborhoods in which they lived in, leading to disparities in achievement, resources, and opportunities. The correlation between housing and educational segregation can be observed through the disparities that existed between white and minority populations based on where they live and where they learn by the time the Connecticut Supreme Court argued *Sheff v. O'Neill* at the turn of the century. The *Sheff* case was an important step, as it began to address the segregation of Hartford's schools that was, in large part, the result of a long history of policies and practices that segregated residents in the *Sheff* region. Despite the decision in favor of the *Sheff* plaintiffs, there still remains a lingering problem of segregation in Hartford's public schools today. The more than two decades after *Sheff* was first brought to court, a wide

array of programs have been put into place, but the problem of residential segregation has and continues to pose a challenge to achieving that goal.

Segregation On Trial

“This is the case of a dream deferred,” proclaimed the civil rights lawyer who headed the *Sheff* legal team, John Brittain, on the opening day of the trial in December of 1992.<sup>61</sup> “What happens to a dream deferred? Does it dry up like a raisin in the sun?” asked Brittain in his opening statement, quoting a famous poem by the African American poet Langston Hughes.<sup>62</sup> *Milo Sheff, et al., v. William O’Neill*, commonly referred to as *Sheff v. O’Neill*, was brought to court by 19 Hartford public school students. They sued the State of Connecticut on the basis that the segregation in their schools was failing to give them the “equal educational opportunity” that all children in Connecticut are guaranteed by the State’s constitution.<sup>63</sup> To understand how the programs that Hartford used following the 1996 decision were shaped the by the trial itself it is necessary to take a deeper look at how the case was argued and decided. The case first originated in 1989, when the plaintiffs filed a complaint detailing the deeply entrenched racial, ethnic, and class segregation in Hartford’s public schools. 91% of the students in these schools were black or Hispanic, and nearly half came from families living in poverty.<sup>64</sup> In contrast to the city of Hartford, the surrounding suburbs were “virtually all-white,” and composed of “middle or upper-class” students.<sup>65</sup> In addition to arguing for the educational opportunities of the minority students living in the city of Hartford, the complaint also pointed to those students living in the nearby

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<sup>61</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>62</sup> Ibid

<sup>63</sup> *Milo Sheff, et al., v. William O’Neill - Plaintiffs’ Complaint* (Hartford Superior Court April 26, 1989).

<sup>64</sup> Ibid

<sup>65</sup> Ibid

suburbs, and claimed that they were being “deprived of the opportunity to associate with, and learn from, the minority children” attending Hartford’s public schools.<sup>66</sup> By 1989, when the *Sheff* case first began, Hartford’s schools were intensely segregated following centuries of housing discrimination in the city of Hartford.

The 1987 annual report issued by the State’s Department of Education under the leadership of Gerald Tirozzi detailed the depth of the segregation in Hartford’s schools. “A trend is developing in Connecticut’s public schools that is causing, according to the dictionary definition of segregation, the ‘isolation of the races’ with ‘divided educational facilities,’” the report began.<sup>67</sup> The Tirozzi Report outlined “two Connecticuts,” one which was affluent and white, and one which was poor, black and Hispanic, and was “shut out” of the “state’s economic and educational opportunities.”<sup>68</sup> The report recommended that Connecticut should take “collective responsibility” for desegregating Connecticut’s schools, by dividing the state into new parts which would be used to “reduce racial isolation.”<sup>69</sup>

The Tirozzi Report was met with mixed reactions throughout the state. In 1988, the *New York Times* reported many of these reactions to Tirozzi’s suggestions and the future of integration in an article titled *Racial Report on Schools: The Fallout*. A Republican State Senator from Cheshire, Phillip Robertson, called for Tirozzi’s resignation, and called him “out of line...the Department of Education is responsible for

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<sup>66</sup> Ibid

<sup>67</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>68</sup> Ibid

<sup>69</sup> Ibid

reading and writing and teaching youngsters arithmetic.”<sup>70</sup> State Senator Thomas Scott of Milford urged Connecticut citizens to oppose Tirozzi’s suggestions, arguing that “if anyone in the department, or the state board, suggests we’re not talking about forced busing, they are being dishonest with the people of Connecticut.”<sup>71</sup> This reference to a mandatory desegregation plan highlights public opinion at the time, which greatly influenced the voluntary programs that were instilled after the decision. Naomi Cohen, a State Representative from Bloomfield, represented Democratic hesitations about mandatory integration as well. “If you read the report carefully,” said Cohen, “it never mentions busing, it says if the voluntary programs don’t work, the state can provide mandatory measures, but we’re a long way from that.”<sup>72</sup>

Members of the public also spoke about the Tirozzi Report. Some, like a man named Hal Whitney from Newington, wrote letters to the State Department. Whitney wrote, “My wife and I work hard to realize the goals we’ve set for our family and I don’t intend to have those goals changed by an ill-conceived, obsolete rehash of 1960’s type liberalism.”<sup>73</sup> On the other side of public opinion, people were also making their voices heard in advocacy of integration. Ralph Wallace, the principle of a Hartford middle school, wrote “just a short not today that ‘in the trenches’ your integration plan is receiving solid support.”<sup>74</sup> Cesar Batalla was the president of the Puerto Rican Coalition based in Bridgeport, and he spoke about the Tirozzi Report, claiming “the situation in Connecticut’s schools is similar to the apartheid situation in South Africa, if you look at

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<sup>70</sup> Charlotte Libov, “Racial Report on Schools: The Fallout,” *The New York Times*, January 31, 1988.

<sup>71</sup> Ibid

<sup>72</sup> Ibid

<sup>73</sup> Ibid

<sup>74</sup> Ibid

the difference between Bridgeport, and, say, Westport.” Opinions about the Tirozzi Report reflect the high emotions that public officials and citizens felt when discussing desegregating schools. Some feared what would happen if children were forced into mandatory programs like busing, and if suburban parents would lose complete control of their school districts. This fear had a strong influence on the types of programs that would be employed and committed to for more than two decades after the 1996 decision. Even some of those who supported the sentiments in the report showed a lack of support for a decisive and mandatory court order to integrate schools. With those in power not in support of mandatory integration, the *Sheff* case would be forced to focus on voluntary integration.

The lawyers for the *Sheff* team, who spearheaded the search, found a committed group of plaintiffs from the *Sheff* region’s public school population who would help them represent the human side of this problem. Elizabeth Horton Sheff was a nurse and mother of two, including her son Milo Sheff, who would become the lead plaintiff. Elizabeth Sheff also attended high school in Hartford. Milo Sheff was ten years old when his mother first met with the lawyers who were attempting to take on Hartford’s segregation problem. He was enrolled in Hartford’s Annie Fisher School as a fourth grader. His mother, Elizabeth, was an ideal choice to lead the plaintiffs. She grew up in an integrated neighborhood which had shaped her belief in the “transformative power” of “diversity and empathy.”<sup>75</sup>

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<sup>75</sup> Ibid



<sup>76</sup> Elizabeth and Milo Sheff in 1996 after the Connecticut Supreme Court's final ruling on the *Sheff* case.

The 19 plaintiffs who would come together to create the *Sheff* team's group of lawyers and plaintiff's, were composed of black, Puerto Rican, and white children. They included children who lived below the poverty line, children who had limited proficiency in English, and children who lived in single-parent families.<sup>77</sup> It was a diverse group, but

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<sup>76</sup> Matthew Kauffman, "Top-10 Courant Stories Of 2017 No. 10: Hartford Students Left Behind As Sheff Integration Efforts Falter," *Hartford Courant*, December 22, 2017.

<sup>77</sup> Milo Sheff, et al., v. William O'Neill - Plaintiffs' Complaint (Hartford Superior Court April 26, 1989).

a group united by the unequal educational system that Hartford and its relationship with the surrounding region presented them. These 19 families agreed to sue the state of Connecticut based on the racial and class segregation that was “enabled and sustained by state-enforced school district boundary lines,” and which “denied them the equal educational opportunity guaranteed by Connecticut's constitution.”<sup>78</sup> The defendants named by the *Sheff* team were the governor of Connecticut, William O'Neill, Gerald Tirozzi, and several other state officials.<sup>79</sup> The lawyers argued that the de facto segregation that caused the segregation in Hartford's schools (although as Chapter One argued, much of this segregation was the result of de jure state actions) was harming the students in the city. Brittain, speaking to audiences in Connecticut about this problem, argued that “De facto has come to translate, incorrectly, as meaning ‘no one's fault.’”<sup>80</sup> He was making an important point, that the institutions and systems that built and enforced segregation had not been dismantled after segregation had been made illegal. As a result, de facto segregation was partly a result of the state's actions that had created the systemic problem. The plaintiffs table was filled with lawyers, including John Brittain and Wes Horton. On the opposing side, the defendants were represented by assistant attorneys general for the state, John Whelan and Martha Watts.<sup>81</sup> The case was to be heard by Judge Harry Hammer, set to determine whether the *Sheff* team would be able to tackle the ‘monster’ of segregation.

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<sup>78</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>79</sup> Ibid

<sup>80</sup> Ibid

<sup>81</sup> Milo Sheff et al. v. William A O'Neill et al. (July 9, 1996).

“Nineteen children...filed this lawsuit...because the school district boundary lines have created a minority enclave of disadvantage in virtually every measurable category of education,” Brittain asserted Judge Hammer, “Black school[s]...in the city of Hartford and white school[s]...in the surrounding suburbs is to education what the South African...homelands are to South African apartheid.”<sup>82</sup> Hartford’s schools, due to the concentrated poverty in the city, were “overburdened” and failed to “provide a minimally adequate education to students.”<sup>83</sup>

The 1989 complaint detailed the depth of the segregation that Brittain was trying to showcase. “Although blacks comprise only 12.1% of Connecticut’s school-age population, and Hispanics only 8.5%” according to the plaintiffs, “these groups comprised, as of 1987-88, 44.9%” each of the school-age population of the Hartford school district.<sup>84</sup> This was compared to surrounding suburbs, where the minority populations were smaller, as can be seen in the figure above. Only 15.7% of West Hartford students were black or Hispanic, Glastonbury had a 5.4% minority school population, and Avon had a 3.8% minority school population, for example.<sup>85</sup> In the city of Hartford, 47.6% of students were on Federal Aid to Families with Dependent Children, 40.9% had limited proficiency in English, and just over half lived in a single-parent family.<sup>86</sup> *Sheff* was meant to challenge these disparities that were

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<sup>82</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>83</sup> Ibid

<sup>84</sup> Milo Sheff, et al., v. William O’Neill - Plaintiffs’ Complaint (Hartford Superior Court April 26, 1989).

<sup>85</sup> Ibid

<sup>86</sup> Ibid

“separating the middle class from poor children, and white children from black and Latino children.”<sup>87</sup>

	<u>Total School Pop.</u>	<u>% Minority</u>
Hartford	25,058	90.5 -
Bloomfield	2,555	69.9
*****		
Avon	2,068	3.8
Canton	1,189	3.2
East Granby	666	2.3
East Hartford	5,905	20.6
East Windsor	1,267	8.5
Ellington	1,855	2.3
Farmington	2,608	7.7
Glastonbury	4,463 - -	5.4
Granby	1,528	3.5
Manchester	7,084	11.1
Newington	3,801	6.4
Rocky Hill	1,807	5.9
Simsbury	4,039	6.5
South Windsor	3,648	9.3
Suffield	1,772	4.0
Vernon	4,457	6.4
West Hartford	7,424	15.7
Wethersfield	2,997	3.3

<sup>88</sup> Text from 1989 Complaint detailing plaintiff's assessment of minority student populations in Hartford's schools and schools of the surrounding suburbs.

