

Assessing School Choice as a Mechanism for Ethnic, Racial, and Socioeconomic Integration in New Haven Public Schools

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Introduction

Twenty-five percent—this is the minimum percentage of white students that must be enrolled in a New Haven public school for that school to be considered integrated, according to standards set in the aftermath of *Sheff v. O'Neill*, the 1996 Connecticut Supreme Court decision which ruled that continued segregation in Hartford public schools was unconstitutional. The ruling and its legislative outcomes set a precedent for the entirety of Connecticut—if school segregation was unconstitutional in Hartford, it was also unconstitutional in New Haven, and New Haven could take advantage of state money set aside to help facilitate desegregation efforts.

The *Sheff* ruling is one in a long slew of Supreme Court decisions, court orders, and public policies dating back to *Brown v. Board* in 1954 that have attempted address the issue of school desegregation, which, at this point, has been on the forefront of national education reform for nearly seventy years. The subject is far from obsolete; however, the major tropes of school integration—*Brown v. Board*, the Little Rock Nine, mandatory busing, intervention from the National Guard— seem to be relics of the Civil Rights Movement. Many school systems across the country, including those in Connecticut, are currently combating segregation in schools that is comparable to, if not worse than, the segregation that families, activists, and politicians fought so hard to eradicate from the 1950s, to the 70s. As a result, racial and, more recently, socioeconomic integration is still a major goal for US public school systems— not only are segregated schools unconstitutional, producing inequitable learning environments for students of color, but integrated schooling provides opportunities for enhanced social and intellectual learning for both white and minority students.¹ After decades of erratic, poorly enforced, and ineffective policy efforts from federal and state levels meant to guide

¹ Janet Ward Schofield, "Maximizing the Benefits of Student Diversity: Lessons from School Desegregation Research," 2001, 100.

school integration, scholars, parents, and politicians continue to seek ways to encourage or impose integrated learning environments that afford an excellent education to all students.

Although school choice holds a contentious place in today's political climate, with education secretary Betsy DeVos advocating that public school students should be able to use choice to move to private and charter schools, education scholars and politicians alike have turned to equity-based school choice as a mechanism for increasing ethnic and racial diversity in schools in a manner that is voluntary and attractive to all participants. Gary Orfield and Erica Frankenberg, for example, have argued in favor of using school choice as a mechanism for increasing racial diversity in schools, and Frankenberg in particular is a proponent of magnet schools, which are specifically designed to attract white families to city schools. By offering all families excellent and specialized schools within a city's public school system, the expectation is that white families will choose to enroll their children in these schools alongside their peers of color, rather than removing their children to private or suburban schools. In contrast with market-based school choice, which assumes that some schools will fold under competition, equity-based choice aims for the creation of integrated environments that benefit all students.²

Although New Haven has been actively developing and participating in a choice-based system designed to promote diverse learning environments for even longer than Hartford, it has received much less national attention than Hartford, which was specifically implicated in *Sheff v. O'Neill*. What is particularly interesting and different about New Haven, however, is that New Haven chose to undergo a voluntary but arduous desegregation process even though it was *not* mandated to do so by the law. Moreover, while Hartford's post-*Sheff* outcomes have been monitored closely by reporters and researchers, New Haven's choice program is largely understudied.³ Some aspects of the choice

² See *Educational Delusions?: Why Choice can Deepen Inequality and How to make Schools Fair*, edited by Gary Orfield and Erica Frankenberg, California Scholarship Online, 2013.

³ See the *Hartford Courant's* recent three part series on outcomes of *Sheff v. O'Neill* in Hartford, CT.

program have been investigated; for example, Connecticut Voices for Children recently released a study measuring current levels of racial and socioeconomic integration in New Haven’s interdistrict magnet schools. One unpublished paper by researchers from Columbia, Princeton, and the University of Chicago discusses parent perceptions of New Haven’s School Placement System. However, neither of these works connects school integration with academic outcomes for students of color, which is one of the main areas of focus in Connecticut’s desegregation legislation.

Today, New Haven operates under a system of school choice in which students and their families ostensibly get to choose the type and location of the school they would like to attend. The options include neighborhood, magnet, and charter schools, and the school choice program has the explicit intention of creating racially and socio-economically diverse learning environments.⁴ This arrangement evolved gradually from a system predominately comprised of neighborhood schools that advantaged white students in affluent neighborhoods, and was greatly advanced in the 1990s by state magnet money made available after *Sheff*. Yet, although New Haven’s program of school choice has operated for over twenty years with the intention of cultivating racial and socioeconomic diversity and increased academic achievement, the current data do not suggest that these outcomes have been accomplished across all New Haven Public Schools (NHPS). This idiosyncratic observation lies at the root of this project, which asks how school choice developed as a mechanism for integration in New Haven, and to what extent the school choice program has succeeded in its objectives of increasing racial and ethnic diversity and boosting academic achievement for students of color within NHPS since 1995.

⁴ “Choose Success! A Guide To Public School Choice for Students and their Families.” Connecticut State Department of Education.
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2681&q=335070&sdePNavCtr=|#45479>.

The process of answering these questions demands an interdisciplinary approach to research, combining historical, cultural, and statistical analysis. Before one can assess the efficacy of school choice in New Haven, one must first understand how and why this system developed in New Haven, and what factors have influenced the way it currently operates. The following three chapters approach this task from a historical level, using primary and secondary source material to capture the stories of integration and school choice on a national, state, and local level. Chapter One begins broadly, combining historical analysis of the national Civil Rights Movement with the history and theory behind the development of school choice to demonstrate how school choice arose as a mechanism for integration after years of failed and sporadic desegregation policies. Chapter Two then incorporates primary and secondary historical research on Connecticut's specific desegregation history to illustrate how the patterns of ineffective national and local policy measures greatly affected the state's ability to successfully integrate schools. These ineffective policies ultimately catalyzed the filing of *Sheff v. O'Neill*, which in turn led to the creation of a statewide school choice program, with money allotted for interdistrict magnet schools designed to increased racial diversity. Chapter Three uses personal interview material from two prominent New Haven leaders who helped to develop the school choice system as it stands today, ultimately relying on state magnet funding provided in the aftermath of *Sheff* to open a number of interdistrict magnet schools. And finally, Chapter Four utilizes data from the National Center for Education Statistics, the national Office for Civil Rights, and the Connecticut Academic Performance Test to draw conclusions regarding the efficacy of the NHPS system of choice as it stands today.

The analysis conducted ultimately suggests that although equity-based school choice is, in theory, ideally designed to produce integrated schools and improved outcomes for students of color, there are many limitations to this system as it has been adopted by NHPS. First and foremost, the data do not indicate that school choice guarantees that the program's objectives of increased diversity

and academic performance are met, especially within interdistrict magnet high schools in New Haven. Secondly, the lottery mechanism designed to fairly distribute students to their schools of choice can unfairly benefit white and affluent families that have the time and resources to understand the full extent of the choices available to them and have the ability to remove their child from the NHPS if they do not receive their top choices. In addition, the unique histories detailed in the first three chapters emphasize in particular that school performance, school choice, and school integration are extremely complex and highly variable issues that depend immensely on the particular history of the state, district, and school in which they are being implemented. And furthermore, the research indicates that it is and will be extremely difficult to make progress in school desegregation if policy measures continue to change frequently and are made without explicit directives, metrics for measuring success, or complete data sets documenting the outcomes of each policy.

Chapter One: Setting the Stage for School Choice

The road towards New Haven's current system of school choice began on a national scale when school desegregation was declared unconstitutional by the United States Supreme Court in *Brown v. Board* (1954). Soon thereafter, *Brown v. Board II* (1955) was handed down by the court to mandate that all states work to integrate their school systems "with all deliberate speed," although little other direction for implementation was given. The reasoning behind this decision, which overturned *Plessy v. Ferguson* (1896), was that although educational institutions could theoretically be segregated by race and be equal, in practice they never were and thus systematically disadvantaged black students.⁵ With this impetus, public school integration became a national imperative, although many states needed additional federal oversight to initiate change.

This ruling and its aftermath came in the midst of the larger push for racial equality in the US which evolved into the Civil Rights Movement. In the years before what scholar Jacquelyn Dowd Hall denotes as the "classical" period of the movement, black Americans and their allies in both the North and South resisted the de facto and de jure segregation that characterized both regions.⁶ In the South, Jim Crow laws blatantly dictated the public and private lives of people of color while in the North, segregation, especially de jure segregation, was more subtly nestled in discriminatory policies; for example, federally insured mortgages which subsidized suburban living for white families from the mid-1930s onwards.⁷ According to Hall, *Brown v. Board* marks the beginning of the popular narrative of the movement: It was the first federal ruling that recognized segregation, at least within education,

⁵ John Fox to PBS newsgroup, "Biography of the Robes," December 2006, http://www.pbs.org/wnet/supremecourt/democracy/robes_warren.html; *Plessy v. Ferguson* (1896), was a US Supreme Court case that upheld state racial segregation laws for public facilities, including schools, as long as the facilities provided were equal for each race.

⁶ Jacquelyn Dowd Hall, "The long civil rights movement and the political uses of the past," *The Journal of American History* 91, no. 4, 2005, 1251.

⁷ Richard Rothstein, "Public Housing: Government-Sponsored Segregation," *The American Prospect*, October 11, 2012, <http://prospect.org/article/public-housing-government-sponsored-segregation>.

as unconstitutional, and mandated change. This success launched a larger, more public, and more effective movement against segregation and racial inequality than ever before, which ultimately culminated in the successful passing of the Civil Rights Act and Voting Rights Act in 1964 and 1965, respectively.⁸

However, without any explicit instructions, methods, or timelines for integration mandated by either iteration of *Brown v. Board*, responses to the ruling across the US varied widely. Regions across the country differed greatly in their views on the necessity of integration, and also in the assignment of responsibility for the creation of their segregation learning environments. For example, throughout the South, many states actively resisted the ruling, refusing to make changes to their education systems until faced with federal intervention. Typically these were states which employed Jim Crow laws and de jure segregation; neither the local government nor its constituents desired integration and therefore resistance was fierce. Most famously, Arkansas Governor Orval Faubus enlisted the Arkansas National Guard to prevent nine black students from attending Central High School in Little Rock, AK in 1957. It was only with further military involvement, when federal troops were dispatched by President Dwight Eisenhower, that the black students were able to attend the school.⁹

Other states and cities began to enact desegregation measures almost immediately after the ruling, utilizing a variety of methods including school choice mechanisms like open enrollment, and more controversially, forced busing, both of which were introduced with varying degrees of success. For example, Baltimore City, which was the first city to actively begin integrating its schools after *Brown v. Board* was passed, initially employed open enrollment as its chosen mechanism for school desegregation. Without any set guidelines or goals to accomplish, the open enrollment plan stagnated quickly as white families moved to the suburbs, enrolled their children in private schools, and actively

⁸ Hall, "The long civil rights movement," 1234.

