

Teaching American History Project- 2009-2012
Kailee Donovan

Sheff vs. O'Neill-Success or Failure?

Grade: 11/12

Length of Class Period- 90 Minutes

Inquiry/Essential Question- Are there still issues of segregation in Hartford Connecticut, specifically in the education system? What would successful desegregation or equality look like in urban schools today?

Objectives- Students will debate whether the programs generated by Sheff vs. O'Neill were successful at desegregating schools in Hartford, CT.

Students will develop skills of activism by writing a letter to the Connecticut Commissioner of Education about the status of education in Hartford.

Materials-

Overview of the Case: Powerpoint

Sheff vs. O'Neill Court Decision worksheet

Newspaper Article worksheet

Paper & Pens for letter to Commissioner

Activities

1. Initiation (5 min)
2. Overview of the case (15 minutes)
3. Read the court decision and answer questions (25 min)
4. (optional) Read newspaper article and answer questions
5. Define what success would look like, discuss success or failure of case (25 min)
6. Assessment: Write a letter (20 minutes)

1. Initiation: Discuss to find out what students know (5 min)

- Define integration.
- Discuss civil rights movement in 1960s: What was its goal? Was it successful at achieving that goal? How do you know?
- Brown v. Board of Education: What did this ruling do? Did ruling succeed at accomplishing its goal?

Background on Sheff vs. O'Neill *See Powerpoint * (15 min)

- William A O'Neill-Governor of Connecticut (1989) (Defendants)
- Milo Sheff (fourth grader) and 16 other children (Plaintiffs)
- 1989-the lawsuit is filed. Sheff et al claim that segregated schools are inferior and violate state constitutional rights to an equal education
- 1992- Case begins
 - Plaintiff's Arguments

- Inequity in schools, poor conditions, field trips allow students out of the city for the first time in their lives
 - Property taxes fund schooling and property taxes yield much higher income in suburbs making education funding unequal based on SES
 - State's Arguments
 - Suburban schools are becoming more integrated
 - Integration plans involve complicated, expensive busing plans
- 1995-Justice Hammer rules in favor of the state saying officials are not obligated to correct educational inequities without proof that the government *helps foster* racial isolation.
- 1995- State Supreme Court hears appeal case (Justices Ellen A Peters)
- 1996- Justice Peters overturns Hammers ruling
 - Provisions will be explored in the text from this decision
- 1997-Legislature passes “An act concerning educational choices and opportunities” to improve state of urban schools (based on Peters’ ruling)
- 1998-Plaintiffs file motion for a court order to get the state to adhere to the ruling-ruled it is too soon to order
- 2002-Supreme Court Judge Aurigemma holds hearings on the progress of Sheff

3. Work in partners or groups to read and answer questions about the CT State Supreme Court decision text from the Appeal. (Text & Worksheet attached)

Teachers may want to divide the programs up between different groups to make sure students have covered all of the programs for class discussion. Discuss answers students came up with.

**Teachers should review and cut out pieces of the text depending on the ability levels of students. The text included is lengthy and challenging for many students.

4. (optional) Read newspaper article “Connecticut Students Still Waiting for Superman” about the status of the Sheff decision in schools today. Answer the questions on the worksheet as a class (Article and worksheet attached)

Discuss students’ thoughts on article.

5. Questions for class discussion (can pick and choose)

- Do you think the case the plaintiffs made about segregation and equality was legitimate?
 - What does this court case say about the status of segregation in society today?
- How did the Sheff decision try to achieve equality in schools?
- Do you think the provisions from Sheff are being enacted in schools today?
 - Explore specific provisions and determine yes or no.
- Who makes the decisions that influence schools? Do you think these people are qualified to make such decisions? Who should be making these decisions?
- How do government actions affect schools and the students in them?
- Why do you think urban and suburban schools have such disproportionate numbers of minority students?

- What would equality or successful desegregation across schools look like?
 - Ex. Cultural equality-complete diverse populations in all schools
 - Financial equality-it is ok if schools are segregated as long as they are equally funded and supported
- Are any of these ideas of equality completely achievable?
- The idea behind Sheff was mostly to achieve financial equality: fair funding behind all schools regardless of their location or cultural make-up. If Sheff achieved that state, do you think schooling in the US would be fair?