<sup>87</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>88</sup> Milo Sheff, et al., v. William O'Neill - Plaintiffs' Complaint (Hartford Superior Court April 26, 1989).

John Brittain and Wes Horton argued in front of Judge Hammer that school district boundaries that separated suburbs from the city of Hartford “corralled poor black and brown kids into a handful” of schools, which they contended were “overburdened... offering no exposure to the powerful social networks, unwritten rules, expectations, academic rigor and opportunities that every kid in mainstream America experienced.”<sup>89</sup> This argument that they put forth on the opening day of the trial echoed the sentiment in the original school desegregation case, *Brown v. Board of Education*, in which the United States Supreme Court established that separate educational systems resulted in inequity between the two groups. The precedent that had been set in *Brown* was echoed in the original complaint issued by the *Sheff* plaintiffs when they wrote that “separate educational systems for minority and non-minority students are inherently unequal,” and that this was the true in the Hartford public school system.<sup>90</sup> The important clarification to make between the *Brown* case and *Sheff* is that *Brown* never discussed the issue of de facto segregation. *Brown* was about ending legal segregation, while *Sheff* focused on taking on de facto segregation, and challenging the idea that it was not the result of state efforts. Despite this difference, the principals in *Brown* of equity in integrated integration highlight the importance of the *Sheff* case.

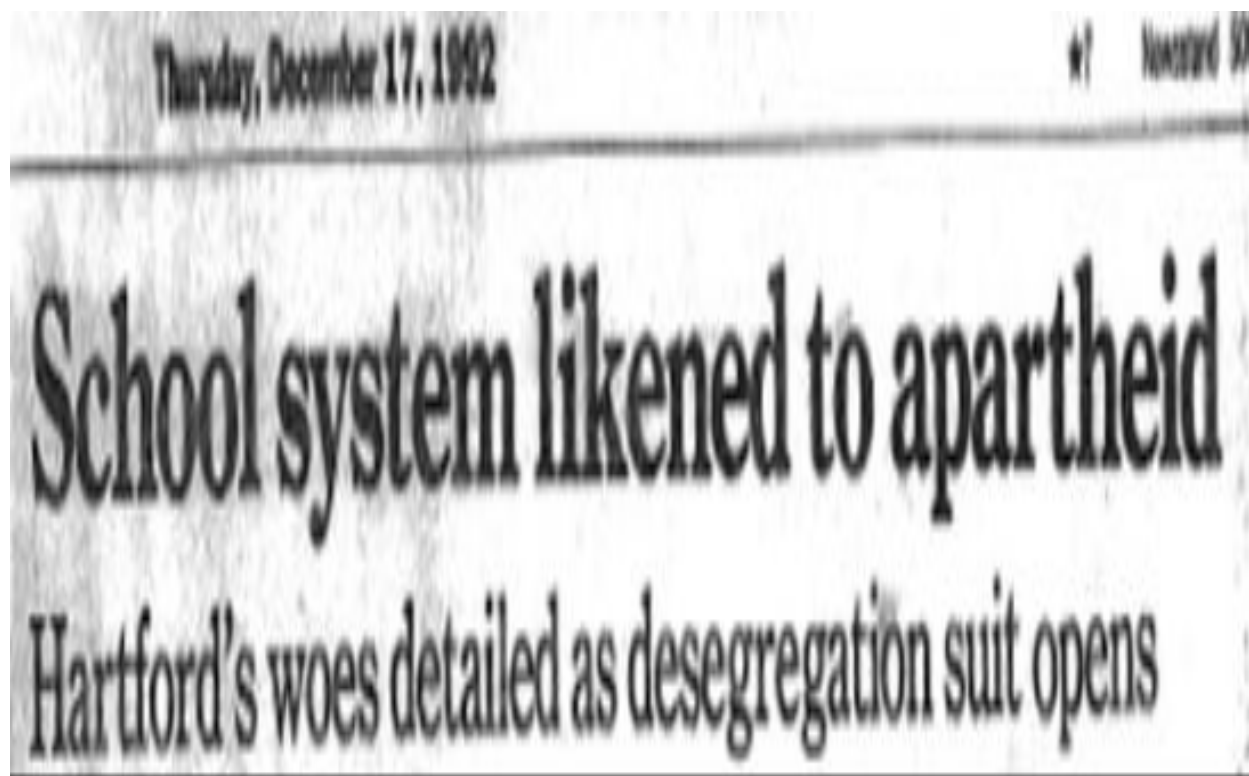
The *Sheff* legal team’s argument case rested on the fact that segregation was a violation of the state of Connecticut’s constitution. “Equal educational opportunity,” read the 1989 plaintiff’s complaint, “is not a matter of sovereign grace, to be given or withheld at the discretion of the Legislative or the Executive branch. Under Connecticut’s

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<sup>89</sup> Ibid

<sup>90</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483 (May 17, 1954).

Constitution, it is a solemn pledge, a covenant renewed in every generation between the people of the State and their children.”<sup>91</sup> Article 2 of the State constitution states 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.”<sup>92</sup>



<sup>93</sup> *Hartford Courant*, December 17, 1992

Another key component of the *Sheff* legal team’s case insisted that the state of Connecticut had knowledge of the state of segregation in Hartford’s schools for a long time prior to the case, but had failed to act to solve the problem. The 1989 complaint

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<sup>91</sup> *Milo Sheff, et al., v. William O’Neill - Plaintiffs’ Complaint* (Hartford Superior Court April 26, 1989).

<sup>92</sup> *Constitution of The State of Connecticut*, State of Connecticut (1965).

<sup>93</sup> “School System Likened To Apartheid,” *Hartford Courant*, December 17, 1992.

outlined the ways in which “the defendants and their predecessors...have recognized the lasting harm inflicted on poor and minority students...yet, despite their knowledge, despite their constitutional and statutory obligations...the defendants have failed to act effectively to provide equal educational opportunity to the plaintiffs and other Hartford schoolchildren.”<sup>94</sup> The plaintiffs pointed to various moments in the state’s history in which action could have been taken in response to revelations about school segregation that the state had been made aware of. In 1965, for example, the Hartford Board of Education, along with the City Council, hired consultants from Harvard’s school of education to observe their school system to report on the segregation in the school system. The consultants found students were achieving below their potential in a way that correlated with “a high level of poverty among the student population,” that segregation in the schools was damaging to minority children, and most importantly to Brittain and Horton’s case, the report suggested “that a plan should be adopted, with substantial redistricting and Interdistrict transfers funded by the State, to place poor and minority children in suburban schools.”<sup>95</sup>

City officials responded to this report by developing Project Concern in Hartford, a busing program between the city itself and its neighboring suburbs and towns, but the program failed to reach more than 1,500 students, only a mere 2.5% of Hartford’s 30,000 student population, most likely as a result of a lack of commitment by the state and city, as well as the voluntary nature of the integration plan.<sup>96</sup> Two years later, in

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<sup>94</sup> Milo Sheff, et al., v. William O’Neill - Plaintiffs’ Complaint (Hartford Superior Court April 26, 1989).

<sup>95</sup> Milo Sheff, et al., v. William O’Neill - Plaintiffs’ Complaint (Hartford Superior Court April 26, 1989).

<sup>96</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

1968, the Civil Rights Commission supported legislation in the Connecticut Legislature which would allow state bonds to be used to “fund the construction of racially integrated, urban/suburban ‘educational parks’ which would be located at the edge of metropolitan school districts, have had superior academic facilities, have employed the resources of local universities, and have been designed to attract school children from urban and suburban districts.”<sup>97</sup> Despite the state and city’s knowledge of these issues and proposed solutions, they unfortunately ignored them. Although the proposed legislation, along with the Harvard consultant’s propositions, would have fulfilled the state’s constitutional duty to prevent segregation in its schools, the legislation was not passed. In the same year as the failed legislation in the state Legislature, the State Board proposed another bill that would have “authorized the Board to cut off State funding for school districts that failed to develop acceptable plans for correcting racial imbalance in local schools.”<sup>98</sup> Despite being given another chance to fulfill its constitutional obligation, the state again elected not to enact the legislation. The *Sheff* legal team cited the state’s historical failures to act on its obligations, despite knowledge of the problem, to argue that the state had failed in its duty to prevent segregation in Hartford’s schools and that it must be required to act by the courts. A defining theme that would result from the *Sheff* solutions is that lack of any directive that addressed the history of residential segregation in Hartford, and the widespread public opposition to redistricting that influenced the policy solutions.

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<sup>97</sup> Milo Sheff, et al., v. William O’Neill - Plaintiffs’ Complaint (Hartford Superior Court April 26, 1989).

<sup>98</sup> Ibid

Another major strategy outlined the consequences that segregation had on the education and future of students in segregated schools. They correctly claimed that the achievement of Hartford school children lagged behind the educational progress of students in neighboring towns, as was evidenced by test scores compared between Hartford and its neighbors. “These disparities in achievement,” they insisted, “are not the result of native inability: poor and minority children have the potential to become well-educated, as do any other children.”<sup>99</sup> They concluded that the State, in allowing segregated school districts to continue, “had deprived the plaintiffs and other Hartford children of their rights to equal educational opportunity, and to a minimally adequate education - rights to which they are entitled under the Connecticut Constitution.”<sup>100</sup> They pointed at the “far greater proportion” of at risk students in Hartford’s schools that place “Hartford public schools at a severe educational disadvantage in comparison with the suburban schools.”<sup>101</sup> To prove their point about these consequences of segregation, Brittain and Horton brought an education professor from Michigan State University, Mary Kennedy, to testify about her studies on school segregation. “Poor children in high-poverty schools,” her research documented, “performed far worse than similar poor children who attended schools without a high poverty rate.”<sup>102</sup> Despite this truth, they proclaimed that “because the Hartford public schools have an extraordinary proportion of at-risk students among their student populations, they operate at a severe educational disadvantage,” which places “enormous educational burdens on the

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<sup>99</sup> Milo Sheff, et al., v. William O’Neill - Plaintiffs’ Complaint (Hartford Superior Court April 26, 1989).

<sup>100</sup> Ibid

<sup>101</sup> Ibid

<sup>102</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

individual students, teachers, classrooms, and on the schools,” in the heavily segregated school system.<sup>103</sup>

The plaintiffs cited statistics from the required statewide Mastery Tests as proof of their claims. Hartford students performed worse on these tests than students from nearby suburbs. In 1988, for example, “34% of all suburban sixth graders scored at or above the master benchmark for reading, yet only 4% of Hartford school children meet that standard.”<sup>104</sup> Similarly, three-fourths of suburban students exceeded the “remedial benchmark” for reading schools, while only 41% of Hartford students met the standard of “essential grade-level skills.”<sup>105</sup> In addition to achievement on State tests, the plaintiffs also pointed to higher numbers of dropouts in Hartford’s schools, lower numbers of graduates who attended four-year colleges, and fewer employed full-time within nine months of graduation, compared to suburban schools.<sup>106</sup> This burden and its results, they argued, “deprived both the at-risk children and all other Hartford schoolchildren of their right to an equal educational opportunity,” as was guaranteed to them by the State’s constitution.<sup>107</sup> Despite the arguments posed by the plaintiff’s showing the importance of quality schooling, none of the remedies that resulted from the *Sheff* decision set any relevant goals towards ensuring high-quality education in integrated schools.