⁹ Charles J. Ogletree Jr. and Susan Eaton, "From Little Rock to Seattle and Louisville: Is All Deliberate Speed Stuck in Reverse," *UALR L. Rev.* 30, 2007, 280-281.

discouraged black students from attending predominantly white schools by making their school experiences unpleasant. By 1974, the city received a mandate from the Federal Office of Civil Rights to create a more effective plan for integration. While Baltimore had not delayed its move to allow open enrollment, this particular mechanism also allowed for white families who were unhappy with *Brown* to actively resist sending their children to schools with black students. Even with federal pressure, Baltimore never devised or enacted desegregation plans that were radically different and more effective than what had been attempted in earlier years, or by other cities across the nation.¹⁰ Rather, as also happened in other cities across the country, Baltimore ultimately managed to literally reverse the racial demographic of its best all-white schools— by the early 1970s, schools that had once been almost 100% white were now over 90% black.¹¹

In Northern states like Connecticut, Massachusetts, and Michigan, the responses to *Brown v. Board* were far murkier than those in Southern and mid-Atlantic states. This was largely because Northern states did not operate under Jim Crow laws, and did not officially segregate their public schools. Rather, Northern public schools were highly segregated as a result of residential segregation. Residential segregation was often mandated or encouraged by state and local governments, and while many northern states claimed that the resulting school segregation was an “unintended” side-effect, it was clearly a direct outcome of residential segregation in school systems that based enrollment on a student proximity. These states argued that because their governments had not explicitly intended for what became known as “de facto” school segregation, they should not be held responsible for fixing the issue. Pressured by activist efforts and federal intervention well into the mid-60s, these state governments began enacting school integration efforts that involved busing and open enrollment

¹⁰ Antero Pietila, "Baltimore Desegregation Tug of War," *Baltimore Sun* (Baltimore, MD), December 17, 1974.

¹¹ Howell Baum, *Brown in Baltimore, School Desegregation and the Limits of Liberalism* (Ithaca, NY: Cornell University Press,) 2010, 131.

options, as practiced in other regions, rather than addressing the residential segregation that ostensibly caused the school segregation in the first place.¹²

As the initial efforts towards integrated schooling began, progressed, and, in many places, stagnated in the 1970s and 80s, the fight for racial and gender equality continued in a more comprehensive and less concentrated manner. Hall refutes the popular narrative which places the decline of the movement in the years after the passage of the Civil Rights and Voting Rights Acts. In the early 1960s activists were largely unified in their objectives, but they were also people with intersectional identities and diverse political interests. As a result, from the “black freedom struggle” emerged movements such as second-wave feminism and the gay rights movement. While many of the issues tackled by these newer and more disparate movements certainly overlapped, movement leaders were not united in objectives and methods in a manner comparable to those which led to the acts passed in 1964 and 65. Rather than declining, the Civil Rights Movement evolved and spread beyond issues that only affected a limited demographic.¹³

As grassroots organizing and activism continued to rise and flourish in the 1970s and 80s, however, federal involvement in facilitating school desegregation declined. When the government did exert its power, the efforts were inconsistent, and some seem to have hindered integration instead of supporting it. For example, in *Milliken v. Bradley* (1974), the Supreme Court exempted the suburbs of Detroit from desegregation plans because they had not recently perpetrated intentional acts of discrimination. A similar ruling in 1973 declared that states faced no constitutional obligation to equalize funding for all school districts.¹⁴ Like Baltimore, many other cities experienced resegregation as a result of the inconsistent federal oversight of their integration efforts (or lack thereof), or never

¹² Michael R. Glass, "From Sword to Shield to Myth Facing the Facts of De Facto School Segregation," *Journal of Urban History*, 2016.

¹³ Hall, "The long civil rights movement," 1254.

¹⁴ *Ibid*, 1257.

experienced a period of true desegregation in the first place. However, in spite of erratic applications and enforcement of *Brown v. Board* over the last sixty-plus years, the importance of racially integrated learning environments did not leave the platforms of education experts and progressive policy makers. Rather, the failures of previous policy demanded a more targeted mechanism to encourage and enforce racial integration and as a result, school choice and in particular magnet schools, developed and evolved as a solution to fill the need.

Introducing the Concept of School Choice

In today's political climate, the term "school choice" is a buzzword, a key issue in education reform debates, and most recently, the crux of President Donald Trump's education platform. Trump, along with the newly confirmed secretary of education Betsy DeVos, plan to provide \$20 billion in federal money to allow for low-income students to experience "school choice", which, in their terms, describes the ability to attend charter and private schools.¹⁵ In the opening statement of her confirmation hearing to become the education secretary, DeVos asserted,

Parents no longer believe that a one-size-fits-all model of learning meets the needs of every child, and they know other options exist, whether magnet, virtual, charter, home, religious, or any combination thereof. Yet, too many parents are denied access to the full range of options... choices that many of us -- here in this room -- have exercised for our own children.¹⁶

DeVos and President Trump argue that the best way to expand choice in schooling for low-income public school students is to allow for these students to leave the public school system and attend charter and private schools that better fit their needs. Some combination of federal and state dollars, and possibly tax-credit from corporations or individuals, would then follow students to these

¹⁵ Stephanie Saul, "Where Donald Trump Stands on School Choice, Student Debt and Common Core," *The New York Times*, November 21, 2016, https://www.nytimes.com/2016/11/21/us/where-trump-stands-on-school-choice-student-debt-and-common-core.html?_r=0.

¹⁶ Betsy DeVos, "Opening Statement of Betsy DeVos," U.S. Senate Committee on Health, Education, Labor and Pensions, January 17, 2017, <https://www.help.senate.gov/imo/media/doc/DeVos.pdf>.

schools in lieu of tuition.¹⁷ In addition to providing more forms of choice, advocates of this plan predict that it will increase competition among the public education sector, forcing schools and districts to seek active improvement and innovation.¹⁸ Critics and opponents fear that this approach to school choice will draw money away from public school systems, and that because the charter, voucher, and online education programs that DeVos supports have less state and federal oversight, incoming students will actually receive lower quality education.¹⁹ Choice programs that allow students to leave the public school system can also enable increased racial and socioeconomic segregation within public schools if students leave to attend wealthier and whiter private institutions, or as students of color become isolated within highly concentrated urban charter schools.²⁰

While the nation's intensified focus on increased competition and the use of vouchers is relatively recent, these concepts and their association with school choice have surfaced time and time again since the late 19th century. The state of Vermont, for example, has utilized a voucher system since 1869 to provide options for students in towns that did not have their own public schools.²¹ Most, famously, however, is the conversation spurred by Milton Friedman, a Nobel Prize-winning economist, regarding the role of government in American education. In "The Role of Government in Education" (1955), Friedman weighs the different arguments for and against government control in

¹⁷ Anya Kamenetz, "Under DeVos, Here's How School Choice Might Work," *nprED*, January 31, 2017, <http://www.npr.org/sections/ed/2017/01/31/512507538/under-devos-heres-how-school-choice-might-work>.

¹⁸ Dan Currell, "An Education Leader with One Big Idea," *National Review*, January 26, 2017, <http://www.nationalreview.com/article/444260/betsy-devos-school-choice>.

¹⁹ Conor P. Williams, "School choice is great. Betsy DeVos's vision for school choice is not," *The Washington Post*, January 19, 2017, https://www.washingtonpost.com/posteverything/wp/2017/01/19/school-choice-is-great-betsy-devos-vision-for-school-choice-is-not/?utm_term=.227afaf45588.

²⁰ Erica Frankenberg and Genevieve Siegel-Hawkey, "A Segregating Choice? An Overview of Charter School Policy, Enrollment Trends, and Segregation," *Educational Delusions?: Why Choice can Deepen Inequality and How to make Schools Fair*, edited by Gary Orfield and Erica Frankenberg, California Scholarship Online, 2013, 136.

²¹ "Vermont- Town Tuitioning Program," *edchoice*, 2017, <https://www.edchoice.org/school-choice/programs/vermont-town-tuitioning-program/>.

education, ultimately advocating for an arrangement with a combination of governmental influence and a voucher plan very similar to the one supported by Trump and DeVos today. In his words,

This arrangement would meet the valid features of the "natural monopoly" argument, while at the same time it would permit competition to develop where it could. It would meet the just complaints of parents that if they send their children to private nonsubsidized schools they are required to pay twice for education—once in the form of general taxes and once directly--and in this way stimulate the development and improvement of such schools. The interjection of competition would do much to promote a healthy variety of schools.²²

There is no one definition of “school choice,” but Friedman’s market theory, encouraging individual decision making and competitive innovation from educators, has clearly resonated within the education community and has shaped policy in the years since. In 1985, for example, the Reagan Administration pushed for a voucher program that would extend beyond schooling and into subsidized housing and Medicare, promoting a “healthy rivalry” that would push development in both the public and private sectors.²³ More recently, America’s last three Presidents have all publically endorsed the development of charter schools, and grants, like President Obama’s Race to the Top, provided monetary incentives for states to begin or continue growing their charter options.²⁴

The market theory of school choice, however, did not really gain traction in the American education system until the 1980s. Rather, school choice initially developed rapidly and on a broad nationwide scale in the 1960s in response to *Brown*’s call for integration. Particularly in Southern states, proponents of segregation turned to school choice as a way to protect segregated schools— freedom of choice across districts was technically adopted, but white students did not transfer to historically

²² Gary Orfield, "Choice theories and the schools," *Educational delusions*, 2013, 44; Milton Friedman, "The Role of Government in Education," 1955, <http://la.utexas.edu/users/hcleaver/330T/350kPEEFriedmanRoleOfGovttable.pdf>.

²³ Robert Pear, "Reagan Proposes Vouchers to Give Poor a Choice of Schools," *The New York Times*, November 14, 1985, <http://www.nytimes.com/1985/11/14/us/reagan-proposes-vouchers-to-give-poor-a-choice-of-schools.html>.

²⁴ Gary Orfield, "Choice and civil rights: Forgetting history, facing consequences," *Educational delusions*, 2013, 6.

black schools, and few black families were willing to face the procedural obstacles and threats posed to those who wished to attend white schools. Concurrently, voucher plans were initiated to allow white students to transfer to private schools and thus avoid integration.²⁵ In Northern states, open-enrollment policies enabled white students in rapidly diversifying neighborhoods to transfer to white schools, even if it meant increasing segregation.²⁶

After years of ineffective desegregation policy, many states and cities in both the North and South were under federal desegregation orders by the 1970s, and educators sought ways to use choice to encourage integration while minimizing the conflicts and backlash that arose with mandatory desegregation orders. What arose as a result was a view of school choice that Gary Orfield calls the “integration theory,” which “shares the market theory’s stated goal of improving education for disadvantaged students but sees the root of inequality not in schools’ governance structure but in social and economic stratification perpetuated by schools that are segregated by race, class, and language.”²⁷ In order to address these inequalities and simultaneously mitigate resistance from privileged (read white and affluent) families who do not want changes to their schools, mutually beneficial educational incentives must be offered to these privileged families, in addition to the less-privileged families who would be most affected by desegregation initiatives.²⁸ A truly socially and academically integrated school is beneficial to all students involved; disadvantaged and formerly isolated students learn more when placed with more privileged and better prepared students and teachers, and privileged students gain valuable social experiences while losing nothing academically.²⁹ But, standing alone, the apparent benefits of diverse learning environments were not enough to convince privileged families that integration should happen within *their* schools.