Assessment (20 minutes in class or homework depending on time)

Have students write a letter to the Connecticut State Commissioner of Education, Mark McQuillan, describing:

1. Briefly what the decision in Sheff vs. O'Neill was (One thing you learned about the case today)
2. Do you think that Sheff was a success or failure? (Make sure you define for the commissioner what you think success or failure looks like in Hartford)
 - a. If it was a success, what steps do you see in place that makes it a success? Are there more things the commissioner could do to improve the education system in Connecticut?
 - b. If it was a failure, why do you think it was it a failure? What could the commissioner do today to improve the education system in Hartford in terms of segregation?
3. Briefly tell Mr. McQuillan why he should listen to your point of view.

Before beginning assignment, ask students: How do we write a letter like this in order to best make our point sound valid?

- Write neatly
- Spell/word things correctly
- Organize your thoughts (maybe outline ahead of time)
- Use evidence to support your point
- Be passionate
- Be respectful

These letters can be sent to the Commissioner and might even elicit a response for students!

Additional Resources:

The Students in Room E4, Susan Eaton

Jack Dougherty, Trinity College

http://www.courant.com/news/education/hc-sheff-oneill-timeline-flash_0,105112.flash

http://www.hplct.org/selected_resources/pages/Sheff-versus-O%27Neill.htm

<http://internet2.trincoll.edu/facProfiles/Default.aspx?fid=1004266>

http://caribou.cc.trincoll.edu/depts_educ/CSS/

<http://smartchoices.trincoll.edu/>

<http://www.cpbm.org/program/where-we-live/episode/wwl-sheff-twenty>

NPR Audio Clips:

Sheff @ 20: Plaintiff Looks Back on Decades Since Lawsuit

Published: 04/27/2009 Length: 3:55

<http://www.cpb.org/article/elizabeth-horton-sheff-looks-back-decades-lawsuit>

Sheff @ 20: Parents' Voices

Published: 04/27/2009 Length: 1:52

<http://www.cpb.org/article/sheff-20-parents-voices>

Sheff @ 20: Plaintiffs See Progress

Published: 04/27/2009 Length: 1:52

<http://www.cpb.org/article/twenty-years-later-sheff-voneill-still-relevant>

X03 CV89 0492119S : SUPERIOR COURT

MILO SHEFF, ET AL : COMPLEX LITIGATION DOCKET
V. : AT NEW BRITAIN
WILLIAM A. O'NEILL : MARCH 3, 1999

MEMORANDUM OF DECISION

The Decision of the Connecticut Supreme Court

On July 9, 1996, the Connecticut Supreme Court issued its decision in this case, *Sheff v. O'Neill*, 238 Conn. 1, 678 A.2d 1267 (1996), in which it held that students in the Hartford public schools were racially, ethnically and economically isolated and that, as a result, Hartford public school students had not been provided a substantially equal educational opportunity under the state constitution, article eighth, §1, and article first, §§1 and 20. 238 Conn. at 37-38, 47.

The Court clearly recognized that the State had not intentionally segregated racial and ethnic minorities in the Hartford public school system. 238 Conn. at 10. But it also recognized that the State had created local school districts, which it identified as the most important factor contributing to the concentration of racial and ethnic minorities in Hartford:

Although intended to improve the quality of education and not racially or ethnically motivated, the districting statute that the legislature enacted in 1909, now codified at §10-240, is the single most important factor contributing to the present concentration of racial and ethnic minorities in the Hartford public school system. The districting statute and the resultant school district boundaries have remained virtually unchanged since 1909. The districting statute is of critical importance because it establishes town boundaries as the dividing line between all school districts in the state.

238 Conn. at 11.

Although the Court noted that "according to the findings of the trial court, poverty, not race or ethnicity, is the principal causal factor in the lower educational achievement of Hartford students," 238 Conn at 11, its holding implicitly recognized a strong causal relationship between racial and ethnic isolation and lower educational achievement.

The Court further recognized that:

The General Assembly has enacted no legislation that was intended to cause either de jure or de facto segregation. It enacted the districting statute, not to impose or to foster racial or ethnic isolation, but to improve educational quality for all Connecticut schoolchildren by increasing state involvement in all aspects of public elementary and secondary education. Moreover, the districting scheme presently furthers the legitimate nonracial interests of permitting considerable local control and accountability in educational matters.