Brittain and Horton brought Jomills Braddock, a sociologist from the University of Miami, to further demonstrate the point of disadvantage in segregated settings. He

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<sup>103</sup> Milo Sheff, et al., v. William O’Neill - Plaintiffs’ Complaint (Hartford Superior Court April 26, 1989).

<sup>104</sup> Ibid

<sup>105</sup> Ibid

<sup>106</sup> Ibid

<sup>107</sup> Ibid

described the “social inertia and...avoidance tendency among individuals and among subgroups to maintain their isolation and separation. They anticipate hostilities that may or may not be real. They develop an aversion or a fear of mixed group interactions because they have not had prior experience with those kinds of contacts to develop a comfort level.”<sup>108</sup> Braddock’s testimony detailed how desegregation “can break down barriers to access to fair career opportunities,” in that “integrated settings afford minorities the personal contacts and information networks that connect anyone to opportunities.”<sup>109</sup> Braddock’s research highlighted the plaintiff’s argument that segregation in Hartford’s schools was placing its students at a disadvantage that would follow them through their whole lives. His research even showed that employers favored hiring minority students who had attended suburban schools, and that minority students had much higher chances of getting jobs, and higher paid jobs, when they had access to “racially integrated social networks,” than minority candidates who “used segregated black social networks.”<sup>110</sup>

One of the witnesses called by the plaintiffs was Edna Negron, former principal at Betances Elementary School in Hartford. She was asked to testify about the depth of the segregation in her school. Edna Negron had spoken out many times before about conditions in her school. In 1993 she said “There are two Connecticuts, one white, wealthy, and suburban, one poor, minority, and urban...I have a school that is 100

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<sup>108</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>109</sup> Ibid

<sup>110</sup> Ibid

percent minority, where all the children but a handful are poor.”<sup>111</sup> Negron went on to say that she has children in her school “who need tremendous amounts of special attention,” and that they “are not going to get it in this setting because there are simply too many of them.”<sup>112</sup> Edna Negron brought her experiences to help further the argument in favor of the plaintiffs. The principal of Hartford’s McDonough Elementary school, Don Carso, testified in court that he didn’t “believe the youngsters (in his school) can aspire to something that they don’t have any knowledge of. They can’t really conceive of a different kind of life than what they see all around them.”<sup>113</sup>

This defense directly challenged the constitutional obligation argument that Brittain and Horton’s case rested upon. In contrast to the stream of various educators, professionals, and scholars that the plaintiffs had called to the stand, the state’s defense brought Lloyd Calvert, a retired superintendent of West Hartford’s schools, to testify in their favor. Calvert had only visited 6 of the 33 schools in Hartford, and none of them were middle schools or high schools. He’d gathered much of his information from “documents and brochures” that administrators had provided for him, and he hadn’t taken any notes during his visits.<sup>114</sup> Despite the lack of depth to his investigation into Hartford’s schools, Calvert testified in favor of the defense that “the problem was not the schools...but the children’s poverty, which kept them from using all the opportunities,” that were afforded to Connecticut’s children.<sup>115</sup> The problem with Calvert

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<sup>111</sup> Laurel Waters, “Students Sue Connecticut Over Integration Issues,” *The Monitor* (Hartford), November 2, 1993.

<sup>112</sup> *Ibid*

<sup>113</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>114</sup> *Ibid*

<sup>115</sup> *Ibid*

not visiting a reasonable amount of Hartford Public Schools is that he was unable to gain a full understanding of the schools, and therefore could not make an informed statement about what the specific problem actually was. While poverty was indeed an important factor in holding back many of Hartford's schoolchildren, this fact should not be used to mask the quality issues within the schools. This defense attempted to deflect responsibility from the state's constitutional obligation by deflecting blame. The claims brought by the witnesses for the plaintiff's about the conditions of Hartford's public schools refute these claims by the defense. The defendants pushed the blame for the schools' segregation problems off of the State, and onto individual choices of the community, which they claimed categorized the problem as de facto. John Whelan, defending Connecticut in court, opened his case bluntly, "there is no past or present segregation to undo, the court will have no evidence to wrongdoing on the part of the state," he claimed.<sup>116</sup> Since Connecticut had not caused the segregation in its schools, segregation could not be blamed on the state itself, and that the State did not have a responsibility to address the problem. Whelan argued that segregation could only be considered unconstitutional, if "state officials would have had to knowingly and willfully construct it in the first place."<sup>117</sup>

The 72-page document that was Judge Hammer's decision soon arrived in the hands of Horton and Brittain, and to their surprise, they had lost. "This is a very narrow, technical ruling," Brittain was reported as saying the *New York Times* on April 13, 1995, "The judge did not at all deal with the distressed educational conditions in Hartford. So

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<sup>116</sup> Ibid

<sup>117</sup> Ibid

we will once more test the question of whether de facto segregation is unconstitutional.”

<sup>118</sup> Despite the loss, Horton saw a way that the case could be brought back to life, and the decision reversed. Hammer’s decision did conclude that the “single most important factor” contributing to the segregation in Hartford was a 1909 statute that divided school districts based on town boundaries.<sup>119</sup> This finding by Judge Hammer, Horton and Brittain believed, could justify their claim that the state of Connecticut helped cause and maintain segregation, and therefore, did hold responsibility for the segregation in Hartford’s schools.

That appeal brought the case to the Connecticut Supreme Court in 1995. Opening with the conclusion from Hammer’s decision about the 1909 statute, Horton began, “There’s a cause, because of the districting statutes and if it weren’t for that, then this would not be happening. The statute reads: “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.”<sup>120</sup> Chief Justice Ellen Peters then questioned one of the new members of the defense team, Richard Blumenthal. She wondered whether a child in Hartford could “just walk over to West Hartford and attend that school,” if they wanted to.<sup>121</sup>

Blumenthal explained that this was not an option that was afforded to Hartford students, because legally suburban schools were not obligated to educate a child from the city of Hartford. Justice Berdon pointed out that this showed that the district lines, as created

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<sup>118</sup> George Judson, "Connecticut Wins School Bias Suit," *The New York Times*, April 13, 1995.

<sup>119</sup> Ibid

<sup>120</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>121</sup> Ibid

by the state, were the cause of the problem, saying that this was not intentional, “but that (the district lines) caused this separation.”<sup>122</sup> The theme of what obligation suburban districts have in aiding integration, and how much of the burden would be placed on the city of Hartford, would appear consistently throughout negotiations for remedies.

Three years after the *Sheff* trial had begun, in July 1996, the verdict was finally delivered. The *Sheff* plaintiffs had won. Chief Justice Ellen Peters wrote in the final decision, “Students in Hartford suffer daily from the devastating effects that racial and ethnic isolation, as well as poverty, have had on their education. The principal issue in this appeal was whether the State, which already plays an active role in managing public schools, must take further measures to relieve the severe handicaps that burden these children’s education.”<sup>123</sup> The vote ended up being decided 4 to 3, with Peters, Berdon, Norcott, and Katz siding with the plaintiffs, and Justices Bordon, Callahab, and Palmer dissenting in favor of the state.<sup>124</sup> Justice Peters’ majority opinion found that the State held responsibility for the “de facto” segregation, and that the State “perpetuated” the segregation between Hartford and suburban schools while failing to take action to support the schoolchildren of the region.<sup>125</sup> The opinion concluded that the State had failed “to provide the plaintiffs with an equal opportunity to a free public education as required by article first, §§ 1 and 20, and article eighth, § 1, because the defendants have maintained in Hartford a public school district that...is severely educationally

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<sup>122</sup> Ibid

<sup>123</sup> Milo Sheff et al. v. William A O'Neill et al. (July 9, 1996).

<sup>124</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

<sup>125</sup> Milo Sheff et al. v. William A O'Neill et al. (July 9, 1996).

disadvantaged; fails to provide equal educational opportunities for Hartford schoolchildren; and fails to provide a minimally adequate education for Hartford schoolchildren.”<sup>126</sup>

Her decision placed blame on the State of Connecticut’s role in the segregated state of Hartford’s public schools, linking it to the 1909 districting statute was an important assertion. She agreed with Hammer that this statute is “the single most important factor” causing the segregation in the schools.<sup>127</sup> In striking down the defense’s claims to dismiss the role of the State in the present segregation, Peters’ wrote “In summary, under our law, which imposes an affirmative constitutional obligation on the legislature to provide a substantially equal educational opportunity for all public schoolchildren, the state action doctrine is not a defense to the plaintiffs’ claims of constitutional deprivation.”<sup>128</sup> As she explained, segregation’s de facto nature was irrelevant as segregation was prohibited “without specifying the manner in which such a causal relationship must be established,” according to the State constitution.<sup>129</sup> As the districting statute caused segregation by race, the state has an obligation to override the rule because following it denied Hartford’s schoolchildren a constitutionally mandated equal education. Unfortunately, public pressure would stand in the way of addressing this statute directly in the *Sheff* integration programs.

The Connecticut Supreme Court’s decision in the *Sheff* case in 1996 demanded reform and reckoning with the inequalities that existed in Hartford’s segregated schools.

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<sup>126</sup> Ibid

<sup>127</sup> Ibid

<sup>128</sup> Ibid

<sup>129</sup> Ibid

“We do not wish to be misunderstood about the urgency of finding an appropriate remedy for the plight of Hartford’s public schoolchildren. Every passing day denies these children their constitutional right to a substantially equal educational opportunity,” wrote Justice Peters.<sup>130</sup> She pointed to the roadblocks to learning and educational achievement that segregated schools placed on Hartford’s schoolchildren. The majority decision emphasized the statistics about the poor academic achievement of Hartford’s students who were largely failing to meet the State’s educational goals. Peters asked that the other branches of Connecticut’s government act to remedy the segregated state of Hartford’s schools, and find the proper solutions that would allow Hartford’s children to prosper. “It is crucial for a democratic society to provide all of its schoolchildren with fair access to an unsegregated education,” wrote Peters, “As the United States Supreme Court has eloquently observed, a sound education ‘is the very foundation of good citizenship.’”<sup>131</sup> Yet while the 1996 Connecticut Supreme Court Decision in *Sheff v. O’Neill* appeared to be a success for desegregation efforts in Hartford, a long road lay ahead to achieve tangible results that John Brittain, Wes Horton, and Elizabeth Sheff hoped to see in the Hartford community. The 1996 opinion would be the first of many stipulations and orders by the court that would follow in the next two decades in attempts to meet the goal of integration that seemed to be within reach at the time.

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<sup>130</sup> Ibid

<sup>131</sup> Ibid

*An Uphill Battle: Two Decades of Agency and Resistance*

The 1996 Connecticut Supreme Court Decision in *Sheff v. O'Neill* was an important ruling in the legal history of school desegregation in Hartford. While the decision upheld the Plaintiffs' argument that segregation in Hartford's schools was a violation of the Connecticut State constitution, a court ruling in itself was not enough to create change. In order to actually achieve the results that the Plaintiffs were hoping for, a concrete plan that addressed residential segregation in the region, established that suburban districts would be required to participate fully, and invested in the quality of integrated schools. Discussions began between the State and City governments, school systems, and *Sheff* plaintiffs and lawyers about what methods would be utilized. Different groups disagreed over what type of desegregation program would be fair and effective. Both the Republican governor and the mostly-Democratic state legislature (mainly coming from the suburbs) agreed soon after the decision that a mandatory program, such as mandatory busing, would not be used to integrate Hartford's schools.