²⁵ *Ibid*, 10.

²⁶ *Ibid*, 11.

²⁷ Orfield, “Choice theories and the schools,” 55.

²⁸ *Ibid*, 56.

²⁹ *Ibid*, 57.

Born as a solution to this dilemma, magnet schools, schools with unique programming and resources not offered in other district public schools, became a popular option. Special programming, active recruitment initiatives, free transportation, and federal financing for magnets with specific plans for integration attracted parents and teachers who felt as though they were choosing an exceptional school, as well as districts seeking to encourage integration with minimal conflicts.³⁰ Federal support for magnet schools became available in 1972 with the Emergency School Aid Act (ESSA), which authorized grants for schools that were actively engaged in desegregation efforts. ESSA funding ended in 1983, but the Magnet Schools Assistance Program (MSAP) was established soon thereafter to fill the growing need for funding.³¹ The purpose of MSAP was to provide federal funding for magnets that had the specific objectives of reducing minority group isolation and providing strong curricula designed to strengthen academic knowledge and vocational skills. MSAP has been supporting magnet schools with these same objectives ever since.³²

The development of magnet schools was largely a very popular initiative, but was not without limitations— over time, magnets became over-enrolled and funding for magnets was dramatically reduced, leading to highly competitive waiting lists and enrollment lotteries. Less privileged students who were not admitted to magnet schools and lacked the ability to seek more costly educational resources were in turn relegated to highly segregated schools that were not a part of this new choice initiative.³³ In spite of its various successes and downfalls, the development of magnet schools demonstrates that between the 1960s and 70s, the relationship between choice and desegregation was largely reversed. Whereas choice was originally a mechanism used to perpetuate segregation and

³⁰ Orfield, “Choice and civil rights,” 13.

³¹ “MSAP Center Frequently Asked Questions,” Magnet Schools Assistance Program Technical Assistance Program, <http://www.msapcenter.com/faq.aspx>.

³² “Biennial Evaluation Report - FY 93-94, Magnet Schools Assistance Program,” <https://www2.ed.gov/pubs/Biennial/132.html>.

³³ Orfield, “Choice and civil rights,” 15.

protect white schools, magnet programs made choice a largely positive experience for both privileged and less-privileged families and students.

Equity-Based Choice in Action

Equity-based choice, with and without a focus on magnets schools, has been used as an approach to school desegregation in cities across the country. The Controlled Choice Policy in Cambridge, MA, for example, was started in 1980 to promote ethnic and racial integration. In 2001, the program shifted to focus explicitly on socioeconomic integration. Today, school assignment is based in-part on a student's socioeconomic status (SES), measured by whether a student qualifies for the Federal Free and Reduced Lunch Program, if their families choose to disclose that information.³⁴ Cambridge is heralded as a “pioneer of equitable choice”; as of 2011, 84% of Cambridge students were attending racially balanced schools, 67% attended socioeconomically balanced schools, and Cambridge students were performing at or better than state averages in math and reading.³⁵ Similarly, the Berkeley Unified School District in CA has used a variety of voluntary desegregation plans since 1968. The district's current choice mechanism divides the city into geographical zones that are identified by their most prominent racial and socioeconomic characteristics and uses these residential identifiers to distribute students in a way that promotes the most diverse outcomes while taking into account the students' preferences. As of 2009, the district had achieved substantial ethnic and racial diversity across its elementary schools, with 77% of Berkeley residents opting to remain within the public school system.³⁶ The systems of choice in Cambridge and Berkeley both have limitations,

³⁴ “About Controlled Choice,” Cambridge Public Schools,

http://www.cpsd.us/departments/frc/making_your_choices/about_controlled_choice.

³⁵ Carole Learned-Miller, “Cambridge Public Schools: Pioneers of Equitable Choice,” *The Century Foundation*, October 14, 2016, <https://tcf.org/content/report/cambridge-public-schools/>; According to the website for Cambridge Public Schools, a school is considered socioeconomically balanced when the percentage of students who qualify for Free and Reduced Lunch reflects the average of the school district.

³⁶ Lisa Chavez and Erica Frankenberg, “Integration Defended: Berkeley Unified's Strategy to Maintain School Diversity,” *The Civil Rights Project*, September 2009, iv,

continue to receive oversight, and undergo constant improvement initiatives. However they are ultimately celebrated by education scholars as some of the most successful examples of equity-based school choice that exist today.

Amidst the national discussion of successful school integration and school choice programs, Connecticut has also been lauded nationally for introducing a statewide school choice initiative designed to encourage racial and socioeconomic integration. The state introduced choice as a mechanism for integration in 1997 after the Connecticut Supreme Court ruled in *Sheff v. O'Neill*, a lawsuit filed by families in Hartford public schools, that the levels of segregation within Hartford schools were unconstitutional. This ruling followed years of sporadic and ineffective policy measures going back to the mid-1960s that had continuously failed to accomplish sustainable integration within Connecticut's schools. These measures will be discussed more in depth in Chapter Two. Now more than twenty years later, politicians, researchers, and educators have kept a close watch on the outcomes of *Sheff v. O'Neill* in Hartford and its surrounding districts, the only areas that were explicitly implicated by the ruling.

For example, Hartford's choice system was recently the subject of an episode from the podcast *This American Life*, entitled "The Problem We All Live With." In the second episode of the two-part story, the investigators describe a vibrant system of diverse magnet schools, with resources for a hands-on education like planetariums and a butterfly vivarium. The listener quickly learns that these specialized learning environments are specifically designed to encourage white students from Hartford suburbs to come into the city: The ultimate goal is racial integration in all schools. Although this idyllic scenario is both well-meaning and thoughtfully designed, incentivizing white to participate families in integration with the promise of innovative and specialized public education, it leaves behind about

<https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/integration-defended-berkeley-unified2019s-strategy-to-maintain-school-diversity/Integration-Defended-corrected-9-16-09.pdf>.

50% of Hartford public school students who are predominantly low-income students of color. Because the money for magnet schools in Hartford is highly regulated by the state, they *must* meet the 25% minimum threshold for non-minority enrollment in order to stay open. This incentivizes the city to prioritize that ratio over educating as many residents of color as possible, and some schools remain below capacity because accepting more minority students would throw off the school's precarious racial balance. Students of color who do not win the lottery for the magnet schools are left in chronically underfunded and poorly-performing neighborhood schools.³⁷

In contrast with Hartford, other areas in Connecticut that have responded to *Sheff* by implementing choice programs have not received nearly as much national attention or oversight. New Haven, in particular, has developed a robust system of choice which relies in-part on money provided by the state for the creation of interdistrict magnet schools that promote ethnic and racial diversity. Although New Haven was not explicitly implicated in the *Sheff* ruling, the district's evolution over the past twenty years has been largely shaped by the ruling and mechanisms put in place by the state to encourage statewide school desegregation. While New Haven's system of choice does not differ largely in concept from Hartford's, the city's unique history and demographic makeup has produced a system of choice with its own outcomes, successes, and failures. Ultimately, however, issues similar to those in Hartford have arisen in New Haven as the increasingly popular choice system garners far more applicants than available seats. In many cases, low-income students of color are negatively affected as a result.

These examples pose a challenge to the merits of integration as a short-term solution for providing equal access to education for low-income students of color. While successfully integrated

³⁷ "The Problem We All Live With-Part Two," *This American Life*, August 07, 2015; Matthew Kauffman and Vanessa De la Torre, "Beyond Reach: Even as Magnet School Seats Remain Empty, Racial Quotas Keep Many Black, Latino Students Out," *Hartford Courant*, March 13, 2017, <http://www.courant.com/education/hc-sheff-lottery-empty-seats-day-2-20170313-story.html>.

and high performing schools may be a long term solution for students of color who have been chronically deprived of an adequate education, the examples of Hartford and New Haven suggest that in the short-term, an intense focus on integration can leave many students behind. This reality raises questions that can only be addressed and reckoned with using comprehensive and innovative discourse that incorporates ideas from educators, policy makers, politicians, parents, and students in public school systems. One, for example, is how the nation can ensure that all students, including those that are not part of a specific integration initiative, have access to the special resources and excellent teaching that allows Hartford's magnet schools to run so successfully for those students enrolled. To even begin to contemplate such a gargantuan and multi-faceted question demands an understanding of the complex history of school desegregation on state and local levels, and the schools of thought that have gone into developing the integration mechanisms and education reforms that have been utilized in Connecticut and New Haven up to this point.

Chapter Two: Connecticut's Story of School Desegregation

Although this essay ultimately evaluates the efficacy of school choice as a mechanism for racial integration in New Haven, the development of the city's current system of choice was largely affected by *Sheff v. O'Neill*, and the money allotted for choice programs by the state as a result. Therefore, to understand choice in New Haven, one must also understand the general arc of desegregation efforts in Connecticut and the specific outcomes of *Sheff* as they affect the city. This next chapter details the slew of unsuccessful desegregation initiatives that preceded *Sheff*, as well as the reasoning of the parents, lawyers, and judges involved in the lawsuit, in order to illuminate how the need for school choice arose across the state, and how *Sheff* enabled its growth in New Haven.

History of Integration in Connecticut 1965-1989

Despite the fact that when *Brown v. Board* was passed in 1954, Connecticut, like many other northern states, did not have de jure segregation, it nonetheless has a long history of school segregation and a complex relationship with desegregation efforts. Due in-part to increased population mobility, redlining, and federal housing subsidies that disproportionately benefitted whites, residential segregation in Connecticut and particularly Hartford greatly increased in the years after WWII. As Hartford's skilled middle-class residents moved away from urban centers to surrounding suburbs, they were replaced by incoming residents that were less wealthy, less skilled, and predominately black and Puerto Rican. In 1960, non-white residents were restricted to live in 169 of 889 city blocks, and 130 of these blocks were defined as poverty areas by Hartford's Community Renewal Team. While school segregation may not have been legally mandated, students of color were restricted to attending schools within their neighborhoods, which were the city's oldest schools with the least adequate facilities.³⁸ While this type of school segregation is usually referred to as "de facto" segregation, it would be a

³⁸ N. Koponen, *Summary of Harvard Report*, Cambridge, MA: Harvard University Center for Field Studies, 1965, 1.

mistake to believe that Connecticut's legal regulation of housing and schooling was not designed to produce this effect. However, in contrast with Southern states, the "de facto" segregation found in northern states like Connecticut did not generate as much federal attention or oversight in the first few years after *Brown v. Board*. It was not until 1965 that Connecticut began focusing intensively on ending racial and economic isolation in its public schools.