238 Conn. at 40-41.

The Court's decision also contains the following language concerning the importance of remedying racial, ethnic and economic segregation in the schools:

"[S]chools are an important socializing institution, imparting those shared values through which social order and stability are maintained." *Plyler v. Doe*, 457 U.S. 202, 222 n. 20, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982). Schools bear central responsibility for "inculcating [the] fundamental values necessary to the maintenance of a democratic political system" *Ambach v. Norwick*, 441 U.S. 68, 77, 99 S. Ct. 1589, 60 L. Ed. 2d 49 (1979). 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 in school, they cannot be expected to gain the understanding and mutual respect necessary for the cohesion of our society." (Internal quotation marks omitted.) *Jenkins v. Township of Morris School District*, 58 N.J. 483, 498, 279 A.2d 619 (1971). "[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." *Lee v. Nyquist*, 318 F. Sup. 710, 714 (W.D.N.Y. 1970), *aff'd* without opinion, 402 U.S. 935, 91 S. Ct. 1618, 29 L. Ed. 2d 105 (1971).

238 Conn. at 34.

The Court did not order judicial intervention to remedy the racial, ethnic and economic isolation existing in the Hartford Public Schools. Instead, the Court directed the trial court to issue a declaratory judgment and to retain jurisdiction in order to give the Legislature the opportunity to act. Specifically the Court directed " the legislature and the executive branch to put the search for appropriate remedial measures at the top of their respective agendas." *Id.* at 46.

The Education Improvement Panel

The State's response to the Supreme Court's decision was swift. On July 25, 1996 Governor John Rowland issued Executive Order No. 10, creating the Education Improvement Panel ("EIP"), which was charged to "explore, identify and report on a broad range of options for reducing racial isolation in our state's public schools, improving teaching and learning, enhancing a sense of community and encouraging parental involvement." Twenty-one Connecticut citizens, diverse in race, occupation and background, were selected by the Governor and the Legislative leadership and appointed to serve on this panel which was chaired by Theodore S. Sergi, the State's Commissioner of Education. Members included the presidents of the state NAACP and the New England Health Care Employees Union, a college professor, education professionals from both the local and state levels, and a number of elected officials from all levels of government. Seven members of the Panel were either African American or Latino, and three had children or close relatives in the Hartford Public Schools.

The group process used by the Panel in its discussions and deliberations reflected an extraordinary degree of cooperation and consensus building. Although the Executive Order creating the Panel spoke of avoiding "forced bussing," Panel members discussed at length whether that option should be "off the table." Ultimately, even that controversial topic was fully explored. The Panel gradually narrowed a list of hundreds of ideas to fifteen recommendations which were supported by a majority of Panel members.

To assist them in formulating their recommendations, the Panel requested input from many outside sources. Experts from around the country, as well as other interested parties, including the plaintiffs and Capitol Region Education Council's John Allison, addressed the Panel. Each of the Panel's final recommendations had support of a majority of the Panel members. However, Panelists were allowed to voice separate or further opinions, and the final report includes numerous "minority" reports or statements.

When it was issued on January 22, 1997, the EIP final report was delivered to the Education Committee of the General Assembly, and the recommendations in the report formed the basis of legislation that was subsequently enacted. The recommendations of the Panel in the final report included a significant expansion of public school choice, measures to increase public school accountability and parental involvement, strengthening of existing programs, and improving adult education.

Within five months of receiving the final report of the Education Improvement Panel, the Connecticut Legislature had passed Public Act 97-290, entitled "An Act Enhancing Educational Choices and Opportunities." This legislation was aimed at reducing racial, ethnic and economic isolation, as well as improving the quality of education throughout the State -- with an emphasis on improving urban education.

The first section of Public Act 97-290 amended Connecticut General Statutes 10-4a, the statute which defines the "educational interests of the state," to include the reduction of "racial, ethnic and economic isolation," and to impose a duty on each school district to "provide educational opportunities for its students to interact with students and teachers from other racial, ethnic and economic backgrounds"

The failure of local districts to carry out one or all of the "educational interests of the State," can, as discussed below, result in financial and other sanctions, including the loss of state educational funding. Moreover, the State Department of Education can initiate litigation to enforce the state's educational interests.