<sup>132</sup> Instead, Governor Rowland created Rowland's Educational Improvement Panel in 1996 to create a voluntary integration plan for the *Sheff* region. The panel sought to represent the needs of all parties involved, including both Hartford and suburban schoolchildren, but only one of the panel's members, Eddie Davis, the school superintendent from Manchester, was a parent of a child in a Hartford school."<sup>133</sup> In

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<sup>132</sup> Jack Dougherty, Christina Ramsay, and Jesse Wanzer, "Sheff v. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008," *Trinity College Digital Repository*, 2009.

<sup>133</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

1997 the Improvement Panel submitted its report to the Connecticut General Assembly, and the legislature passed their proposal.

Soon after, the governor signed An Act Enhancing Educational Choices and Opportunities into law. The bill had two main strategies: the expansion of Project Concern into a new program called ‘Open Choice,’ or “Project Choice,” and the expansion and creation of new Interdistrict magnet schools that would draw students from all over the *Sheff* region. Both of these solutions relied on voluntary action taken by parents and students, something that would prove to create a challenge in achieving the goals set forward in the following two decades.<sup>134</sup> The new Project Choice program, formulated to reflect a free-market and choice based system, allowed Hartford students to transfer into suburban schools whenever officials in the suburbs said that they had available seats for these Hartford students. In addition, grants were made to create and expand charter and Interdistrict magnet schools. These schools would, supposedly as a result of a lottery that would include schoolchildren from both Hartford and its neighboring towns, be more racially diverse than the current Hartford public schools. In order for this lottery to be effective, it would be necessary for high participation from suburban whites in the Interdistrict Magnet School program.

It soon became clear that these voluntary programs, as they were, would not be sufficient in achieving *Sheff*’s lofty goals. In March of 1998, two years after the *Sheff* ruling, only two of the Interdistrict magnet schools that had been created were enrolling Hartford students. At the same time, only 496 students were participating in Open

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<sup>134</sup> Jack Dougherty, Christina Ramsay, and Jesse Wanzer, "Sheff v. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008," *Trinity College Digital Repository*, 2009.

Choice, the lowest number of students ever enrolled in the district transfer program. In response to these shortcomings, the *Sheff* plaintiffs soon filed a motion in court for an order to create a solution that would be more effective.<sup>135</sup> Judge Julia Aurigemma ruled in the state's favor against this motion on March 3, 1999, stating that "the state's response to the Supreme Court's decision was swift."<sup>136</sup> Judge Aurigemma claimed that the state acted "expeditiously" and that the panel had created a "comprehensive, interrelated, well-funded set of programs and legislations designed to improve education for all children."<sup>137</sup> Despite this ruling, the facts above showing the lack of progress in the years after the 1996 decision show that the State did not act 'expeditiously' or in a 'comprehensive' way. Three years after the initial ruling, the State was submitting to resistance to effective desegregation methods such as redistricting and mandatory busing. Regardless of the State failing to show meaningful progress yet still being protected by court rulings, the Court decided that Connecticut should be allowed more time to work on integration. Judge Aurigemma's decision was irresponsible, as it did not set definitive directives for the state to achieve the goal of integration, leaving room for the state to avoid acting in a way that would fully address the problem in a timely and complete manner.

A year later, on December 28, 2000, the plaintiff's submitted a Motion to the court again to address the deficiencies in the voluntary school choice programs of Project Choice and the Interdistrict Magnet Schools that continued to fail to result in the swift

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<sup>135</sup> Jack Dougherty, Christina Ramsay, and Jesse Wanzer, "Sheff v. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008," *Trinity College Digital Repository*, 2009.

<sup>136</sup> "Milo Sheff Et Al. v. William A. O'Neill Et Al.," *Connecticut Law Journal*, June 29, 1999.

<sup>137</sup> "Milo Sheff Et Al. v. William A. O'Neill Et Al.," *Connecticut Law Journal*, June 29, 1999.

and effective integration of Hartford's public schools. In addition to the lack of mandatory compliance, neither Project Choice nor the magnet schools attempted to deal with the 1909 statute that had been deemed crucial to the maintenance of segregation in Hartford's schools. The plaintiffs called the Project Choice program "wholly inadequate to address the constitutional deficiencies set out in the 1996 Sheff ruling," and claimed that the "Interdistrict Magnet School Program, although it provides a quality educational program to a relatively small number of students, has also been wholly inadequate to address" the same constitutional deficiencies.<sup>138</sup>

The plaintiffs admitted that these magnet schools were doing some good work in their communities, but complained that these programs had been underfunded, and had not been expanded to reach a significant population, in part because it took individual responsibility of Hartford residents to enact the integration that was truly the responsibility of the state. In fact, as they pointed out, less than 4 percent of schoolchildren in the city of Hartford were provided an integrated education through Project Choice, and less than 2 percent of Hartford schoolchildren were receiving an integrated education through the Interdistrict Magnet School Program.<sup>139</sup> The complaint details issues with these programs such as the limited space in suburban schools that is set by those school districts themselves, the limited transportation and funding for these programs, and suburban districts' ability to choose not to participate in these voluntary programs.<sup>140</sup> The numbers of students involved in these programs in 2000 show the

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<sup>138</sup> Motion For Order Regarding the Implementation of the Project Choice Program and the Interdistrict Magnet School Program in the Hartford Region (Superior Court - Judicial District of New Britain December 28, 2000).

<sup>139</sup> Ibid

<sup>140</sup> Ibid

deficiencies. Only 752 children out of 23,000 in Hartford were permitted to participate in Project Choice. Less than 400 of Hartford's children were attending the other integration program, the Interdistrict Magnet Schools. The 1999-2000 school year's student population in Hartford's public schools was not becoming an integrated group, but was becoming increasingly segregated, with a school population that was 95 percent Black and Latino. The Plaintiffs plead their case to the Superior Court, claiming that they had "brought this action in 1989 challenging the devastating effects of racial and ethnic segregation and isolation in Hartford area schools, and the deprivation of plaintiffs' right to equal educational opportunity. "More than eleven years later...these conditions continue unabated."<sup>141</sup> The uncomfortable fact that Hartford's schoolchildren were still attending deeply-segregated schools after the *Sheff* decision highlights the failures of the State's early desegregation plans that overburdened Hartford residents, and failed to address residential segregation and school quality in their solutions.

On July 26, 2001, the Plaintiffs submitted a press release describing their position on the *Sheff* remedies five-years after the Supreme Court decision. They detailed their request to the Court in hopes that further action would be taken in relation to their Motion from December 28, 2000. "When we started this case," began Elizabeth Sheff, "my son Milo was just a child. Now so many, many, years later, Milo is raising his own child. Obviously the promise of *Sheff v. O'Neill* has passed by my son, but is my grandchild going to get the benefit? The state is moving at a snail's pace...We're going back to court to demand that they give it [an equal educational opportunity] to us."

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<sup>141</sup> Ibid

Dennis Parker, of the NAACP Legal Defense and Educational Fund signed onto the press release, writing that the plaintiffs had waited long enough for the State to provide an equal educational opportunity to all of its schoolchildren. He claimed that “it has become clear to us that this legislature will never act on its own volition. If *Sheff v. O’Neill* is going to mean anything, it will be up to the Courts to enforce it.”<sup>142</sup>

A year after the press conference, on April 16, 2002, the Sheff plaintiffs once again returned to the Superior Court, and attempted to bring about a court ordered solution that would force the state to enact effective integration policy. On January 22, 2003, the court reached a settlement that many hoped would be a promising step in moving forward with desegregation plans in Hartford. What has become known as the *Sheff I* stipulation was the first settlement reached after the original 1996 opinion that attempted to address the shortcomings of the State since that decision. The new *Sheff I* agreement was set to continue until June 30, 2007. The settlement stated that the State would achieve the goals set forth by *Sheff I* if, by January 30, 2007, “at least 30 percent of minority students residing in Hartford will have an educational experience with reduced isolation.”<sup>143</sup> In 2002, the year before the settlement, less than 10% of Hartford’s schoolchildren were in such a setting.<sup>144</sup> The State would need to enforce suburban participation in *Sheff* programs if this goal was to be achieved by 2007. In regards to the Interdistrict Magnet School Program, the State was ordered to “plan, develop, open, and operate two new host magnet schools of approximately 600

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<sup>142</sup> Dennis Parker, "Sheff Plaintiffs Return To Court," news release.

<sup>143</sup> SHEFF V. O’NEILL SETTLEMENT (Superior Court January 22, 2002).

<sup>144</sup> Susan E. Eaton, *The Children in Room E4: American Education on Trial* (Chapel Hill, NC: Algonquin Books of Chapel Hill, 2009).

students each...each year of the four year period of the Stipulation.”<sup>145</sup> According to the Stipulation, there would be a total of 22 Interdistrict Magnet Schools, many with specific focuses ranging from art to science to the classics, by the end of the agreement. Fourteen of these schools would be within the boundaries of the City of Hartford, and the rest in nearby suburbs with relatively large minority populations. The settlement agreed that a magnet school would only meet the desegregation standard as a reduced-isolation setting if the proportion of minority students in the school by the 2006-2007 school year did not exceed 74%.<sup>146</sup> For this program to work, the goal was to attract white students to these schools, rather than disperse black and Hispanic students throughout the region. In terms of the Open Choice program, the plan would be to expand it every year of the Stipulation until 2007 to reach a capacity that is “equal to the annual demand for seats, to a level of at least 1,000 seats in year one of this stipulation,” with the number of seats rising by at least 200 each year for “minority public school students residing in Hartford. At the time of the *Sheff I* settlement, Project Choice had 900 student participants, mostly Hartford minority schoolchildren transferring into the suburban districts.<sup>147</sup> The Connecticut House of Representatives voted 87-70 in favor of the settlement, and *Sheff I* became the newest formula for the State to address segregation.<sup>148</sup>

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<sup>145</sup> SHEFF V. O'NEILL SETTLEMENT (Superior Court January 22, 2002).

<sup>146</sup> Jack Dougherty, Christina Ramsay, and Jesse Wanzer, "Sheff v. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008," *Trinity College Digital Repository*, 2009.

<sup>147</sup> Ibid

<sup>148</sup> Ibid

Figure: Percent of Total Enrollment of Hartford-Minority students in *Sheff* Region Districts Through Project Choice in the 2006-2007 School Year



District	Total Enrollment	Choice students	Percent of Total	District	Total Enrollment	Choice students	Percent of Total
East Windsor	1516	43	2.8%	South Windsor	5020	55	1.1%
Bolton	915	22	2.4%	Somers	1734	18	1.0%
Granby	2278	53	2.3%	Suffield	2592	23	0.9%
Canton	1730	39	2.3%	West Hartford	10115	76	0.8%
Plainville	2628	58	2.2%	Glastonbury	6766	42	0.6%
Farmington	4252	95	2.2%	Berlin	3273	14	0.4%
East Granby	933	20	2.1%	Bristol	9037	36	0.4%
Cromwell	2007	41	2.0%	Ellington	2535	10	0.4%
Simsbury	4992	96	1.9%	Wethersfield	3833	13	0.3%
Windsor				Windsor	4132	13	0.3%
Locks	1908	30	1.6%	RSD #10	2824	8	0.3%
Rocky Hill	2582	33	1.3%	Southington	6933	19	0.3%
Enfield	6490	78	1.2%				
Avon	3505	41	1.2%				
Newington	4590	52	1.1%	<b>Total</b>		<b>1,070</b>	
Vernon	3782	42	1.1%	<i>Source: CSDE, PSIS Oct 2006 &amp; Jan 2007</i>			

<sup>149</sup> Hartford-Minority Student Participation in Project Choice by District Enrollment, 2006-2007 School Year. The *Sheff I* settlement called for at least 1,000 seats available through Project Choice by the first year of the Stipulation, and an increase in enrollment by 200 each year. By the 2006-2007 school year, though, enrollment was just above 1,000, far off from the goal set in *Sheff I*

<sup>149</sup> Jack Dougherty et al., "A Visual Guide to *Sheff v. O'Neill* School Desegregation," *Trinity College Digital Repository*, July 2006.