In 1965, two major events brought the issues of school segregation and equal educational opportunities to the forefront of Connecticut's political conscience. Firstly, delegates at Connecticut's Constitutional Convention passed an amendment that guaranteed its citizens a constitutional right to a free public education. Prior to this, Connecticut was the only state in which education was not a constitutional right. Although the language of the amendment does not specify a guarantee to an equal education, the inferred expectation of equality has since been utilized as a foundation in many of Connecticut's lawsuits regarding educational inequality.³⁹

In addition, in 1965, Harvard University published an assessment of Hartford and its public schools in what has become known as the "Harvard Report." This comprehensive report analyzed the racial and socioeconomic segregation of neighborhoods and public schools in Hartford, and noted the noticeable correlation between racial imbalance in schools, residential poverty, and a dearth of resources and adequate facilities in the city's schools. Predicting that by 1974, nonwhite students would comprise a majority of students in Hartford's public schools, the report also made specific policy recommendations to relieve the detrimental effects of racial imbalance on both white and nonwhite students. The report essentially proposes a busing program that would educate children from

³⁹ Elaina Rollins, "Five Minutes that Changed Connecticut: Simon Bernstein and the 1965 Connecticut Education Amendment," ConnecticutHistory.org, 2014, <http://connecticuthistory.org/five-minutes-that-changed-connecticut-simon-bernstein-and-the-1965-connecticut-education-amendment/>.

impoverished areas by sending them to a cooperating suburban school.⁴⁰ The state would then offer a full per-pupil subsidy for each such student, essentially providing a monetary incentive for suburban schools to accept nonwhite students.⁴¹ The report also recommended building more schools over a ten year time period to discourage further flight of white middle class families to the suburbs.⁴² While this report focused specifically on the city of Hartford, the trends of poverty and racial isolation that were observed reflected similar patterns in urban areas throughout the state of Connecticut during this time period.

Neither the new amendment nor the “Harvard Report” catalyzed immediate change to Connecticut’s public school system. However, these events, and the report in particular, solidified the notion that racial segregation was unequal and detrimental to both white and nonwhite students, even if the segregation was considered de facto as opposed to de jure. As evidenced by the years of dialogue, public acts, court cases, and reports which followed, this report jumpstarted Connecticut’s long, meandering, but well-intentioned quest to desegregate its public schools.

At the time, proponents of school desegregation were not only concerned with improving opportunities for academic achievement for students of color. Rather, the discourse surrounding school desegregation also emphasized the importance of integrated learning environments in preparing for adult life. Referencing the inevitability of racial mixing in adult life and the workforce, Sarah Rosenthal, the Chairman of the Commission on Civil Rights in 1966, said that “Children must learn together so that they may live together.”⁴³ David Seeley, the Assistant Commissioner of the Education Opportunities Program in the U.S. Office of Education, stated that “It is in our schools,

⁴⁰ Koponen, *Summary of Harvard Report*, 3.

⁴¹ *Ibid*, 4.

⁴² *Ibid*, 5.

⁴³ Connecticut Commission on Civil Rights, *Equality and Quality in the Public Schools: Report of a Conference*, Hartford, CT: CSBE, 1966, 7.

particularly, that children have learned that segregation is part of the American way of life, whatever our laws or our American ideals may say to the contrary.”⁴⁴ Seeley’s statement in particular references the fact that in 1966, racial segregation and inequality pervaded daily life for children and adults in both the North and the South. Both white and nonwhite students in segregated schools were thus trained to accept this as the norm; changing this reality demanded integrated schools that reflected what a truly diverse and equal society could look like.

By 1966, enough discourse had been generated regarding the importance of a desegregation plan for Connecticut schools that the legislature was prepared to act. However, without federal guidance regarding its plan for desegregation, between 1966 and the early 1990s, the state of Connecticut was left to devise its own responses to school segregation, ultimately achieving only sporadic successes for a limited number of students. The biggest operation to be initiated was called “Project Concern.” “Project Concern” was originally posed as a two year experiment in one-way busing; randomly selected black students from city schools in Hartford would be bused to schools in five neighboring towns. The project began with 266 students in the first two years, but grew and flourished in the years following, expanding to other major cities in Connecticut aside from Hartford. At its peak in the late 1970s, 1,175 students were involved, but by 1993, the number had fallen to 680.⁴⁵

Although the development of “Project Concern” demonstrates an investment in improving the segregated conditions in Connecticut’s public schools, it was by no means an adequate or largely effective method of integration. It is true that many black students who remained in the program until

⁴⁴ *Ibid*, 9.

⁴⁵ George Judson, “When Good Will Is Not Enough; Desegregation Project at Heart of Hartford School Suit,” *The New York Times*, February 1, 1993, <http://www.nytimes.com/1993/02/01/nyregion/when-good-will-not-enough-desegregation-project-heart-hartford-school-suit.html>.

college experienced positive effects. Both males and female participants were more likely to graduate high school. Male participants were more likely to complete more years of college, and female participants were less likely to have a child before the age of eighteen.⁴⁶ However, the attrition rate for the program was relatively high; a final report on the outcomes of “Project Concern” reported that on, average, about 1/2 of male participants and 2/5 of female participants left the project to return to Hartford City schools before completing their high school education. Students with some experience in “Project Concern” had better educational outcomes than those with none at all, but they did not perform as well as those who participated in the program throughout all of high school. Moreover, even at its peak of 1,175 participants, the percentage of students positively affected was minimal given the many thousands of students served by the Connecticut public school system. In reality, “Project Concern” largely had no effect on the majority of public school students. The relatively few black students who were bused to suburban schools received the benefit of an integrated education in better funded and maintained schools, the academic achievement of white suburban students was largely unaffected by the presence of these black students, and black students in city schools received no attention whatsoever.⁴⁷

Given the limited scope of “Project Concern”, it is not surprising that additional methods of desegregation were discussed and ultimately implemented between 1966 and 1990s, but again with very limited degrees of success. The result of a two year legislative commission on human rights and opportunities, the Racial Imbalance Act (SB 1588) ostensibly outlawed racial imbalances in schools in 1969. Specifically, the act required annual data reports from each school district of the numbers of minority teachers and low income students in each school. The State Board of Education would then

⁴⁶ R.L. Crain, et al, *Finding Niches: Desegregated Students Sixteen Years Later- Final Report on the Educational Outcomes of Project Concern, Hartford, Connecticut*, New York: Institute for Urban and Minority Education of Teachers College of Columbia University, 1992, V.

⁴⁷ *Ibid*, 34.

notify the district if their enrollment of minority students was “substantially” above or below that of the district. The district must propose a plan to correct the racial imbalance, and, with the Board’s approval, the district would then report frequently about the plan’s implementation.⁴⁸ However, it took over ten years for this potentially effective act to be enacted; it was not until the spring of 1980 that the proposed regulations were approved and enacted.⁴⁹ Thus, up until 1980, Project Concern was the only primary and actively functioning statewide desegregation initiative.

When finally passed in 1980, the regulations in the Racial Imbalance Act only addressed intradistrict imbalances, rather than racial imbalances between districts across the state. According to a 1992 assessment from the Connecticut State Department of Education, “State law (CGS Sec. 10-226a-e) defines racial imbalance only within districts, when the proportion of pupils of racial minorities in any school ‘substantially’ exceeds or falls below the proportion of such pupils in the district.” This “substantial” difference was defined as twenty-five percentage points the between minority percentage in a school and the minority percentage for the same grades in the district. By this definition, less than 1% of schools across the state were defined as racially imbalanced and had to comply with the provisions set out by the Racial Imbalance Act.⁵⁰

While there were certainly schools within the same districts that had disparate racial makeups, defining racial imbalance through an intra-district lens completely ignored the fact that the racial makeup of schools in urban districts like Hartford and New Haven was collectively imbalanced as compared to other suburban districts due to residential segregation and white flight. According to this

⁴⁸ Connecticut General Assembly, *Public Act No. 773: An Act Concerning Racial Imbalance in the Public Schools*, Hartford, CT: Connecticut General Assembly, 1969.

⁴⁹ Judith Lohman, “Legislative History of the Racial Imbalance Law,” OLR Research Report (2010-R-0249), June 4, 2010, <https://www.cga.ct.gov/2010/rpt/2010-R-0249.htm>.

⁵⁰ Bureau of Evaluation and Student Assessment, *Minority Students and Staff Report*, Hartford, CT: CSDE, 1992, 2.

definition, a hypothetical school in Hartford with an integrated student body, i.e. a greater percentage of white students in a school that would otherwise be predominately black, would be considered racially imbalanced in comparison to other predominantly black schools in the district. Without addressing inter-district racial disparities, more than ten years after its official passage the Racial Balance Act had not helped to achieve successful school desegregation on either district or statewide levels. In 1992, over 80% of minority students in Connecticut were enrolled in just 18 districts. 122 of small towns enrolled 35.3% of public school students in the state but only 9.4% of minority students. In addition, over 32% of minority students attended schools where they comprised at least 90% of the student body and 2/3 of white students attended schools where less than 10% of students were minority students. The placement of minority teachers and staff members at this time reflected that of Connecticut's minority students.⁵¹

Other approaches to encouraging and enforcing racial and socioeconomic desegregation came from the ground up, as families filed law suits against the state; again, these efforts had varying degrees of success. *Lumpkin v. Meskill*, a suit filed by four Hartford parents of color in 1970, challenged Connecticut's school districting laws, arguing that they disadvantaged minority children in Hartford and denied them equal educational opportunities afforded to neighboring suburban students. The plaintiffs hoped to achieve the creation of a regional school district that would allow for statewide integration, aided in-part by a more centralized system of school governance and wealth distribution. The case was ultimately dismissed by the Federal District Court as a result of resistance from suburban districts and due to the 1974 Supreme Court decision in *Milliken v. Bradley* which ruled that suburban

⁵¹ *Ibid.*

towns need not be held responsible for integrating cities when the segregation has not occurred as a result of the suburbs' malicious intentions.⁵²

In contrast, *Horton v. Meskill* (1977), which addressed interdistrict financial inequalities as opposed to explicit racial segregation, was decided in favor of the plaintiffs. Prior to *Horton*, each town in Connecticut financed its schools primarily through local property taxes. Each student was awarded a flat per-pupil grant from the state, and a limited amount of funding was provided by the federal government. This meant that families in less wealthy towns would frequently be charged higher tax rates which would avail less money overall than in wealthier towns where families were taxed at lower rates. The ruling stated that funding system was unconstitutional, relying too heavily on funding from property taxes without utilizing additional state money to equalize funding in much lower-income districts.