Section two of Public Act 97-290 provided that school boards could reduce racial, ethnic and economic isolation by using programs or methods such as:

(1) Interdistrict magnet school programs; (2) charter schools; (3) interdistrict after-school, Saturday and summer programs and sister-school projects; (4) intradistrict and interdistrict public school choice programs; (5) interdistrict school building projects; (6) interdistrict program collaboratives for students and staff; (7) minority staff recruitment; (8) distance learning through the use of technology; and (9) any other experience that increases awareness of the diversity of individuals and cultures.

Interdistrict Cooperative Programs

Interdistrict cooperative programs are school sponsored programs in which students from different school districts participate together in a diverse array of educational experiences. These programs, funded largely by the State, bring urban and suburban students together in the context of quality educational experiences.

Educators who were called as witnesses by both the plaintiffs and the defendants agreed that interdistrict programs were beneficial. For example, Raul Montanez Pietre, principal of the Mary Hooker Elementary School in Hartford, called as a witness by the plaintiffs, testified that the interdistrict program between children at the Mary Hooker School and the Plantsville elementary school was highly successful in breaking down racial and economic barriers between the children. He testified the children learned and gained educational benefit from interdistrict programs despite the fact that they were not full time programs.

In order to receive State funding, interdistrict programs must promote diversity as well as academic improvement. The State Department of Education operates a competitive process in which local school districts or Regional Educational Service Centers submit written proposals for such programs. The review and approval process rewards programs that maximize the number and duration of face-to-face encounters between the students from different backgrounds.

The nature and duration of Interdistrict Cooperative Programs varies considerably. Some such programs are five week residential programs, where the participants live together and conduct in depth studies of particular topics like art and literature. Others are "Sister School" programs with minor State stipends that allow for students from urban and suburban schools to visit museums together or conduct other classroom exchanges. In order to fund a greater number of programs, the State typically funds the interdistrict cooperative programs at 70-90% of the funds requested. At this level of funding, the applicants tend to make up any gap in funding through local monies or private donations. After July, 2000, no program can receive approval unless it establishes that no more than 80% of the student participants will come from any one school district. About half of these programs are sponsored by Regional Educational Service Centers and half by local school districts.

In school year 1997-98, some 81,502 students participated in interdistrict cooperative programs, and 100,000 students, nearly 20% of all public school children in the State, are expected to participate in 1998-99.

In addition to Mr. Montanez, Dr. John Allison, a former director of the Capitol Region Education Council, called as a witness by the plaintiffs, indicated that the programs are worthwhile, and that they reduce isolation and provide educational experiences. James Thompson, principal at Simpson-Waverly Elementary School in Hartford, another plaintiffs' witness, also described interdistrict cooperative grant activities in which his students had participated. Various witnesses, including several of plaintiffs' experts, agreed that when students from different backgrounds come together for constructive activity, that is in itself an educational experience.

Interdistrict Magnet Schools

Interdistrict magnet schools are created by two or more districts combining their ideas, skills and resources to create a new school centered around a unique or unusual theme, specifically designed to foster both excellence in academics and the reduction of racial, ethnic or economic isolation. Interdistrict Magnet schools existed prior to the Supreme Court's decision. However, since by definition a magnet school is made up of students from

different districts, both the State and the plaintiffs have recognized the magnet school as an excellent method of reducing racial, ethnic and economic isolation.

Overall, State spending on magnet schools will be \$17.5 million dollars for fiscal year 1998-99, representing an increase in excess of \$7 million over the spending level for 1997-98. Both the number of magnet schools and their enrollments have shown remarkable growth, which, based on the known magnet school planning projects and planned magnet school expansions, are expected to continue into the future. Approximately twenty-seven percent of the interdistrict magnet schools being planned around the state involve participation by the Hartford Public Schools.

Like interdistrict cooperative programs, magnet schools grow out of the ideas, enthusiasm and commitment of the local districts that join forces to create them. These people are in the best position to assess what concepts will gain support and thrive as new schools. Magnet schools in urban areas which have unique educational programs can and have in this state attracted suburban students.

If a magnet school is housed in a new building, the State provides 100% funding for the construction of the building. In order to receive the State construction money the districts must commit to the new school for at least a twenty years. Those working on the development of a new magnet school can receive State funding for the planning process in the form of an interdistrict cooperative grant specifically earmarked for the planning of a magnet school. However, not all magnet schools currently in operation or proposed have used this State funding source for planning.