A year and a half after the *Sheff I* settlement, in August of 2004, the Plaintiffs were still not satisfied by the progress made by the State. They submitted a Motion claiming that the State had failed to comply with the *Sheff I* settlement in the 18 months since the agreement. While the agreement had ordered the creation of two new magnet schools of 600 students each for each of the four years of the Stipulation, no new magnet schools of 600 students were created in the first year of the agreement. Instead, two new magnets were formed out of already existing Hartford public schools, and these schools only held 450 and 82 students respectively, far short of the 1,200 students that the two new schools were supposed to enroll.<sup>150</sup> Looking forward to the 2004-2005 school year that was about to begin, the plaintiffs complained that the Defendants projected opening three new magnet schools that year, but only with an estimated total of 330 students being enrolled. "Thus, as of September 2004," wrote the plaintiffs, "defendants were required by the Order to have 2,400 students attending new magnet schools. They will have fewer than 900."<sup>151</sup> The issue at hand remained a stalemate between the plaintiffs and the state. The agents of change who fought in court to find remedies to the problem posed by segregation in Hartford were locked in battle with the state's efforts at resistance. The solutions continued to put the burden of integration on Hartford schoolchildren without sufficiently dealing with the root causes of segregation. This created inadequate remedies that were unable to meet the demands of integration that *Sheff* had hoped to achieve by this time.

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<sup>150</sup> Motion For Order Declaring Defendants In Material Breach Of The January 22, 2003 Stipulation And Order (Superior Court August 3, 2004).

<sup>151</sup> Ibid

As 2007 arrived, and the *Sheff I* settlement expired on June 30th, the Plaintiff's filed a new Motion on July 5th to request a court order to continue implementation of the *Sheff* ruling. At the end of the four-year settlement that had hoped to achieve modest but noticeable goals of integration in Hartford's public schools, "the racial composition of magnet schools varied widely...At one extreme, the Simpson-Waverly Classical Elementary Magnet School enrolled 95 percent minority students...At the other extreme, the Greater Hartford Academy of the Arts High School enrolled 26 percent minority students."<sup>152</sup> Despite the intentions of those who had been involved in crafting the *Sheff I* Stipulation, more than 40 percent of the minority students who were attending the Interdistrict Magnet Schools were from suburban school districts in the 2007-2008 school year. Most of the suburban children in general that were enrolling in magnets were minorities. White suburban children were participating in the program in smaller numbers.<sup>153</sup> One of the issues with the *Sheff I* remedy that Jack Dougherty explains was that "urban/suburban residence" was used "as a proxy for race."<sup>154</sup> The problem with this was that the heightened interest in the magnets from suburban minority students led to many of the magnet schools failing to meet the reduced-isolation standard that had been set in the stipulation. Without a mandatory compliance directive for suburban residents or a redistricting scheme, white suburban enrollment in magnet schools would not reach a level that would integrate Hartford's public schools.

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<sup>152</sup> Jack Dougherty, Christina Ramsay, and Jesse Wanzer, "Sheff v. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008," *Trinity College Digital Repository*, 2009.

<sup>153</sup> Ibid

<sup>154</sup> Ibid

Despite these shortcomings, the state of Connecticut continued to fund the magnet schools that failed to reach the stated integration standards, even when they enrolled over 75 percent or more minority students in their school populations. The State's inability to discipline schools that did not meet the goals of *Sheff* fed into the problem of lack of enforcement of voluntary programs that prevented integration from occurring fully and swiftly. Leonard Stevens, who helped with the desegregation efforts for the *Sheff* plaintiffs during the trial, argued that "integration programs by definition depend on a two-way flow of students; otherwise, students of one racial group bear a disproportionate share of the burden of traveling to get to integrated schools."<sup>155</sup> To complicate this, when residency is used as a proxy for race, a numerically successful two-way flow doesn't necessarily mean racially integrated schools. By the time the plaintiffs filed their Motion in 2007 to push for further court assistance, the goal of 30% of Hartford's minority student population attending reduced-isolation schools had still not been met.<sup>156</sup> The plaintiff's calculated the actual percentage of Hartford minority students that were enrolled in reduced-isolation settings at 9.3%, this was 0.7% worse than when the settlement was reached in 2002.

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<sup>155</sup> Ibid

<sup>156</sup> Ibid

Figure: Amount of Hartford-Minority Students Counting to the 30% *Sheff* Goal and the Percentage Each Program Contributed to the Goal by School Year

	2006-07	2004-05	2005-06	2006-07
Magnet schools				
-- actually meeting Sheff standard (<74%)	973	2.0%	3.6%	4.4%
-- legally meeting Sheff standard (≤3rd yr)	1033	4.7%	4.9%	4.7%
-- not meeting Sheff standard	1043			
-- grade levels not phased in	1406			
Project Choice suburb transfers	1070	4.4%	4.8%	4.8%
Hartford neighborhood schools	16412			
Total	21942			
Interdistrict Cooperative Grants		2.2%	2.5%	3.0%
Total Percent		13.3%	15.8%	16.9%

<sup>157</sup> Hartford-Minority Students in Public Schools and the Percent towards the 30% *Sheff* Goal the Student Numbers Reached. The *Sheff* Plaintiff's subtracted 7.7% from the 16.9% in 2006-07 based on their calculations of schools that were racially imbalanced but had been exempted, and found that there had actually been an increase in students enrolled in segregated schools since 2002-03.

<sup>157</sup> Jack Dougherty et al., "A Visual Guide to *Sheff v. O'Neill* School Desegregation," *Trinity College Digital Repository*, July 2006.

In May of 2007 the plaintiffs and defendants began negotiations for a new settlement to replace the *Sheff I* agreement that was set to expire on June 30th, 2007. On April 4, 2008, a final settlement was reached that became known as *Sheff II*, and was signed into law by the House Education Committee and Senate Committee shortly after. *Sheff II* was set to last until June 30, 2012, although language in the stipulation allowed for an extension throughout the 2013-2014 school year if need be. The goals of the agreement were that, by year 5 of the stipulation, “at least 80% of the demand for a reduced-isolation setting is met.”<sup>158</sup> This demand-driven goal was a much different tactic than trying solely to achieve percentages of students in integrated settings. A demand driven goal was a move further in the direction away from comprehensive integration. By focusing on a market-term such as demand, the responsibility for integration once again was put upon individual residents of Hartford and its suburbs to achieve integration in Hartford’s public schools. In terms of reducing the student population in segregated educational settings, a goal was set for Hartford minority students in reduced-isolation settings to rise from 22 percent in 2008-2009, to 41 percent in 2011-2012. Benchmarks were set for *Sheff II* in the first year of the agreement, 19 percent of Hartford minority students would be in reduced-isolation settings, and in year two, 27 percent.

As the June 30, 2012 *Sheff II* settlement drew to a close, the plaintiffs sought an extension that would push Phase II for an extended year until June 30, 2014. The goals of this extension related to both the expansion of Magnet schools, as well as

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<sup>158</sup> SHEFF V. O’NEILL SETTLEMENT (Superior Court April 4, 2008).

modifications to the Open Choice program. Despite the lack of meaningful integration by this time, no new initiatives were put forth in the newest stipulation to ensure suburban engagement in integration efforts or to deal with the barrier presented by residential segregation in the region. The failure to address these issues with the previous solutions resulted in the inability of the settlement to fully deal with segregation. The agreement laid out the foundation for the Connecticut State Department of Education to fund, plan, develop, and operate four new magnet schools, as well as one expanded magnet school. Three schools that were currently Hartford neighborhood schools, Global Experience Magnet School, Wintonbury Each Childhood Magnet School, and Connecticut International Baccalaureate Academy, would all become Interdistrict magnet schools. In addition to expanded physical buildings, the capacity for student populations was set to expand to “enroll Hartford resident students as estimated, which reflects the 2013-14 expanded capacity projections for Hartford-resident seats based on an 80 percent acceptance rate.”<sup>159</sup> For the Interdistrict Magnet School program, the *Sheff II* extension was meant to expand both the maximum number of students that could be serviced, and to meet most of the demand for the programs. The goal of meeting 80% demand from Hartford residents could never achieve meaningful integration. As the majority of Hartford schoolchildren are black or Hispanic and the majority of suburban schoolchildren are white, a goal that only focuses on increasing Hartford enrollment without increasing suburban enrollment won’t achieve integration. Once again, the burden to integrate was being avoided by suburban

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<sup>159</sup> Stipulation and Order (Superior Court April 30, 2013).

school districts who feared a loss of local control. To end the extension, and look forward to the future of Hartford's desegregation plans, the agreement settled on a date for Phase III negotiations to begin on May 8, 2013, and for a new stipulation to be reached no later than October 1, 2013.<sup>160</sup>

The *Sheff III* settlement, which was set to cover until June 30, 2015, was settled in court on December 13, 2013. "The goal of this Stipulation is attained," read the Phase III agreement, "if the percentage of Hartford-resident minority students in a reduced-isolation educational setting...is equal to or greater than 44 percent" by June 30, 2015<sup>161</sup> This was only a 3 percent increase from the goal set by the *Sheff II* settlement. In addition to this goal, the agreement sought to expand Open Choice by an additional 500 seats during the term of the *Sheff III* settlement. Expansion of Open Choice engaged suburban districts in the integration process to an extent, but any realistic goal for achieving integration would need to be far more reaching in its requirements for suburban participation than this minimal goal.

A few months before the end of *Sheff III*, in February of 2015, an extension was made to the *Sheff III* agreement in court, in place of a Phase IV settlement.<sup>162</sup> The stated purpose of the *Sheff III* extension was to be the reduction of "racial, ethnic, and economic isolation in the Hartford Public Schools for the 2015-16 school year until June 30, 2016."<sup>163</sup> The main changes to the goals from the original *Sheff III* agreement were that the benchmark for percentage of Hartford-resident minority students in a

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<sup>160</sup> Ibid

<sup>161</sup> Stipulation and Proposed Order (Superior Court December 13, 2013).

<sup>162</sup> Stipulation and Order (Superior Court February 23, 2015).

<sup>163</sup> Ibid

reduced-isolation setting was increased (by a small amount) to 47.5 percent from the original 44 percent. In addition, the Open Choice program was again planned to be expanded by an additional 325 seats in the 2015-2016 school year.<sup>164</sup> This extension did little to address any of the shortcomings that had impeded all of the previous efforts, and instead opted to carry on the same path.

On May 30, 2017, the plaintiffs filed again in the Superior Court, this time challenging the state on their lack of efforts to integrate Hartford's schools in the more than two decades that they had been fighting in court.