The legislature's response to the *Horton* ruling was to enact a new school-aid formula called the Guaranteed Tax Base, which maintained a per-pupil grant from the state across all towns, but based additional aid to towns on local property wealth, the educational needs of the students in light of their respective socioeconomic statuses, and the tax effort each town underwent to raise money for its schools. In a similar manner to Project Concern, however, this legislation became progressively less radical and effective. The additional aid programming was introduced to less wealthy towns gradually over a five year period. During the time it took to phase in the program, the legislature voted multiple

⁵² Ambar Paulino, "The Struggle for Educational Equity During the 1970s: Lumpkin v. Dempsey," Cities, Suburbs & Schools Project at Trinity College, October 16, 2013, <https://commons.trincoll.edu/cssp/2013/10/16/educationalequitylumpkin/>.

times to limit the annual school aid increases. Already by 1984, Superior Court Judge Arthur L. Spada had ruled that the state must reboot and refinance the Guaranteed Tax Base plan.⁵³

Looking at Connecticut's main desegregation initiatives from 1966 into the early 1990s, a pattern of inefficiency emerges; many years were used to develop individual programs or decide cases that, when enacted, were ineffective for a large number of Connecticut's public school students. Another characteristic of this period was the prevalence of discourse surrounding racial balance which equaled or even overshadowed discussions of general academic achievement and other areas in public education across the state. By 1992, however, the main focus of discourse surrounding education had shifted from integration to a more holistic view of students' needs. A report from the Connecticut Association of Boards of Education and Connecticut Association of Public School Superintendents declared that "Connecticut must adopt a public policy commitment to the whole child," emphasizing the importance of nutrition, healthcare, daycare, and parenting support in addition to schooling.⁵⁴ They also proposed restructuring the existing revenue structure to create a more appropriate minimum education requirement and redefining the roles of boards and superintendents in school systems across the state.⁵⁵

This shift away from racial integration reflects a national shift in discourse to discussions focused on defining goals and standards for American public education. In 1989, President George H. W. Bush convened a summit of the country's governors for the first National Education Summit, where the group developed six broad national education goals to be carried out by 2000. These initial

⁵³ Richard L. Madden, "Impact of New Ruling on Schools is Weighed," *The New York Times*, April 29, 1984, <http://www.nytimes.com/1984/04/29/nyregion/impact-of-new-ruling-on-schools-is-weighed.html>.

⁵⁴ Connecticut Association of Boards of Education and Connecticut Association of Public School Superintendents, *Solutions for Connecticut's Public Schools in the 1990s- and Beyond*, Hartford, CT: CABE, 1992, 5.

⁵⁵ *Ibid*, 9.

discussions were followed by President Clinton's own education proposals, and an act which followed, entitled *Goals 2000: Educate America Act*. From then on, the nation began to focus intensely on developing and implementing high standards for academic achievement that could be measured through testing. In addition, political discourse emphasized closing the achievement gap between low-income students and students of color and affluent and white students.⁵⁶ While the shift away from a focus on school desegregation is evident in the documentation of Connecticut's major forums on education in the late 80s and early 90s, this time period also brought a landmark Connecticut Supreme Court case and decision that would bring desegregation to the front of Connecticut's education reform efforts once again.

Sheff v. O' Neill- A Landmark Case for Integration and School Choice in Connecticut

In 1989, Elizabeth Horton Sheff, the parent of a black fourth grader in the Hartford Public School system, filed a law suit against then-Governor William O'Neill along with sixteen other plaintiffs. In suing O'Neill, Sheff asserted that an integrated education was guaranteed by the Connecticut Constitution, and thus state officials had an obligation to end the stark racial and ethnic isolation that plagued Hartford public schools. The ruling in the case would ultimately serve as the catalyst for the development of the school choice program across Connecticut and in New Haven.⁵⁷ The remaining plaintiffs were comprised of children from eleven different families, and were a mix of black, Puerto Rican, and white students from Hartford and West Hartford.⁵⁸

In their respective opening statements, lawyers Wesley W. Horton and John C. Brittain emphasized the social and academic benefits of integrated schooling from which students in Hartford

⁵⁶ "Are We There Yet?," Frontline, PBS, 2014, <http://www.pbs.org/wgbh/pages/frontline/shows/schools/standards/bp.html>.

⁵⁷ Justin R. Long, "Enforcing Affirmative State Constitutional Obligations and Sheff v. O'Neill," *University of Pennsylvania Law Review* 151, no. 1, 2002, 284.

⁵⁸ J. Brittain, *Opening Statement by Professor John Brittain in Sheff v. O'Neill*, Hartford, CT, Public Information Office, 1992, 1.

were being continuously deprived. Horton argued that in Hartford, where 90.5 % of the population served by public schools was comprised of students of color at the time of the suit, racial isolation, overwhelming poverty, and inadequate resources resulted in low Mastery test scores, inadequate preparation for higher education, and inadequate preparation for the workforce.⁵⁹ He called for a declaratory judgement that the system of racial and economic isolation was unconstitutional and demanded the creation of an immediate planning process to rectify the system.⁶⁰ In Brittain's opening statement, the acclaimed civil rights lawyer incorporated a series of bleak statistics which corroborated Horton's claims, noting that Hartford had the lowest number of students at or above the state goal on the Connecticut Mastery tests, a high number of students in need of basic remediation, and the highest rate of poverty among children. The disparities in results between these students and those in surrounding suburban districts were, Brittain argued, a result of resource deprivation due to the high concentration and isolation of poor students of color in the district.⁶¹

In his opening statement, Wesley Horton laid out the counts against the defendants, addressing the inequalities accompanying the racial, ethnic, and socioeconomic isolation experienced by the plaintiffs. Citing the ruling in *Horton v. Metskill* and the Equal Protection Clause adopted in 1965, he argued that de facto segregation is inherently unequal and that the state must take steps to correct this inequality, regardless of whether the state caused the racial or socioeconomic isolation. In segregated schooling environments, poor minorities have no opportunity to interact with white students, and vice versa, thus perpetuating racial and economic stereotypes on both sides. In addition, not only was education in racial and economic isolation unequal, but the education received by the plaintiffs was not even minimally adequate. Horton questioned how minority students could possibly

⁵⁹ W.W. Horton, *Plaintiff's Opening Argument in Sheff v. O'Neill*, Hartford, CT: Public Information Office, 1992, 1.

⁶⁰ *Ibid*, 6.

⁶¹ Brittain, *Opening Statement by Professor John Brittain in Sheff v. O'Neill*, 2-3.

prepare for life in a predominantly white society if all of their classmates were poor and minority with inadequate resources.⁶²

Horton's arguments closely reflect the counts posed in the suit filed in 1989, which are as follows: Count One states that "separate educational systems for minority and non-minority students are inherently unequal," and that "because of the de facto racial and ethnic segregation between Hartford and the suburban districts, the defendants have failed to provide the plaintiffs with an equal opportunity to a free public education" as required by the Connecticut Constitution. Count Two declares that separate education systems provided unequal educational opportunities to both minority and non-minority students. Count Three argues that Hartford's educational system was severely inadequate in comparison to the systems in surrounding suburbs and failed to provide the plaintiffs and other Hartford school children with a minimally adequate education as mandated by Connecticut's standards, which thus violated the Connecticut Constitution's guarantee to an equal education for every child. Finally, Count Four states that the failure to provide the plaintiffs and other Hartford school children with equal educational opportunities was a failure of the Due Process Clause of the Connecticut Constitution.⁶³ These counts were accompanied by extensive and complex evidence detailing the extent of segregated schooling occurring in Hartford and in surrounding suburbs and the negative effects of this for all students, including those who were white and wealthy.

In defense of the state, Governor O'Neill, and the other defendants named in the case, Assistant Attorney General John Whelan presented three counter arguments to the plaintiffs' claims. In his opening statement, Whelan questioned whether the court "ought to replace parents, teachers, local educational boards, the State Board of Education, and the legislature as the architect of

⁶² Horton, *Plaintiff's Opening Argument in Sheff v. O'Neill*, 3-5.

⁶³ *Sheff v. O'Neill*, 238 Conn. 1, 678 A.2d. 24-26.

educational and social policy,” ultimately arguing it should not. He also claimed that excess money was already spent on the Hartford school system, and that a judicial order regarding desegregation would not make better the inequities in housing and healthcare that lay, in part, at the root of the issues in schooling. Finally, in a claim which, as the plaintiffs argue would be deemed irrelevant by the previous ruling in *Horton v. Metskill*, Whelan declared that there was no past or present segregation caused by the state of Connecticut to be undone, and no evidence that the state played any role in the demographic changes or housing patterns that led to a segregated school system in Hartford.⁶⁴ The case was ultimately decided in the plaintiffs’ favor in 1996. The Connecticut Supreme Court ruled that “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.”⁶⁵ From this ruling a series of further legislation and policies were developed and implemented, many of which continue to define Connecticut’s public schools today.

Although it took approximately seven years for *Sheff v. O’Neill* to be decided, the ruling was met with swift action from the state of Connecticut. Less than a month after the Hartford public education system was ruled to be unconstitutional, Governor John Rowland issued an executive order establishing the Education Improvement Panel which was meant 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.” In early 1997, the resulting report from the panel helped to shape Public Act 97-290, entitled “An Act Enhancing Educational Choices and Opportunities.” This was the legislative action that had been mandated by

⁶⁴ J. Whelan, *Opening Statement by Assistant Attorney General John Whelan in Sheff v. O’Neill*, Hartford, CT: Public Information Office, 1992, 1.

⁶⁵ X03 CV89 0492119S : SUPERIOR COURT MILO SHEFF, ET AL : COMPLEX LITIGATION DOCKET, *Sheff v. O’Neill* - Memorandum of Decision, March 3, 1999.

Sheff v. O'Neill.⁶⁶ The act established “a statewide interdistrict public school choice program to improve academic achievement; reduce racial, ethnic, and economic isolation or preserve racial and ethnic balance; and provide students with a choice of educational programs.” It allotted the State Board of Education five years to design and implement a new education plan that would both decrease racial, ethnic, and socioeconomic isolation and improve student achievement. It also and required that an assessment of interdistrict disparities be conducted before any plan would be approved.⁶⁷ This act, and the education plan that followed, laid the groundwork for the current systems of public education and school choice across Connecticut.

While some fairly specific directives were put into place in the aftermath of *Sheff v. O'Neill*, such as the statewide open choice program, the decisions of most individual districts were not determined by the state. This was in-part because the lawsuit specifically regarded the Hartford school system and did not include other districts, and also in-part because the state of Connecticut manages education on a very local, district by district basis. Rather, local districts had a responsibility to uphold the “educational interests of the State,” which now included the reduction of “racial, ethnic and economic isolation,” and could choose from methods including but not limited to interdistrict magnet programs, charter schools, and a series of interdistrict afterschool, weekend, and summer programming.⁶⁸ The interdistrict magnet program in particular was vigorously supported by the creation of Interdistrict Cooperative Grants, developed to incentivize districts to participate in opening their own interdistrict magnet schools. Specifically, state money for Interdistrict Cooperative Grants was allotted by the Department of Education, which, in the aftermath of *Sheff*, was asked to

⁶⁶ *Ibid.*

⁶⁷ PA 97-290-sHB 6890, An Act Enhancing Educational Choices and Opportunities, 1997.

⁶⁸ X03 CV89 0492119S : SUPERIOR COURT MILO SHEFF, ET AL : COMPLEX LITIGATION DOCKET , *Sheff v. O'Neill* - Memorandum of Decision, March 3, 1999.

Establish a competitive grant program to assist local and regional boards of education, regional educational service centers and cooperative arrangements pursuant to section 10-158a with the operation of interdistrict magnet school programs.