The State Department of Education has a division which includes employees who meet regularly with those planning new interdistrict magnet schools. They provide guidance and assistance in the development process, including supplying a "nuts and bolts" set of guidelines for the process. The founders of a proposed magnet school must submit a detailed "operations plan" which is carefully scrutinized. In particular, the State Department of Education looks for a strong and appropriate governance structure composed of at least three districts, suitable staffing patterns, facilities, financial plans and, most importantly, an outstanding program that will attract a diverse student body. Once the proposed magnet school obtains approval of its operations plan, the founders must also obtain approval of their facilities plan from the State personnel who provide approval and funding for school facilities. They can then compete for State magnet school operational dollars.

The structure for the operational funding of interdistrict magnet schools is designed to encourage racial and ethnic diversity. Magnet schools are rewarded through financial incentives for accomplishing the greatest diversity in the racial and ethnic makeup of their student bodies. State funds for operating an interdistrict magnet school are based on per pupil payments determined as a percentage of the State's "foundation" level, currently set at \$5775 per pupil. If the districts participating in the magnet school send no more than 30% of the students to the school, then the magnet school receives 90% of the foundation level for each pupil from each such district. As the percentage from the sending district rises above the 30% threshold, the operational reimbursement decreases correspondingly. This funding formula provides a strong financial incentive to the founders of magnet schools to seek to have three or more districts involved in the magnet school, with each contributing less than 30% of the students. Since the school must show it will reduce racial and/or ethnic isolation, this funding formula ensures participation of both urban and suburban districts in appropriate proportions while avoiding the pitfalls and possible legal challenges of having raced based quotas.⁽³⁾

As with the interdistrict cooperative grants, by July 2000, the law will prohibit more than 80% of the students in a magnet school from coming from any one district.

The State has provided a further financial incentive for local districts to participate in magnet schools. The sending districts are permitted to count the students they are sending to the magnet school in their student counts for Education Cost Sharing purposes. For example, if West Hartford sent 7 children to the Montessori Magnet school in Hartford in 1998, it would receive the same amount in Education Cost Sharing monies from the State as it would if the students remained in West Hartford schools. Obviously, under this formula the sending district could secure substantial State funds in excess of those normally received for education.

Transportation funding is also available for students who do not live in the district in which the school is located at the level of \$1200 per student.

State Department of Education personnel visit each magnet school twice per year to review curricula and meet with parents, teachers and school committees in order to ensure that the interdistrict magnet schools are fulfilling their mission of providing quality education while reducing isolation. The State Department of Education also must file annual interim and final reports. Magnet schools are required to report their race and ethnicity data like any other school. If an interdistrict magnet school does not meet its diversity goals, the State Department of Education provides technical assistance and additional grant monies addressed to recruiting practices and plans, giving the school a limited period in which to correct the problem. Such assistance combined with the State's ability to withdraw funding from a magnet school which is not achieving its diversity goals has been successfully used to obtain compliance by existing magnet schools in Waterbury and New Haven.

Charter Schools

Like magnet schools, charter schools are conceived and implemented by local educators and parents. Charter schools arise from an entrepreneurial approach to providing education and use a unique, autonomous governance structure. They can be created quickly, but if they fail to meet their educational mission, they can also be dismantled quickly through the State's revocation or nonrenewal of their charters. Typically, they are small in size, with smaller class sizes, and the stakeholders and founder of the school take on full accountability and responsibility for the school. There are two kinds of charter schools in Connecticut, State and local charter schools. Both kinds of charter schools receive their charter directly from the State Board of Education. The important difference is that local school districts must first endorse local charter schools and local districts fund the operation of the local charter schools. Charter schools generally center around a particular theme and adopt innovative approaches to education. Charter schools can provide more educational options, particularly for urban students. Several existing charter schools, for example, address the needs of "at risk" students who have not succeeded in regular public schools or offer a more rigorous, disciplined approach to learning.

The establishment of a charter school is a competitive process. Prospective founders of such a school must respond to State Request for Proposals which require spelling out in detail the parameters of the proposed school. Legislation concerning charter schools predated Public Act 97-290. However, that Act amended the law governing the establishment and operation of charter schools to require the consideration of the reduction of racial, ethnic and economic isolation as a factor in approving new State or local charter schools or in renewing the charters of existing schools.⁽⁴⁾

This change in the requirements for charter schools has already had an impact. The five charter school proposals submitted after the amendment did propose a student composition which would be diverse. As of the date of the hearing before this court the Legislature was considering legislation which would require the applicants to demonstrate that the proposed school will reduce racial, ethnic and economic isolation.