"The plaintiffs move for an order further implementing the Supreme Court's 1996 mandate. Since that time [1996], the parties have entered into a series of stipulations, in 2003, 2008, 2013, 2015, and 2016. While progress has been made in desegregating the public schools in the Hartford metropolitan area since 1996, over half the students residing in Hartford still attend a public school that is racially and ethnically segregated."<sup>165</sup>

Despite all of the stipulations that had been meant to further integration in Hartford's schools, segregated schooling was still the reality for many of Hartford's schoolchildren. In addition, the plaintiffs wrote, "the demand by large numbers of students and their parents for a racially and ethnically integrated education remains unfilled."<sup>166</sup> The state's failure to comply was not for a lack of community interest in Hartford, but rather the absence of significant participation by suburban districts. The plaintiffs asked the court to force the defendants to comply with the 2016 Stipulation, as well as extend it

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<sup>164</sup> Ibid

<sup>165</sup> Ibid

<sup>166</sup> Ibid

further an additional six months until December 30, 2017. Although they hoped to force the court to act, as long as voluntary programs were the standard, the state could not be forced into compliance. They wrote to the court that “allowing the [*Sheff III* Second Extension] to expire on June 30, 2017 with no follow-up stipulation or court order would wreak havoc on the complex and wide-ranging regional educational desegregation system.”<sup>167</sup>

As the two parties had entered multiple stipulations dating back to 2003, and as the latest stipulation was to expire on June 30, 2017, it was crucial to the plaintiffs that a new agreement be reached soon. The plaintiffs wrote in their motion not only about the statistics of segregation standards, but made a plea as well, pointing to the damage that segregated learning spaces have on students.<sup>168</sup> This argument highlights why integrated schooling is important. Integration has significant impacts on the lives of America’s schoolchildren. The plaintiffs wrote the following for the court:

Racial and ethnic segregation has a pervasive and invidious impact on schools...[S]chools are an important socializing institution, imparting those shared values through which social order and stability are maintained. Schools bear central responsibility for inculcating [the] fundamental values necessary to the maintenance of a democratic political system...When children attend racially and ethnically isolated schools, these shared values are jeopardized: If children of different races and economic and social groups have no opportunity to know each other and to live together

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<sup>167</sup> Ibid

<sup>168</sup> Plaintiffs’ Application For Temporary Injunction (Superior Court May 30, 2017).

in school, they cannot be expected to gain the understanding and mutual respect necessary for the cohesion of our society. [T]he elimination of racial isolation in the schools promotes the attainment of equal educational opportunity and is beneficial to all students, both black and white.<sup>169</sup>

On August 7, 2017, the court found that of 21,362 total Hartford-resident minority students, 9,878 of these students attended reduced-isolation educational settings, and that 3,600 of these students remained on a waitlist for Interdistrict Magnet schools.<sup>170</sup> Despite the earlier goal to meet more demand for the integration programs in the *Sheff* region, the court showed that the majority of interested schoolchildren remained on waitlists by 2017, and most were students from Hartford itself. “Further isolation,” wrote the court, “particularly, without any definite plan for the future constitutes irreparable harm for which there is no adequate remedy at law. Furthermore, equity cannot favor more segregation, especially in light of the 1996 Supreme Court decision which directs a reduction in racial and ethnic isolation.”<sup>171</sup> Despite this declaration, effective measures enforcing regional participation in integration were still not instituted by the court or any legislators.

The defendants submitted a motion in response, asking for clarification as to what their legal obligations were. “It is now 28 years later,” the defendants begin, “and the legislative and executive branches of state government have enacted legislation, promulgated policies, and instituted programs...that have consumed almost \$3 billion in

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<sup>169</sup> Ibid

<sup>170</sup> Ibid

<sup>171</sup> Ibid

the development of, operation of, and transportation for scores of Interdistrict magnet schools and programs, and a voluntary busing plan.”<sup>172</sup> The defendants stated to the court that that they “now seek a legal ruling or rulings from this Court as to what the scope of [the state’s] obligations are with respect to its continuing efforts to comply with the Supreme Court mandate.”<sup>173</sup> Despite only instituting voluntary programs, never addressing residential segregation in Hartford, failing to invest in making integrated schools high-quality, and rarely (if ever) achieving the goals set forth by the court, the state was hoping to bring this case to a close. Ten days later, the plaintiffs filed a motion in opposition to the defendants, defending the efforts of *Sheff*, and putting on the spot the failures of the state to fulfill its constitutional obligations. “Twenty-two years after the landmark decision, over half of Hartford schoolchildren remain in segregated schools. That percentage has increased over the past year.”<sup>174</sup>

As the plaintiffs pointed out in 2018, most Hartford schoolchildren were being educated in segregated educational settings. As a mandatory plan was never put into place, the state relied on voluntary action by the *Sheff* region community, suburbs and city alike, to create progress. The solutions that were enacted never attempted to tackle the issue of residential segregation through effective redistricting schemes. In addition, the state often failed to reach its own goals of building schools, enrolling specific numbers of students, and meeting the demand of the community. Due to these shortcomings, Hartford public schools remain segregated in 2019. The *Sheff* saga revealed that resistance exists within the state of Connecticut to promoting policies that

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<sup>172</sup> Motion in Limine or For Clarification of the Scope of Hearing (Superior Court March 9, 2018).

<sup>173</sup> Motion in Limine or For Clarification of the Scope of Hearing (Superior Court March 9, 2018).

<sup>174</sup> Motion in Limine or For Clarification of the Scope of Hearing (Superior Court March 9, 2018).

would be effective in integrating schools, and the state's constant defense in court of their lack of progress proves a lack of dedication to achieving the goals set forth by *Sheff*. As is now commonly recognized, separate does not, and cannot, mean equal. By this standard, the state of Connecticut has made equitable schooling available to some of Hartford's students, but the rights of too many of these schoolchildren remain violated by the state's failures to integrate Hartford public schools.

*Where We Stand: Unfulfilled Promises in 2019*

More than twenty years after the 1996 decision in *Sheff v. O'Neill*, the goal of this original ruling to unravel the unconstitutional segregation in Hartford's public schools has not come been fully realized. While some progress has been made, which can be seen throughout the continuous *Sheff* settlements and the incremental change that occurred with each new phase, many of the goals in previous settlements were never attained, and these goals were often changed or pushed back. One problem with the decision in 1996 was the lack of a specific solution or timeline for how integration could be achieved. Despite the unconstitutionality of Hartford's school segregation, the policy solutions remained loose and voluntarily as a result of public opinion that was opposed to mandatory integration. In addition, while the original decision pointed to the districting statute that arranged Connecticut's schools by residential districts, no efforts resulting from *Sheff* addressed the segregation in housing that led to the same problem in Hartford's schools in the first place. Any attempt to redraw district boundaries to achieve integration, a plan that would have been much more effective than the voluntary programs that ensued, would have faced massive backlash, much of this from the suburbs. By failing to address the history of residential segregation in Hartford, *Sheff* solutions could only go so far without addressing the root cause of the problem. A third shortcoming of the *Sheff* solutions was the fact that no goals were ever set in order to achieve quality schooling in addition to integration. A good education should be integrated, but integration will not fulfill the goal of equitable education for all Hartford public school students if the schools are not of good quality. Equitable education in

Hartford's schools cannot be achieved without dismantling segregation with adherence to goals that address the underlying issues or without efforts to ensure the quality of all schools. Unfortunately, this has not been the case in the more than twenty years since the original court order. Despite prolonged efforts intended to integrate Hartford's public schools, the influence of political pressure from the suburbs, the failure to address the influence of residential segregation in the *Sheff* region, and the lack of a directive to address the quality in the city's schools have prevented the dream of *Sheff* from being fully realized in 2019.

At the time that the *Sheff* complaint was filed in 1989, there was a significant degree of segregation in public schools in Hartford and its surrounding suburbs. In 1989, the initial *Sheff* complaint described the demographics of Hartford and its schools, claiming that, although blacks and Hispanics comprised only 20.6 percent of Connecticut's school-age population, they made up 91 percent of Hartford's school children. Other areas around Hartford were used to highlight the depth of segregation in Hartford. For example, while Hartford's schools were 91 percent minority, West Hartford schools were only 15.7 percent minority, and Glastonbury schools were a mere 5.4 percent minority.<sup>175</sup> In 1996, when the decision was made, there seemed to be hope that solutions would be put in place to finally integrate Hartford's students effectively. Despite the fact that over twenty years have passed since the 1996 decision, while some progress has been made, Hartford's public schools and the schools in neighboring areas have not fully rid themselves of segregation. In the

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<sup>175</sup> Milo Sheff, et al., v. William O'Neill - Plaintiffs' Complaint (Hartford Superior Court April 26, 1989).

2015-2016 school year, the population of the city of Hartford was 15.9 percent white, 38.3 percent black, and 43.6 percent Hispanic. This is a stark difference between the surrounding school districts where the white population is 49 percent higher with a population that is 65 percent white. The school district in Hartford reflects the overall population of the city, as 31.3 percent of Hartford students are black, and 49.9 percent are Hispanic, a student population that is 81.2 percent black and Hispanic, a decrease of 9.3 percent since 1989.<sup>176</sup> Of 47 total public schools in Hartford in the same school year, 46.8 percent had a population of 90 percent or more black and Hispanic students, 68 percent of schools had a population of 75 percent or more black and Hispanic students, and the school with the lowest minority population still had just over 53 percent black and Hispanic students.<sup>177</sup> These statistics that were collected 20 years after the *Sheff* decision highlight how the progress that has been made to integrate Hartford's public schools *post-Sheff* have not resulted in a significantly integrated school system.

Authors Roslyn Mickelson, Martha Bottia, and Stephanie Southworth describe the appeal of school choice programs to suburban parents and legislators. They discuss how choice programs “appeal to parents and educators frustrated with the slow pace of school improvement in many low-performing urban schools, and to those whose ideologies maintain markets can provide more efficient education than the state.”<sup>178</sup>

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<sup>176</sup> "Hartford Public Schools: Striving for Equity through Interdistrict Programs," The Century Foundation, October 14, 2016.

<sup>177</sup> Robert Cotto Jr, "Hartford Public Schools Enrollment, Race, and Accountability Data 2015-16," Cities Suburbs Schools Project at Trinity College, January 19, 2018.

<sup>178</sup> R.A. Mickelson and S. Southworth, "School Choice and Segregation by Race, Class, and Achievement," *National Education Policy Center*, 2008.

Efforts to make schools resemble markets through the influence of suburban public opinion have resulted in voluntary choice desegregation programs that rely on individuals to make the decision to help integrate the schools in their region. This has become the main solution, rather than a decisive order, which would impact the schooling of all suburban public school students. Instead, efforts have relied on schoolchildren in Hartford and those in the suburbs who chose to participate. Voluntary integration programs historically have had more support from the public and from elected officials than mandatory programs such as forced busing and the redrawing of district lines. Terry Cassidy, the executive director of the Connecticut Association of Boards of Education said in 1988 that “voluntary programs are...preferred by local schools boards.”<sup>179</sup> Connecticut State Attorney General Richard Blumenthal declared after the *Sheff* decision that Connecticut would never enact a solution that “threatened local control,” solutions which Lauren Wetzler says “would have been political suicide for suburban legislators.”<sup>180</sup> The current policy solutions put the burden to integrate on Hartford schoolchildren, leaving suburban children with the control to choose if they will even take part in the programs.