According to the legislation,

An interdistrict magnet school program means a program which (1) supports racial, ethnic, and economic diversity, (2) offers a special and high quality curriculum, and (3) requires students to attend at least half time.⁶⁹

Thus, schools across the state could apply to receive state funding, alleviating some financial burden from their districts, if the schools had an explicit objective of maintaining a diverse student body.

With a variety of methods permitted to facilitate desegregation and varying degrees of state oversight, many districts in Connecticut have their own unique story of educational reform and approaches to racial and socioeconomic integration. The school district in New Haven is no different; the city's unique trajectory towards a system of school choice, which is based heavily in intra and interdistrict magnet schools, began long before *Sheff v. O'Neill*, and long before the rest of the state. However, as the next chapter will reveal, the outcomes of *Sheff* and the creation of the Interdistrict Cooperative Grants ultimately played a major role in the pushing the growth of New Haven's choice program forward to where it is today.

⁶⁹“An Act Concerning School Choice and Interdistrict Programs,” The Committee on Appropriations , By William R. Dyson, Connecticut General Assembly Cong, 6950, January 1999, <https://www.cga.ct.gov/ps99/fc/1999HB-06950-R000694-FC.htm>.

Chapter Three: New Haven's Unique Route to School Choice

The larger story of racial desegregation in Connecticut, and particularly Hartford, is extremely relevant to the development of the current system of school choice in New Haven. The conditions described in the previous chapter are fairly representative of conditions in urban areas across the state, and judicial decisions that were made specifically regarding Hartford, including *Sheff v. O'Neill*, set a precedent that was relevant for the entirety of Connecticut. Although New Haven was not specifically implicated in *Sheff v. O'Neill*, its complex history of residential segregation, city expansion, and white flight contributed to an overall problem of school segregation that was prevalent both when *Sheff* was filed and when the decision was handed down. This next chapter illustrates how New Haven's unique history, which included the introduction of school choice in the early 1970s, prepared the city to take on a larger system of choice designed to promote ethnic and racial integration.

Residential Segregation in New Haven 1950-1970

In a pattern similar to that of many other Northern cities, the 1950s were a period of immense growth and change for the city of New Haven. The end of WWII brought a major population increase, particularly in the number of black people who moved to the area in search of manufacturing jobs. The population of black people in the city of New Haven increased by 54% from 1940 to 1950, 130% from 1950 to 1960, and 64% from 1960 to 1970.⁷⁰ Unfortunately, the population boom also coincided with a decline in the number of manufacturing jobs in and around the city, and so new residents were bereft of the employment opportunities they had been seeking.⁷¹ While the population increase brought a new wealth of racial, ethnic, and socioeconomic diversity, without a booming economy the city could not adequately support the influx of new residents. In the early 1950s, the New Haven city

⁷⁰ Tianna N. Terry, "Racial Residential Integration in Greater New Haven in the Post-Civil Rights Era," 2007.

⁷¹ *Ibid*, 10.

center was largely dilapidated; slums lacking electricity, plumbing, and gas were prevalent in many neighborhoods. In 1954, newly elected Mayor Richard Lee made urban renewal the key focus of his first years in office and over his eight term tenure acquired millions in state and federal funding to transform New Haven's residential and business areas. To rebuild the most derelict parts of the city, entire neighborhoods were decimated, displacing nearly 8,000 New Haven residents over the fourteen years of Lee's renewal efforts. In addition, over 2000 city businesses were lost due to the redevelopment.⁷² The combination of increased minority migration to New Haven and the dearth of available jobs meant that a large number of those who were displaced by Lee's urban renewal initiative were racial and ethnic minorities, and low-income residents.

One of the most famous and controversial components of Lee's urban renewal initiative was the construction of the Oak Street Connector, an offshoot from Interstate 95 that was intended to lead suburban residents directly to the city's downtown shopping district. The highway ran straight through the city, severing the Hill neighborhood from the rest of New Haven, and ultimately led the neighborhood, comprised predominately of low-income residents and minorities, to further decline.⁷³ Photos from before and after the construction of the Oak Street Connector show the clear destruction of a heavily populated residential area; the stark gap where clustered houses were replaced by the white strip of highway or large empty lots is impossible to miss.⁷⁴ The construction of the Oak Street Connector, along with the rest of Lee's plan for urban renewal, illustrates an utter disregard for the wellbeing of New Haven's minority and low-income residents. Displaced from their homes with no

⁷² "Richard Lee's Urban Renewal in New Haven." *ConnecticutHistory.org*.

<https://connecticuthistory.org/richard-lees-urban-renewal-in-new-haven/>

⁷³ C.J. Hughes, "A Plan in New Haven to Right a Highway's Wrong," *The New York Times*, July 17, 2012. <http://www.nytimes.com/2012/07/18/realestate/commercial/a-plan-in-new-haven-to-right-a-highways-wrong.html>.

⁷⁴ "Historical New Haven Digital Collection," Yale University Library, 2003, <http://yaleinsight.library.yale.edu/nhimageviewer/newhaven.asp?groupno=8765>.

adequate plan for their relocation or imminent growth in the job market, Lee's plans simply further isolated an already disadvantaged population rather than bringing them into the fold of reinvestment and reconstruction.

In addition to the residential displacement and segregation caused by Lee's urban renewal initiative, New Haven residents were segregated by neighborhood, a trend that was perpetuated by real estate agents who refused to sell houses to black families in neighborhoods that were predominantly white.⁷⁵ Across the city of New Haven, most neighborhoods were not completely segregated by one race or another—one had to leave the city for surrounding towns, like Branford or Guilford, to find neighborhoods that were over 95% white.⁷⁶ Within New Haven, the area currently known as the Dixwell neighborhood, in the Ninth Ward, has been a predominately black area since the late-19th century. Although the neighborhood experienced some demographic fluctuation in the 1960s (Lee's urban renewal project led a high concentration of blacks to relocate to New Hallville, the Hill, and Fairhaven), by 1970, most white residents who could afford to left a neighborhood that had been devastated by a dearth of work and instability caused by the continuous building projects.⁷⁷

The Dixwell neighborhood was not the only one to experience large rates of white flight during this time period. Between 1970 and 2000, New Haven and its surrounding towns continued to experience an influx of black residents, and increasingly, Latinos and residents of other races. As New Haven and its closest neighboring towns, East Haven, West Haven, and Hamden, gained large numbers of racial and ethnic minorities, they also lost approximately 51,000 white residents to towns

⁷⁵ Terry, "Racial Residential Integration in Greater New Haven in the Post-Civil Rights Era,"43.

⁷⁶ *Ibid*, 8.

⁷⁷ *Ibid*, 42.

further from New Haven. The towns of Madison, Guilford, and Branford, in turn experienced major increases in their white populations by 78%, 74%, and 32%, respectively, from 1970 to 2000.⁷⁸

As these data illustrate, New Haven has a long and fairly recent history of residential segregation, with blacks, Latinos, and other minority groups consistently and constantly disadvantaged in housing and employment opportunities. Although this residential segregation had not been explicitly mandated by the law, to describe it as “de facto” suggests, perhaps inaccurately, that segregation occurred by happenstance— as more racial and ethnic minorities moved to New Haven and its surrounding towns, white people simply chose to move away. However, as the consequences Richard Lee’s urban renewal project indicate, New Haven’s minorities have been targeted by the government as subjects of urban blight since the 1950s. Rather than supporting an already struggling demographic, the city took advantage of the ease with which it could displace people without the resources to defend themselves or their property, or to relocate to adequate conditions. Pre-existing segregation, maintained by continuous white flight from the city, wealth-restrictive housing covenants, and real estate agents who upheld racial boundaries in their sales was greatly amplified as a result of government sanctioned displacement. With this history in mind, it is not surprising that New Haven’s attempts to overhaul its education system, in part with an explicit goal of school desegregation, have been complicated, contentious, and unique to a city with its own story and demographic makeup.

School Choice in New Haven

As has been illustrated by the outcomes of *Sheff v. O’Neill* and the subsequent birth of Connecticut’s statewide public school choice program, in 1997, the concept of school choice was seen as a potential solution that could mitigate the effects of racial and socioeconomic segregation throughout the state. This was not the first time that school choice had been utilized in conversations

⁷⁸ *Ibid*, 11.

regarding the improvement of Connecticut's school systems; as will be discussed further on, certain districts, including New Haven, began building alternative public schooling options for their students in the later 1960s and early 70s. These efforts were motivated to some extent by recurring racial tensions in public schools, but also by the idea that different schools could fulfill the very different needs of a diverse population of public school students.⁷⁹

When school choice arrived in New Haven schools in the 1970s, the choice theory that developed was not explicitly guided by integration or market theories; rather, it straddles a line between the two. This concept of choice primarily supports the idea that students should have a range of schooling options to choose from, but believes that these choices can exist within a public school system. Rather than going to the private sector to provide choice, districts may turn to alternatives within the public sector, such as open enrollment across districts, the development of magnet and charter schools, and virtual/online schooling, to name a few. The objective of racial and socioeconomic desegregation may play a role in shaping the choice system, but it is not the only primary goal. As with other forms of choice, this view in practice has limitations, especially as districts try to determine which students will be able to attend which schools. The strengths and limitations of such a system, as they arise in New Haven, are explored in this next section.

In the 1960s and 70s, the conversation surrounding school choice in New Haven differed greatly from the conception of school choice in today's national conscience. Rather than focusing on charter schools and private school vouchers, an idea prevailed among some parents and educators that "different schools would best serve the needs and goals of different people," and that such schools should be available to students and parents in the public school system.⁸⁰ In 1970, an innovative group of such parents and educators came together to form New Haven's first public

⁷⁹ Edward Linehan, Interview by Shoshana Davidoff-Gore, Personal interview, New Haven, February 2, 2017.

⁸⁰ *Ibid.*

“school of choice”, now known as High School in the Community (HSC).⁸¹ The school responded to concerns about the rigidity and limitations of the learning environments available within the public school system, and thus differed greatly from the traditional schooling model. It operated without a principal, teachers were called by their first names, and in the early years, students would attend classes held in public community spaces.⁸²

While a primary objective of HSC was to provide school choice, which already existed in the private sector, to public school students, the founding of the school was also motivated by racial tensions in other public schools across the city. In 1967, Hillhouse High School, a New Haven public school, experienced an intense period of racial violence which led school administrators to cut short the school day in order to separate the white and black students. Some of Hillhouse’s teachers were upset by a solution that they felt encouraged the racial segregation of their students, and it was these teachers that broke away from the school to form HSC. From its inception, HSC has tried to maintain a balanced gender ratio and ratio of white, black and Hispanic students. It also drew students from New Haven’s suburbs, calling itself a “high school without walls.” In the mid-1990s, as the state was seeking actions to implement in response to the decision in *Sheff v. O’Neill*, HSC was featured as a positive example from which future desegregation efforts could be modeled.⁸³

HSC was just the first of a few different schools of choice that developed in New Haven far before the statewide choice program catalyzed by *Sheff*. Its origin story demonstrates that while school choice and racial integration were not explicitly linked at the time, they were certainly considerations

⁸¹ *Ibid.*

⁸² Melissa Bailey, “High School in the Community, New Haven Turnaround School Run by Teachers, Union, Has Turbulent History: Report,” *The Huffington Post*, September 4, 2012, http://www.huffingtonpost.com/2012/09/04/high-school-in-the-commun_n_1854734.html.