In addition to changing the substantive requirements of charter school approval to reduce racial and ethnic isolation, the State has increased charter school funding significantly.⁽⁵⁾ Six million dollars has been allocated for 1997-98 and nine million for 1998-99, with a concomitant increase in the number of authorized seats.

Minority Staff Recruitment

Section two of Public Act 97-290 also listed minority staff recruitment as one method whereby schools could attempt to alleviate racial, ethnic and economic isolation. There is no dispute that increasing the diversity of school staff and administrators, including minority representation in teacher preparation programs, can play a role in the reduction of racial and ethnic isolation. Under Connecticut General Statutes §10-220, as amended by P.A. 98-252 §13, each local or regional board of education must now develop and implement a written plan for minority staff recruitment, along with reporting requirements. In addition, legislation in 1998 added additional funds to the Connecticut State Universities and the University of Connecticut for scholarships for future minority educators.⁽⁶⁾ The Regional Educational Service Centers gather data on minority staff recruitment and coordinate meetings and recruiting fairs which concern the recruitment of minority staff.

At the hearing Theodore Sergi, Connecticut's Education Commissioner, testified that the State Department of Education had conducted a survey in February of 1998 to determine whether local school boards had made

efforts in the area of minority recruitment. It found that the vast majority of school districts were attempting to recruit minority teachers and half of the districts had a written policy regarding minority recruitment. Commissioner Sergi described an incident concerning public statements made by the former school superintendent in Cheshire on the issue of minority recruitment. The Commissioner received a letter from Representative Cameron Staples, co-chairman of the House education committee, which letter expressed concern about the superintendent's statements. In response, Commissioner Sergi made a personal visit to the Cheshire Board of Education where he obtained assurances that Cheshire in fact intended to abide by its legal duties with regard to minority recruitment. Thereafter Cheshire offered a substantial number of spaces for participation in the Choice program.

The Choice Program

Section three of Public Act 97-290 provides, in pertinent part:

(b) There is established, within available appropriations, a state-wide interdistrict public school attendance program. The purpose of the program shall be to: (1) Improve academic achievement; (2) reduce racial, ethnic and economic isolation or preserve racial and ethnic balance; and (3) provide a choice of educational programs for students.

(c) The program shall be phased in as provided in this subsection. (1) For the fiscal year ending June 30, 1998, the Department of Education shall provide grants in the amount of fifty thousand dollars each to the regional educational service centers for the Hartford, New Haven and Bridgeport regions to assist school districts in planning for the operation of the program. (2) For the school year commencing in 1998, and for each school year thereafter, the program shall be in operation in the Hartford, New Haven and Bridgeport regions. Students who reside in Hartford, New Haven or Bridgeport may attend school in another school district in the region and students who reside in such other school districts may attend school in Hartford, New Haven or Bridgeport. The Department of Education shall provide, within available appropriations, a grant for the fiscal year ending June 30, 1999, to the remaining regional educational service centers to assist school districts in planning for the expansion of the program to every school district in the state. (3) For the school year commencing in 1999, and for each school year thereafter, the program shall be in operation in every school district in the state and students may attend school in any school district in accordance with the provisions of this section, including the purposes specified in subsection (b) of this section.

The Choice program, or "Open Choice" as it is sometimes called, is an outgrowth of the Project Concern program, which operated for many years in the Hartford area, and which, in its early history, also operated in the New Haven and Bridgeport areas.

Under the new Choice program, beginning first in Hartford, New Haven and Bridgeport areas, and then later throughout the state, districts must report to their respective Regional Education Service Centers seats available for students from other districts to allow interdistrict attendance. Project Concern, which operated in the Hartford area until this school year, has been folded into this program.⁽⁷⁾ Three million dollars has been allocated for the Choice Program for the 1998-1999 school year alone, as compared to just \$900,000 for Project Concern in the year before the Supreme Court's decision in this case. Commissioner Sergi expects that the program will grow in the future.