A study described by Darryl McMiller shows survey data from Connecticut residents in the late 1990s detailing public opinion about desegregation methods at the time the *Sheff* solutions were being initially formulated into policies. A rift between Connecticut’s white residents and residents of color appears in the survey data about

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<sup>179</sup> Charlotte Libov, "Racial Report on Schools: The Fallout," *The New York Times*, January 31, 1988.

<sup>180</sup> Lauren Wetzler, "Buying Equality: How School Finance Reform and Desegregation Came to Compete in Connecticut," *Yale Law and Policy Review* 22 (2004):.

busing. In 1996, 64 percent of whites were opposed to busing, while 51 percent of people of color were in favor of busing. In contrast to widespread opposition amongst whites to integration programs that would have a significant impact on their children in the suburbs, Interdistrict Magnet Schools received more support, as they left open the option to participate or not. 62 percent of whites and 77 percent of people of color surveyed in 1999 said that they favored “the creation of regional schools...so-called magnet schools - in order to achieve integration.”<sup>181</sup> It is apparent from this data that the influence of suburban whites on the policies produced after *Sheff* forced voluntary programs that benefited white children who were not obligated to take part in integration.

Connecticut State Senator Thomas Gaffey spoke to the press during the hearing around the *Sheff I* stipulation in 2007, claiming that ‘The notion that we’re going to get a better result by voluntary programs is ridiculous.’<sup>182</sup> Senator Gaffey continued to go on and say that “we need to shift away from the model of remedy that the State has been pursuing for years,” mainly suggesting that a move away from voluntary-only programs would be necessary to achieve the goals that the *Sheff* plaintiffs set out to achieve beginning in 1989, 18 years before these comments were made.<sup>183</sup> Dougherty, Wanzer, and Ramsay write that “although every metropolitan desegregation plan faces logistical challenges, the absence of clear governance over the *Sheff I* remedy made these

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<sup>181</sup> Darryl L. Mcmillen, "Public Opinion and School Desegregation in Hartford, Connecticut," *Equity & Excellence in Education* 33, no. 2 (2000):.

<sup>182</sup> Jack Dougherty, Christina Ramsay, and Jesse Wanzer, "Sheff v. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008," *Trinity College Digital Repository*, 2009.

<sup>183</sup> Ibid

problems even worse in Connecticut.”<sup>184</sup> Cesar Batalla, of the Puerto Rican Coalition of Bridgeport, while discussing the Tirozzi Report on segregation in Connecticut, warned of the issues voluntary programs would pose before *Sheff* had been brought to court. Batalla said “When you talk about magnet schools, you’re talking about a few selected kids. It’s a good beginning, but, personally, I think that desegregation will only come about through the courts.”<sup>185</sup> A clear directive from either the courts or legislators that would force suburban whites to participate in integration efforts would be the only way to integrate Hartford’s schools effectively, but resistance from the suburbs has impeded any such effort.

Jesse Wanzer writes about the problems that are inherent to the voluntary choice centered Interdistrict Magnet Schools that have become the main avenue for integration efforts in the *Sheff* region. Wanzer raises issues relating to the application process and the choice aspect of these schools. Wanzer writes:

Magnet schools in the area have no control over who applies, even with vigorous marketing techniques, due to the fact that parents voluntarily apply to magnet schools. At best, magnet school administrators can only hope to attract students of different backgrounds that help it meet the *Sheff* standards. The fact is that even though they had hoped to attract white suburban students, for the most part magnet schools have been more popular among Black and Hispanic suburban families; of all minority applicants to magnet schools, sixty percent come from Hartford while only 40% come from the

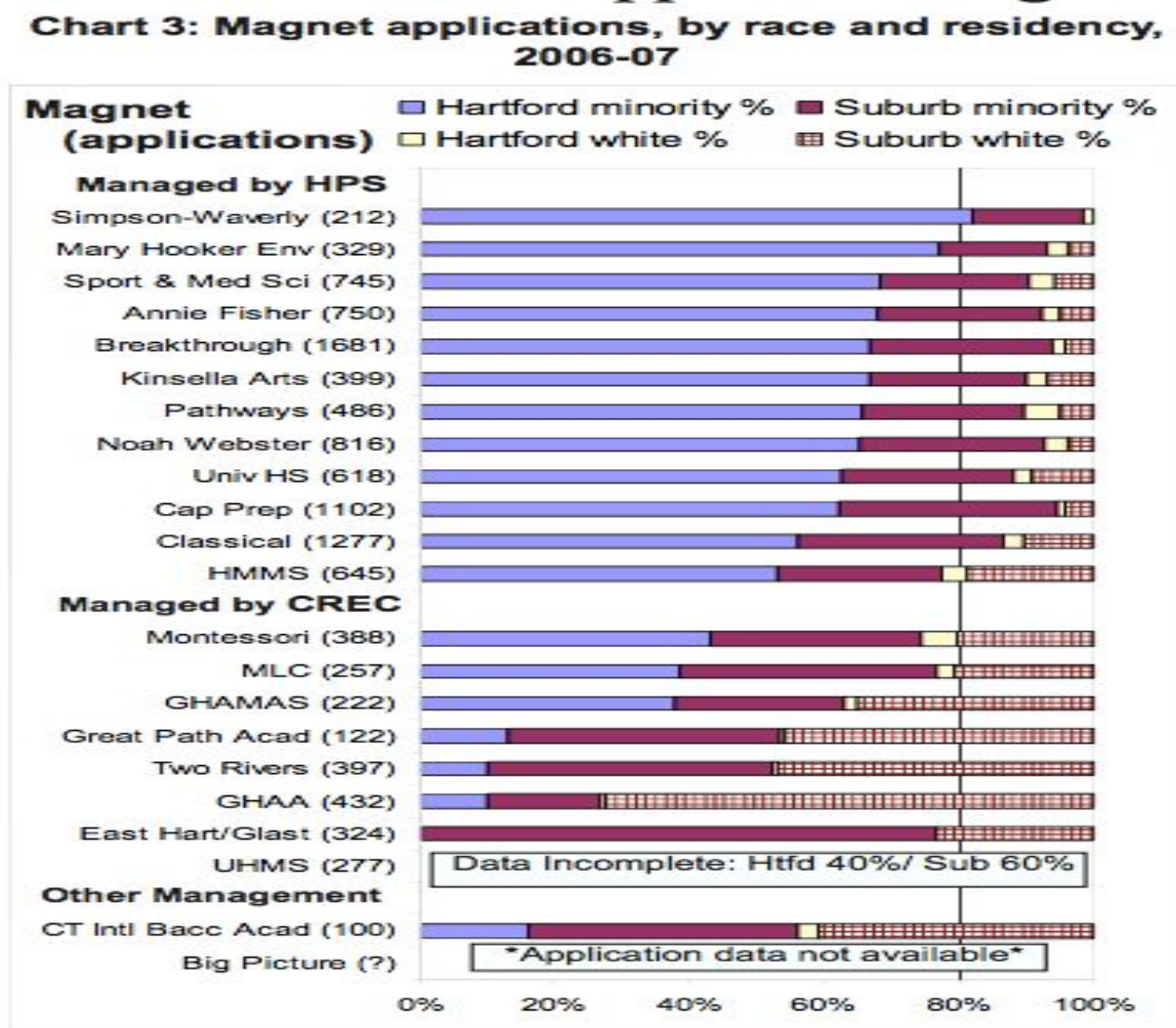
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<sup>184</sup> Ibid

<sup>185</sup> Ibid

suburbs...Bringing these facts together, it is no surprise that the 30 percent goal was not met in June 2007.<sup>186</sup>

Figure: Applications to Interdistrict Magnet Schools by Race and Suburban/City Residence



Source: Spring 2007 magnet lottery data from CREC, HPS, and individual schools (CT International Baccalaureate Academy, Greater Hartford Academy of the Arts).

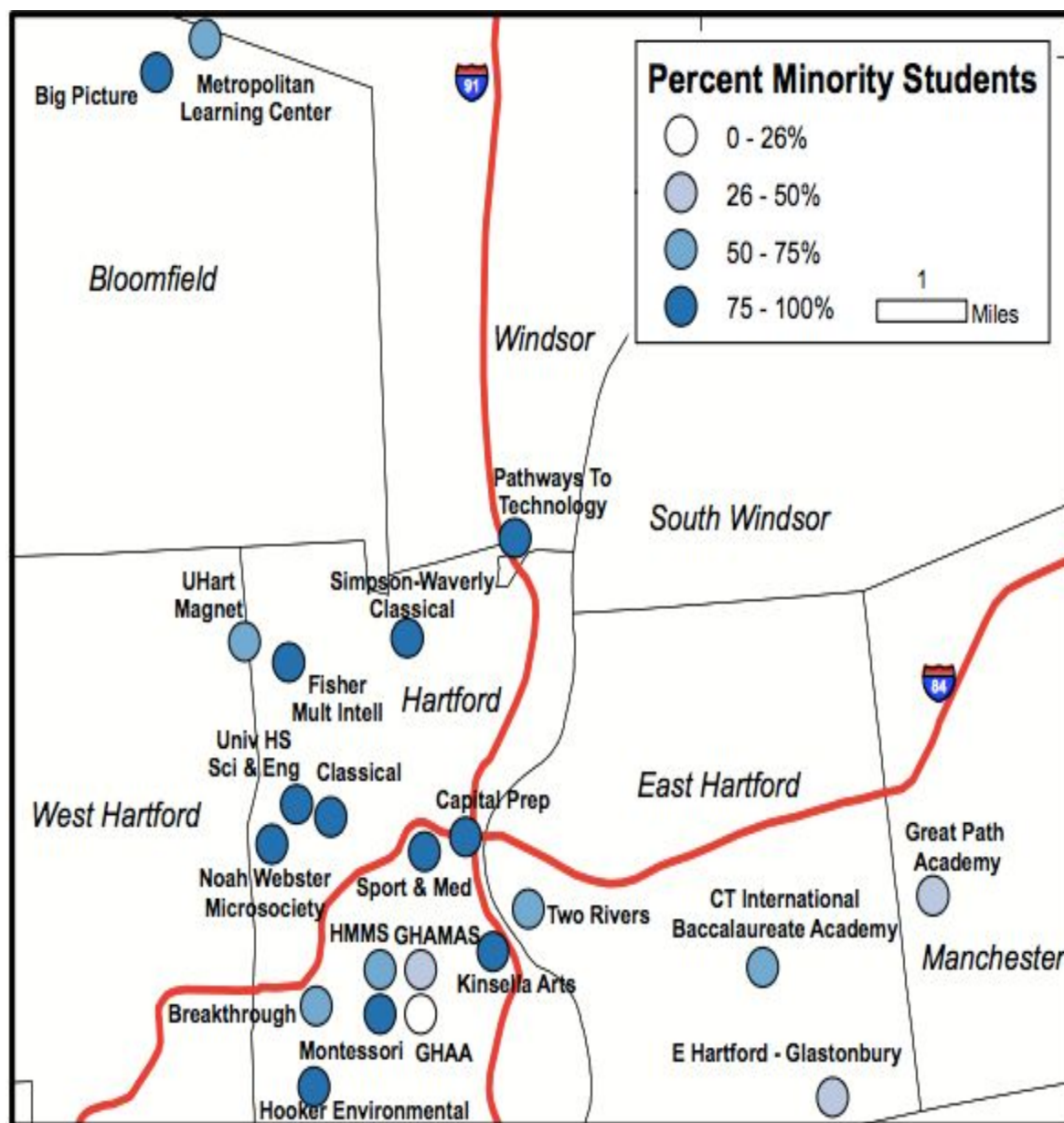
<sup>187</sup> The vast majority of students applying to magnet schools are minorities from Hartford. For the most part, very few applicants are white and from the suburbs

<sup>186</sup> Jesse Wanzer, Heather Moore, and Jack Dougherty, "Race and Magnet School Choice: A Mixed-Methods Neighborhood Study in Urban Connecticut," *Trinity College Digital Repository*, March 28, 2008.