⁸³ Fred Musante, “The Right Stuff About a High School,” *The New York Times*, October 20, 1996, <http://www.nytimes.com/1996/10/20/nyregion/the-right-stuff-about-a-high-school.html>.

of the school's founders. Prior to the foundation of New Haven's now flourishing system of magnet schools in the mid-90s, a few additional magnet and alternative schools had developed alongside New Haven's system of traditional comprehensive high schools. These included, for example, the Cooperative Arts and Humanities High School (COOP), which was founded in 1983 as the Hamden-New Haven Co-op, and the Sound School, founded in 1981 with a focus on marine science, oceanography, and aquaculture.⁸⁴ Some of these schools, like the Sound School and Common Ground Charter School, were "spin-offs" of HSC, started by faculty at HSC. In contrast, COOP was begun by a New Haven superintendent as a joint educational center for students in New Haven and Hamden, even though Hamden eventually pulled out of the program and the school was physically relocated from Hamden to New Haven.⁸⁵ Like HSC, the development of each of these schools took place separately, born from the ideas, fundraising, and organizational efforts of individual educators rather than a larger districtwide initiative or a plan to use magnet schools as a mechanism for reducing racial isolation.

By 1995, however, the discourse surrounding education and choice across Connecticut had once again become intensely politicized around the question of racial balance. *Sheff v. O'Neill* had been in the courts for approximately six years, and was on the verge of being decided. Gearing up for the potential outcomes of the Connecticut Supreme Court's incumbent ruling, the state had already begun to develop optional programs that would have allowed students to cross district lines to encourage racial and socioeconomic integration for Connecticut's students.⁸⁶ Simultaneously in New Haven, a plan was underway to develop more magnet schools in order to provide more high-level schools of choice for New Haven's public school students. These two timely initiatives ultimately intersected to

⁸⁴ Linehan, Interview by Shoshana Davidoff-Gore, February 2, 2017; "Our History," The Sound School, New Haven, CT, <http://sound.school/our-school/history/>.

⁸⁵ Linehan, Interview by Shoshana Davidoff-Gore, February 2, 2017.

⁸⁶ *Ibid.*

create the system of magnet schools of choice, including interdistrict magnets, which are a major part of New Haven's school system today.

In 1995, Ed Linehan, who would go on to become the district's first coordinator of magnet schools, helped to submit an application for federal funding to support the creation of more New Haven magnet schools. Linehan, a New Haven native, already had extensive experience with New Haven's school system; he was one of the founding members of HSC, a teacher and administrator within New Haven's school system, and was the principal of COOP for eight years prior to beginning his role as the magnet coordinator. According to Linehan, the creation of his role as magnet coordinator reflected a change in the New Haven school district's structure of organization, which he describes as "a pivotal change where the array of options became a system of options."⁸⁷ As opposed to a few magnet and alternative schools functioning independently alongside New Haven's traditional schools, the magnet program and the mechanism for choice, i.e., the lottery system that followed, was to become the new normal.

At the same time, Connecticut's education commissioner encouraged Linehan to consider the possibility of pursuing interdistrict magnet schools. With a twenty-five year tradition of successful schools of choice within the district, opening these schools to students from other districts could prove to be an effective mechanism for encouraging integration that other districts, like Hartford, which would be directly affected by any outcomes of the *Sheff* ruling, could adopt. Furthermore, more funding would be available both from the federal government and from the state of Connecticut, pending the outcome of *Sheff*, if these new magnets were opened with an explicit goal of achieving racial integration via suburban enrollment. At the time, this seemed like a win-win for New Haven—additional funding for a wealth of new magnets with an added benefit of racial integration would only

⁸⁷ *Ibid.*

strengthen the appeal and potential for success of these new schools. New Haven's superintendent agreed to the suggestion, and Linehan turned to schools one at a time to begin enrolling suburban students.⁸⁸

Over the next few years, and into the 2000s, new interdistrict magnet schools, a total of seventeen since 2001, have been formed and suburban enrollment in New Haven's schools has grown to 2,662, comprising 12% of the students currently served by New Haven's public schools.⁸⁹ There are many reasons why suburban students may have been attracted to New Haven magnet schools, including directed recruitment initiatives, as well as the appeal of having specialized curricula that appealed to students' interests and learning styles. Another incentive may have been the fact that in 1995, then-Mayor John DeStefano embarked on an ambitious school construction program that has lasted for over twenty years and resulted in the renovation or building of more than forty-one schools. The building investment is worth \$1.489 billion, and the project is continuously expanding, and, according to DeStefano, federal and state grant funding alleviated much of the financial burden from the city.⁹⁰ When asked why suburban students would be motivated to come to New Haven schools, DeStefano discussed this particular factor.

We had at the outset decided to rebuild the physical plan of the school district which created enormous opportunity to not only say, "You're going to be an interdistrict magnet, but, by the way, you're going to have the best science labs in the state of Connecticut, you're going to have the best equipment, the place is going to be a brand new space, and by the way, it's going to be attractive." We spent a lot of money on the buildings and the spaces.⁹¹

⁸⁸ *Ibid.*

⁸⁹ "New Haven Public School System Project Narrative," U.S. Department of Education, 2, <https://innovation.ed.gov/files/2017/01/newhavenpubschlsysPN.pdf>; Linehan, Interview by Shoshana Davidoff-Gore, February 2, 2017.

⁹⁰ "New Haven School Construction Program History 1995-2016," New Haven Public Schools, 2016, <http://nhps.net/SchoolConstruction>.

⁹¹ John DeStefano. Interview by Shoshana Davidoff-Gore. Personal interview. New Haven, January 30, 2017.

While this was certainly not the only incentive for suburban transfers, as the interdistrict magnet program was first developing in the late 90s, the rebuilding project was widely publicized and, along with the creation of new magnet schools, boded well for the forward trajectory of the system.

The expansion of school choice via the new magnet schools brought major change to the New Haven community, particularly to those people directly involved with the school system. Very limited information has been published describing the community's reaction to these changes, perhaps because the decision making took place at the level of top city officials. However, the two major city actors involved in the formation of new magnet schools and the school building project, Ed Linehan and John DeStefano, respectively, argue that the introduction of more magnets was not a new idea, nor was it highly controversial. Schools of choice, although on a much smaller scale, had already been gradually introduced into the school system since the 1970s, so while the number of new magnets and the centralizing of the system of choice were big changes for the city, they were not necessarily threatening ones. The new magnets came with an influx of money that would stay within the public school system and meant increased choice for students all across New Haven. In turn, administrators like Mayor John DeStefano predicted that increased choice would lead to better academic outcomes for all students. According to DeStefano, "It was about offering kids choice, so they could pursue things that were interesting and rewarding, and they would do better. Right? You do better at things you like doing."⁹²

In addition, the centralized system of choice aimed to make enrollment in the city's magnet programs more equitable. Before this point, each school of choice in New Haven had its own mechanism for selecting students that the school had deemed "random" and "fair"; however, what this meant across each school was vastly different, ranging from paper applications to in-person

⁹² *Ibid.*

interviews and parental commitments to participating in volunteer work for the school. Some schools, like West Hills Conte, upheld strict racial ratios as part of their admissions process, except that these ratios did not reflect the demographic makeup of the city. While this array of enrollment mechanisms was ostensibly designed to create a fair process for all interested students and parents, they could actually be quite discriminatory. A mandatory commitment to volunteer work, for example, meant that low-income families with full-time jobs might not be able to fulfill the requirement. Saving 30% of a school's seats for white students in an attempt to achieve racial balance when New Haven had a far lower percentage of white students meant that it was easier for white students to enroll than for racial and ethnic minorities.⁹³ A centralized lottery had the potential to rid the city of disparate enrollment practices and make magnets more accessible for everyone.

Where members of the New Haven community did express great displeasure, however, was regarding the impact of the building projects on some of New Haven's neighborhoods. While some school buildings were renovated, others were deemed in need of total revitalization and were rebuilt from the group up. Director Lisa Molomot's 2013 documentary, *The Hill*, sheds light on a building project in New Haven's Hill neighborhood in the late 1990s and early 2000s that ultimately displaced 94 families, many of which were black. The story is eerily similar to that of Mayor Richard Lee's destruction of a residential area to make room for the Oak Street Connector more than fifty years ago. According to the film, the city of New Haven declared eminent domain over almost three blocks of residential land in the Hill (rather than vacant land elsewhere in the city) to make room for the John C. Daniels K-8 Interdistrict Magnet School; current residents would have to relocate, and while they were guaranteed some fiscal support from the city, there was no assurance that it would land each family in a home that they desired or felt was adequate recompense. With help from some external

⁹³ Linehan, Interview by Shoshana Davidoff-Gore, February 2, 2017.

organizers and legal counsel, members of the Hill neighborhood brought a suit to the US District Court. Although the judge sympathized with their case and lambasted the city for its callous devaluation of a neighborhood and its residents, he was legally bound to rule in favor of the city because too much time had passed between the declaration of eminent domain and the suit. The homes were in turn destroyed and the school built, filled with many students from outside of the neighborhood and from outside of New Haven. The neighborhood's original school building, which had been deemed by the city to be too decrepit for renovation, became the temporary home of a charter school run by Achievement First.⁹⁴

From the city's perspective, this particular building project was meant to benefit the Hill and other surrounding neighborhoods. The beautiful new building could provide better resources to the area's students, and in addition, bring in suburban students in the hopes of increasing the diversity of the learning environment. As the outcome of the court case reveals, the city technically gave the residents adequate time between declaring eminent domain and beginning the project to raise complaints, and offered city resources to help with relocation.⁹⁵ Digging a little deeper, however, it is not difficult to see that the city's actions, while attempting to bring something good to the community, were hugely detrimental to the residents affected. Families were separated, and some were thrown into debt after having already paid off the mortgages on their former houses. Some of the organizers who did not live in the Hill argued poignantly that there was no way the city would have declared eminent domain in a middle/upper class neighborhood like East Rock and gotten away with it. The city chose to build the school in an area that was predominately low-income, populated by residents of color, and seen as a blight on the neighborhood, very similarly to the neighborhoods destroyed in Lee's

⁹⁴ Lisa Molomot, *The Hill*, 2013.