The Choice Program includes features which were not present in its predecessor, Project Concern. Project Concern was not available to all students in Hartford. Only the parents of particular children were "invited" to apply. Under Choice, all students are free to apply, and unlike Project Concern, special education students and students with limited English Proficiency are not turned away. The Latino participation rate in Choice has already exceeded the "best" years of Project Concern.

If a Choice program student needs special education, the receiving district must provide the services and if the cost of the services exceeds the \$2000 per student the district receives from the State, the sending district picks up that extra cost. The student is also the responsibility of the receiving district for all disciplinary purposes.

By providing the receiving district with \$2000 per student and the one half of the "daily membership" for Educational Cost Sharing purposes, the Legislature sought to shift the financial burden and the responsibility for the student to the receiving district, without the "umbilical cord back to Hartford" that existed under Project Concern. Already, in its first year, the Choice program has achieved more Latino student participation in the Hartford area than Project Concern achieved in even its peak years. Other improvements over the old program include the renewed participation of the New Haven and Bridgeport regions, and an expected increase in total number of students in the programs. Under Project Concern, the State paid only \$468 per student to the receiving district. Under the Choice program, the State pays \$2000 per student and also provides a \$1200 per student transportation grant to the appropriate Regional Education Service Center. Finally, under the Choice program, once the receiving district has committed to taking a student, it is by law obligated to keep the student in its system at least until the student graduates from the particular school building to which he or she has been admitted.

The 1998-99 School year is the first year for the operation of the Choice Program. Suburban school districts made 1400 seats available statewide. The commitment of this many seats in the first year of the program was particularly encouraging because many suburban districts have a strained capacity due to increases in student populations and the increasing number of special education students who are taught in mainstream classrooms. The State is providing several incentives to encourage local districts to offer seats in the Choice program. Any school district which builds a school facility which includes extra room for the interdistrict transfer of students will receive funds from the State in an amount which is ten percent higher than the district's normal reimbursement rate. ⁽⁸⁾ Another incentive for districts to offer seats in the program is the districts' new statutory duty to demonstrate evidence of progress in reducing isolation.

Lighthouse Schools

The inclusion of a provision concerning lighthouse schools in Public Act 97-290 (§18) resulted from legislative debate, rather than from the recommendations of the Education Improvement Panel. The concept of the lighthouse school came about as a result of a number of legislators describing the need to enable educators to improve the quality of a school in a district to the degree that it would attract students from across the district, and, eventually, from other school districts. A lighthouse school can be the predecessor of an interdistrict magnet school.

There are several schools in New Haven which were open only to children from New Haven until parents prevailed upon the school board to open them to children from other districts. Those schools began as, essentially, New Haven lighthouse schools and became interdistrict magnet schools. For the school year 1998-99 there are approximately 500 children from outside New Haven who will attend New Haven schools. Under Public Act 97-290 §18 one hundred thousand dollars per year is designated to fund planning of lighthouse school programs initially in Hartford, and later including Bridgeport and New Haven. The Hartford program could open as early as next year. The two Hartford school principals who testified as witnesses for the plaintiffs endorsed the efficacy of such programs. Mr. Thompson testified about his intention to develop a lighthouse school based on his school's highly successful intradistrict classical magnet program. He further stated that he believed that such a high quality program could attract students from the suburbs. Mr. Montanez testified that he and his staff at the Mary Hooker Elementary School in Hartford have been working on a lighthouse school curriculum for several years and he expects that it will take several more years before his curriculum is ready to be implemented.

Name: _____

Connecticut Students Still Waiting For Superman

Posted on 18 October 2010

By Ann-Marie Adams, Op-Ed

It was a noble plan. Screen the latest documentary film about America's failing schools and hope to spark meaningful dialogue in Hartford, Conn., home of the nation's widest academic achievement gap. That plan, however, faltered last Wednesday at Bow Tie Cinemas in Hartford.

During the almost two-hour screening of the gut-wrenching film, *Waiting For "Superman"*, the audience winced, sighed and cried as they watched on screen five families struggle for access to quality education for their children. Four of the five families were working-class black and Latino. One family was white and middleclass. Except for a few announcements and pronouncements, the audience was mostly reticent about the film that had received lots of media buzz.