<sup>187</sup> Jack Dougherty et al., "A Visual Guide to Sheff v. O'Neill School Desegregation," *Trinity College Digital Repository*, July 2006.

188 Ibid

Figure: Interdistrict Magnets in *Sheff* Region Percentage of Population of Minority Students in 2006-2007 School Year



<sup>189</sup> The majority of magnets in the *Sheff* region remain segregated, many have 75-100% minority populations, and only 4 schools have a percentage of minority students below 50%.

<sup>189</sup> Ibid

The inability to attract white families to participate in the voluntary *Sheff* programs has inhibited the integration of white students into the Interdistrict Magnet Schools. Without mandatory participation, white suburban students will likely continue to choose not to enter into these schools.

With the knowledge of the history of residential segregation in Hartford that has been the leading contributor to segregation in Hartford's schools, it is problematic that this context remains unaddressed throughout the *Sheff* case. As the 1996 decision pointed to the districting statute as the main factor that contributed to the segregation in the city's schools, any solution that would effectively integrate Hartford's schools must address this. One policy solution that would effectively integrate Hartford's schools, and draw from the historical context of why the schools became segregated, is redrawing school district lines in the *Sheff* region. The survey described by Darryl McMiller addresses public opinions on redistricting, which highlights why this method was never considered. In 1996, despite the fact that 65 percent of people of color in Connecticut favored redrawing district lines, 57 percent of whites opposed this solution.<sup>190</sup> In another section of the survey, 83 percent of residents surveyed in 1996 indicated that they valued "keeping children in the same town they live in" while formulating plans for desegregation.<sup>191</sup> Despite the widespread support for localized schooling, a rift appears between black and white residents. McMiller observes that 65 percent of whites responded that they valued

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<sup>190</sup> Darryl L. McMiller, "Public Opinion and School Desegregation in Hartford, Connecticut," *Equity & Excellence in Education* 33, no. 2 (2000):.

<sup>191</sup> Ibid

this localization with the answer “very positive,” while people of color answered the same 49 percent of the time.<sup>192</sup>

State leaders and legislators stood with the white suburban communities in the *Sheff* region when creating solutions, effectively abandoning any solutions that would address the factor that the court had deemed most influential in Hartford’s public school segregation. When Governor Rowland established the Educational Improvement Panel, he immediately limited the scope of remedies the panel could approve by demanding solutions “based on voluntary measures emphasizing local and parental decision-making.”<sup>193</sup> The Education Improvement Panel, in response to this directive, explicitly stated that it would “reject...redistricting” as a possibility for achieving integration.<sup>194</sup> Redistricting would hinder the ability of higher socioeconomic status families to be able to purchase a home in a school district that was controlled solely by their suburb. While this would begin to address the residential segregation that creates segregation in Hartford’s schools, suburban whites’ opposition stood in the way of effective reform.

Authors Harrelson, Maloney, Murphy, Smith, and Dougherty point to the issues with voluntary school choice integration efforts in the context of understanding housing as a factor that influences school segregation. They write “Many of these choice programs are politically justified on the logic that lower-income urban families deserve the same degree of school choice that

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<sup>192</sup> Ibid

<sup>193</sup> Lauren Wetzler, “Buying Equality: How School Finance Reform and Desegregation Came to Compete in Connecticut,” *Yale Law and Policy Review* 22 (2004):.

<sup>194</sup> Ibid

middle-class home buyers currently enjoy through the suburban housing market.”<sup>195</sup>

Despite the idea that expanding access to low-income families to better schooling options sounds like a positive move, it does not address the foundational problem that lies at the center of this issue. Middle-class and high-income families have the option to move to the suburbs to send their children to the schools that they choose. A Hartford newspaper journalist wrote about this underlying issue of access to school choice opportunities, factually stating that “of course, if you have the money, Connecticut has ‘school choice.’ it’s called a suburb.”<sup>196</sup> Families who do not have the wealth to pick up and move to the suburbs where they would be guaranteed attendance at the school in the suburb they chose are forced to rely on a lottery system that limits the number of students and families that can be serviced by school choice options. Efforts to integrate by expanding access to Interdistrict Magnet Schools have been hindered as a result of white suburban families’ low rates of participation, a problem that cannot be solved without mandating suburban participation.

Another significant shortcoming of *Sheff* is the lack of any mention of school quality in the decision or any of the stipulations. Referring back to the landmark national desegregation case, *Brown v. Board of Education*, Gloria Ladson-Billings writes that “there is no provision in *Brown* for equality of outcomes. As long as blacks and other children of color were given the opportunity to attend the same schools that whites did,

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<sup>195</sup> Jeffrey Harrelson et al., “School Choice in Suburbia: Test Scores, Race, and Housing Markets,” *Papers and Publications*, September 1, 2009.

<sup>196</sup> Ibid

the state had met its legal and civic obligations.”<sup>197</sup> This same principle was embedded in the *Sheff* programs, as the solutions focused solely on integration, with no benchmarks or goals to assure the integrated schools were of good quality.

Perceptions amongst whites in Connecticut about the effect of integration on white students explains why many suburban whites have dismissed the idea that integrated schools could be of the same quality as their current suburban district schools. In 1996, only 19 percent of Connecticut residents surveyed claimed that they believed integration “improved the quality of education for whites,” with more whites believing this than people of color.<sup>198</sup> The perception that integrated schooling would not be beneficial to white students had much influence on the *Sheff* solutions, largely due to public opinion on the value of quality schools. 92 percent of those surveyed rated “small classes with more individual attention from teachers” positively, and 91 percent said the same for “programs in special areas like computers, the arts, or for gifted and talented students.”

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The public does not believe integration and quality go together. Due to the resulting political pressure, efforts to emphasize promoting school quality in integrated schools were dismissed. White suburban families will more likely be convinced to actively participate in integration efforts if these efforts produced schools that were higher quality than the ones in their suburban districts. The most effective way to integrate Hartford’s public schools would require both mandating integration, while also

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<sup>197</sup> Gloria Ladson-Billings, “Landing on the Wrong Note: The Price We Paid for Brown,” *Educational Researcher* 33, no. 7 (2004):.

<sup>198</sup> Darryl L. Mcmillar, “Public Opinion and School Desegregation in Hartford, Connecticut,” *Equity & Excellence in Education* 33, no. 2 (2000):.

<sup>199</sup> Ibid

making an investment in the resources and funding needed to promote quality schools that would attract more white suburban students. Not only is school quality important as a recruiting mechanism, but an education should only be considered equitable if it is integrated as well as high-quality. Policy makers' history of bending to public pressure against integration efforts that force suburban children to participate, and that are perceived as harming the quality of suburban students, has resulted in the failure of the *Sheff* case to result in an equitable education for all of Connecticut's Public School students.

*Conclusion: Only Time Will Tell*

In 1989, when the *Sheff* plaintiffs had only just filed a judicial complaint over school segregation, there could have been no way of knowing the intense saga that would carry on for three decades without a resolution. *Milo Sheff et. al., v. William A. O'Neill et. al.* holds a significant place in the history of American public school desegregation as the catalyst for one city's extensive experimental efforts to reimagine the age-old idea that where you live is where you learn. While the 1996 decision was an important first step, a single court ruling proved insufficient in dismantling a centuries old system of oppression. Despite subsequent rulings, many goals remain unmet, benchmarks sit unreached, and the state has never decisively enforced the stipulations that succeeded the *Sheff* decision. While some progress has been made, many of Hartford's public schoolchildren remain in segregated learning environments. The types of programs that were introduced after *Sheff* could never have been enough to address the underlying issues and logistical problems posed by Hartford's segregation. In 2019, the remaining pages of the *Sheff v. O'Neill* story remain unwritten.

Voluntary integration efforts have impeded the ability to successfully achieve racial integration, in large part as a result of public opinion against mandatory programs. Anxiety amongst whites in the suburbs about the effect that integration would have on their own children and their control over their local schools highlighted public attitudes that influenced the conditions under which the *Sheff* solutions were formulated. The policy resulting from *Sheff* focused solely on the school choice Interdistrict Magnet Schools and Open Choice programs. These programs have transformed the landscape

of public education in the city of Hartford, but the new system has produced public schools that are only slightly less segregated than the schools before these programs were instituted. These market-oriented programs were designed so that suburban parents and legislators could feel their own kids would not be affected, and were the result of the political pressure on legislators to put the burden of integration on residents of Hartford.

Dating back throughout the history of Hartford, state efforts to segregate neighborhoods through housing discrimination maintained and enforced a divide between Hartford's white and minority citizens. The structures that built this system were never fully dismantled, and the legacy of these institutions continue to loom over the city today. This case teaches us that the reality of residential segregation, and its role in segregating schools, must be addressed in any effort to desegregate that can hope to be effective, such as redrawing school district boundaries. The Sheff remedies relied too heavily on public opinion to formulate programs rather than relying on historical knowledge of the cause of Hartford's segregated public schools. While redistricting would be an effective measure to combat the influence of residential segregation on segregation in public schools, white suburban families expressed resistance to any program that would impede their ability to have completely localized control of the suburban school districts they purchase homes in. For future efforts to be successful, policy must be crafted within the context of this argument.

The goal of Sheff was to integrate Hartford's public schools, but efforts to address issues of school quality in integrated schools were not included in the goals set

forth by the *Sheff* solutions. An equitable education for children is not only an integrated one, but one of a high-quality as well. White suburban perceptions that integrated schools are inherently of lower quality than their own suburban schools have prevented the necessary resources from being directed to magnet schools to make them competitive with the suburban district schools. Without setting goals to make sure the quality of the integrated schools were sufficient, *Sheff* failed to create a complete solution to the needs of Hartford's public schoolchildren. Integration is not sufficient enough to provide students with an equitable education. Directives that put forth resources to meet high benchmarks of school quality in addition to standards of integration are needed to provide a truly equitable education.

While state and city officials continue to argue with the court about their efforts and obligations to desegregate Hartford's schools, more and more generations of Hartford schoolchildren have been, and will continue to be, educated in segregated spaces. A lack of participation and political pressure from white suburban families against methods of integration in the *Sheff* region that would place any burden to integrate on suburban districts have limited the effectiveness of introducing white students into integration programs. Fear of the loss of local control of suburban schools, and the strong opposition amongst suburban whites to redistricting as a result, has led to a failure to address the root cause of school segregation in any efforts following *Sheff*. A perception that integration means lower quality schooling for white students has stood as a roadblock to putting effort into ensuring high quality in integrated schools, rather than solely focusing on integration. Only time will tell where

the *Sheff* saga will take Hartford's schoolchildren in the future. For now, the dream of integrated schooling in the city remains ahead, waiting to be fulfilled in the name of all Hartford children who have watched from within their segregated schools as the opportunity for integration passed many of them by.

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