Education advocates will not give up, though. In the coming months, other reform-minded individuals and groups in Connecticut will use this film as a catalyst for conversations about the lack of progress to fix Connecticut's failing schools and to eliminate the achievement gap, a catch phrase lobbed around to describe the fact that some students' nationalized test scores are low and others are not; that more than 50 percent of students in some school districts drop out of high school and even fewer go to four-year colleges.

Education advocates are also hopeful, but mindful that the storyline in *Superman*, which opened in the state on Friday, is old. After watching the film, some parents were frustrated. It didn't take long for them to realize it was an old story repackaged as something new. Although Davis Guggenheim's documentary gets to the political underpinnings of America's public educational system, it presents a historical view of poor black and brown students fighting for an education. It was as though those children's troubled situation popped up in 2010.

When asked for comments about what they had seen in the film, the audience sat in silence. One woman from Waterbury, however, soon punctured that silence. And she was blunt. "I've seen *The Lottery*. Now this," she said referring to the other documentary, which shows students in Newark school district entering a lottery to win spots at top performing charter schools. "I'm not going to anymore of these screenings. I'm frustrated that there is still no change. Let's talk about the resistance out there."

No one did. They talked around it, however. State Rep. Doug McCrory added: "Let's deal with the reality here," he said. "We have studied the problem. And we know the solution." But there was no discussion about what exactly the problem is. The documentary's reform-minded filmmaker concluded that the problem is complex and the powerful teacher's union is at the crux of the problem.

He might be true. But the filmmaker put that problem in a vacuum and forgot that past is prologue. America has a history of not educating some of its students; that less than 50 years ago there were vicious attacks on those who tried to integrate schools after the Supreme Court decided in 1954 that separate schools were unequal; that there was white flight from city schools after some states implemented the first phase of the *Brown* remedies.

More than 50 years after the *Brown* decision, Connecticut has New England's only ongoing school desegregation case because the state is moving deliberately slow to enforce court mandated remedies. Plaintiffs in Hartford's *Sheff v. O'Neill* case will return to Court this month for a status conference on the implementation of the *Sheff* remedies. Those remedial efforts—even though it would benefit all students—are moving at glacial speed, mostly because of a strong resistance to regionalism—a true solution that would give children access and choices to quality schools, many argue.

But there's a larger—and more insidious—issue at play. It's also an inconvenient truth: many people think some students cannot learn, especially students who are black and brown. This is the classic

definition of racism. In this definition, there is also the embedded notion that these students are inferior and no matter which charter school pops up and produce all collegebound students, that notion is steadfast. That's because the idea that some people are inferior is deeply ingrained in the psyche of many white people—and increasingly some black and brown people—that not all students can learn. There's nothing soft about this kind of bigotry.

In April 2009 after the Connecticut Public Broadcasting Network ran an episode of *Where We Live* with host John Dankosky about the 20th anniversary of the 1989 *Sheff* lawsuit, an anonymous commentator posted this on the radio's website: "The cognitive abilities of these poor descendants of agri-workers will not increase no matter where you attempt to educate them for the greater part."

The filmmaker did not address the issues of race or racism but chose instead to focus on the economic implications of this familiar American story about the ongoing struggle for quality education. In the coming weeks, there will be more forums and debates among whites who have ideas about how to create a solution for everyone including the majority of black and brown students in "drop out factories." This kind of paternalistic behavior in Connecticut continues to foster the belief that only whites can be superman. The students get that. The adults get it, too. But most of them can only silently oppose this kind of showmanship displayed by top business leaders in the area.

But know this: if Connecticut is to close the achievement gap, it ought to start first with honest and frank dialogue with racially and economically diverse stakeholders. I have yet to see that in all the talks and forums I've been to. As an education reporter and educator, I've been to many conversations about education. Feeble attempts at dialogue will not effect change, nor create an environment for anyone to boldly speak truth to power. It's going to take many current leaders to speak and act boldly.

And while we wait for individuals already in key positions to act decisively, but lack the political will, Connecticut's children will also continue the wait for superman.

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From The Hartford Guardian-<http://www.thehartfordguardian.com/?tag=sheff-v-o%E2%80%99neill>

Questions for Class Discussion:

Does this author believe Sheff vs. O'Neill is working today? How do you know? Give three reasons.

Why does the author say Sheff is not working?

How do you feel when the author says, "That's because the idea that some people are inferior is deeply ingrained in the psyche of many white people—and increasingly some black and brown people—that not all students can learn"?