⁹⁵ Paul Bass, "New Film Reveals a Crime. Where's the villain?" *New Haven Independent*, June 10, 2013, http://www.newhavenindependent.org/index.php/archives/entry/the_hill_doc/.

urban renewal project. The plaintiffs lost their case because it was not filed soon enough, but by targeting this particular demographic, the city essentially ensured that those affected were largely cut off from affordable legal assistance that could have helped them to rally sooner. Furthermore, all of the destruction, frustration, and pain endured was to build a school with an explicit goal of serving, in part, white suburban students.⁹⁶This example illustrates that although the concepts of school choice, magnets, and integration did not seem to be inherently problematic for New Haven residents, the process of physically providing the space for some of these magnets was deeply troubling to many. Nonetheless, this was part of the course which proceeded to give the New Haven district its current school system with over forty new facilities and a reigning program of school choice that encompasses all of the city's magnet, interdistrict magnet, charter, and neighborhood schools.

⁹⁶ Molomot, *The Hill*, 2013.

Chapter Four: New Haven’s Current System of Controlled Choice: Is it Working?

Keeping in mind the histories discussed in the last three chapters, Chapter Four assesses the extent to which New Haven’s system of equity-based choice is working to fulfill its objectives of creating integrated schools and improved academic outcomes for students of color. Enrollment and achievement data is analyzed for the seven interdistrict magnet high schools that are currently operated by the district to determine whether the district is meeting its quantifiable goals. Additionally, the equity and efficacy of the city’s School Choice Placement System is discussed to present a more holistic picture of how the choice process can affect its different participants.

New Haven’s Current System of Choice

Today, New Haven students can choose between three different types of schools that are operated by the district.⁹⁷ Some magnet schools are only open to New Haven residents, and, according to the website for the public schools of choice, “seek to engage students in learning through by [sic] offering a range of themes, including STEM, performing arts, and technology and languages. These schools are also designed to reduce racial, ethnic, and economic isolation.” Neighborhood schools are also open to New Haven residents only, with preference given to those within the schools’ proximity. Interdistrict magnet schools are open to suburban students and New Haven residents, and also have an explicit purpose of encouraging racial, economic, and ethnic integration.⁹⁸ In addition, New Haven students have the option to enter the lottery for a limited number of charter schools that operate independently of the district. Lastly, New Haven students may participate in the statewide Open

⁹⁷ See Table 1 for a breakdown of the total number of New Haven Public Schools.

⁹⁸ “New Haven Public Schools of Choice,” *New Haven Public Schools of Choice*, 2016, <http://www.newhavenmagnetschools.com/index.php/find-a-school/our-schools>.

Choice program, attending out-of-district schools with additional space, or specifically designated Open Choice magnet schools and state choice schools managed by external administrators.⁹⁹

New Haven Public Schools of Choice	Elementary and K-8	Middle School	High School
Interdistrict Magnet Schools (Open to Suburban Residents)	9	2	7
Intradistrict Magnet Schools (Open to New Haven Residents Only)	11	n/a	1
Neighborhood Schools (Open to New Haven Residents Only)	10	n/a	2

Table 1: Breakdown of New Haven Public Schools; data from newhavenmagnetschools.com.

New Haven manages the enrollment of students into its large and diverse pool of schools through a system of controlled choice. Controlled choice developed as a mechanism in the 1980s and 90s to provide choice for students and parents while striving to maintain a racial and ethnic balance in schools and has been used in many cities, including Boston and Cambridge.¹⁰⁰ In New Haven’s system, enrollment into a particular school does not rely on test scores, geographic location, or even ethnicity or socioeconomic status. Rather, the controlled choice system operates via a lottery, initially put in place by Ed Linehan in 1995, that only gives preference, in some cases, based on residential proximity and concurrent sibling attendance. Almost every student enters the lottery, indicating their

⁹⁹ “It’s Your Choice,” *New Haven Public Schools of Choice*, 2016, <http://www.newhavenmagnetschools.com/index.php/about-the-schools/types-of-schools-to-choose-from>; “Charter/ACES Schools,” *New Haven Public Schools of Choice*, 2016, <http://www.newhavenmagnetschools.com/index.php/aces-charter>.

¹⁰⁰ Atila Abdulkadiroglu and Tayfun Sönmez, "School choice: A mechanism design approach," *The American Economic Review* 93, no. 3, 2003, 19.

school preferences, and every school is filled based on its outcomes. Students that do not enter the lottery are given the remaining available spaces in their default schools.¹⁰¹

As discussed in Chapter Two, the controlled system of choice which uses the lottery to facilitate school assignment evolved in 1995 from a need and desire to make the pre-existing system more equitable and accessible for all students. Since 1995, the lottery has evolved continuously, especially as parents have pushed to make the system more equitable and more transparent. For the sake of clarity, this analysis only discusses the system's current iteration. Ultimately, the evolution of the specific lottery mechanism used today and the wide breadth of schools from which students can choose at all grade levels is largely a consequence of the vast expansion of New Haven's magnet and interdistrict magnet programs. And, as evidenced by the overwhelming number of interdistrict magnet schools in New Haven today, the district's overall growth was largely stimulated by state money allotted to districts in the aftermath of *Sheff v. O'Neill*.

For city schools, like those in New Haven, 25% seems to be the magic number— it is the minimum percentage of white students that must attend an interdistrict magnet school for it to be considered “diverse”— that is, integrated according to *Sheff* standards. This percentage is explicitly detailed in the legislation creating the Interdistrict Cooperative Grants, which laid out guidelines defining what this “diversity” must look like if schools were to continue receiving state funding.

The governing authority for each interdistrict magnet school program that begins on or after July 1, 2005, shall (A) restrict the number of students that may enroll in the program from a participating district to seventy-five per cent of the total enrollment of the program, and (B) maintain such a school enrollment that at least twenty-five per cent but not more than seventy-five per cent of the students enrolled are pupils of racial minorities, as defined in section 10-226a.¹⁰²

¹⁰¹ Adam Kapor, Christopher Neilson, and Seth Zimmerman, “Heterogeneous Beliefs and School Choice,” Unpublished paper, Yale University, 2016, 6.

¹⁰² *Ibid.*

The fact that this is also the percentage of expected out-of-district enrollment is no coincidence. The entire interdistrict set up is like a more innocuous alternative to busing; rather than forcing students to attend schools out of their districts, the state will fund beautiful, rigorous, and well-resourced schools that out-of-district students (read white, in the case of New Haven), will choose to attend. The 25% out-of-district enrollment is then expected to contribute heavily to the 25% white student minimum.¹⁰³

In New Haven, the scope of the interdistrict magnet program is most visible among the high schools. Of the ten high schools operated by the New Haven school district, seven are interdistrict magnets. Four of these schools (Cooperative Arts and Humanities, High School in the Community, Hill Regional Career High School, and Corlandt V.R. Creed High School, originally Hyde Leadership School) have been operating as interdistrict magnets for more than or nearly twenty years.¹⁰⁴ Only one high school, Riverside, is a magnet designated only for New Haven residents (unlike other New Haven high schools, Riverside is one of four that fulfills an ongoing role as a transitional school for students in need of extra behavioral support.)¹⁰⁵ The other two high schools, Wilbur Cross and James Hillhouse, are comprehensive high schools and served New Haven's students for many years before the expansion of the magnet program. Thus, as it stands today, interdistrict magnets comprise 70% of high schools operated by NHPS, whereas they comprise only 34% of elementary, middle, and K-8 schools.

¹⁰³ "Interdistrict Magnet Schools," Connecticut State Department of Education, 2015, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2681&q=320450>.

¹⁰⁴ Barbara Beaudin, "Interdistrict Magnet Schools and Magnet Programs in Connecticut: An Evaluation Report," Connecticut State Department of Education, 2003, http://www.sde.ct.gov/sde/lib/sde/PDF/Equity/magnet/chapter_1_2.pdf. 18.

¹⁰⁵ "Transitional Schools," *New Haven Public Schools*, <http://www.nhps.net/node/419>.

With school choice, school integration, and student achievement at the forefront of national, statewide, and local education debates, the prevalence of interdistrict magnet high schools in New Haven raises questions about whether or not these schools have successfully accomplished their intended objectives, in addition to meeting the thresholds mandated by state legislation. Have interdistrict magnet high schools improved outcomes in racial diversity and academic achievement for New Haven students, and particularly for students of color? The next section details the methods used in choosing and analyzing the data selected to help answer this question.

Measuring Outcomes in New Haven's Interdistrict Magnet High Schools

Methodology

The remainder of this chapter assesses the levels of ethnic, racial, and socioeconomic diversity as well as trends in academic achievement in New Haven's interdistrict magnet high schools. The statistical data presented and discussed here make up only a small portion of the different types of data that can be used to assess success, failures, and trends within a school system. As such, this paper will not make definitive claims about outcomes in racial and socioeconomic diversity, or academic achievement. Rather, using relevant descriptive statistics, it is only possible to draw initial conclusions about outcomes in each of these areas and about the accessibility of data that would be needed for further research.

In assessing the levels of ethnic, racial, and socioeconomic diversity within each school, the first component for success is whether or not an interdistrict magnet meets the 25% minimum standard for white student enrollment set by CT legislature, and whether the school has been able to maintain this ratio stably over consecutive years. With this standard in mind, the ethnic and racial makeup of Connecticut, New Haven, and each of the public high schools run by NHPS is measured using data provided by the National Center for Education Statistics (NCES), where available for each

school, over a twenty year period that corresponds with the creation of New Haven's first interdistrict magnet high school in 1994.

Ethnic and racial diversity within schools is also measured using a second metric— the demographics of those enrolled in the AP classes offered within a school as reported by the Civil Rights Data Collection database provided by the national Office for Civil Rights. As Vanderbilt Professor Janet Eyler, among many other education scholars, has argued, racial segregation can be prevalent within a school regardless of the racial composition of the school as a whole; this is in-part due to ability grouping and tracking that separates higher achieving students, who are disproportionately white and affluent depending on the racial makeup of a particular school, from the rest of the students, thus negating the positive effects of learning in a truly integrated environment.¹⁰⁶ Therefore, it is not only important to measure whether a school has the capacity to be truly integrated based on the demographic makeup of the students enrolled, but whether these students in fact interact with one another inside and outside of the classroom. This is difficult to measure without access to enrollment data for all classes offered by a particular school and without a comprehensive ethnographic exploration of the lived experience of the students within the school. The ethnic and racial composition of AP classes instead gives a limited but nonetheless crucial look into whether or not the racial composition of the AP courses reflects the racial composition of the school as a whole, and whether or not white and minority students are engaging together within advanced classrooms.

In contrast to the question of ethnic and racial diversity, there are not specific guidelines laid out by the state to determine whether or not a school is socioeconomically diverse; however, the National Center for Education Statistics (NCES) states that the American education community

¹⁰⁶ Janet Eyler, "Resegregation: Segregation within Desegregated Schools," 1982, 2, <http://files.eric.ed.gov/fulltext/ED216075.pdf>.

generally relies on free- and reduced- price meal eligibility (FRP) to determine whether or not a student is socioeconomically disadvantaged.¹⁰⁷ Therefore, FRP is also used here to measure the socioeconomic makeup of New Haven’s interdistrict magnet schools. Because the state does not set a specific percentage of FRP eligible students as an indicator of socioeconomic diversity, neither does this essay, but it does take note of trends in FRP status as an indicator of the changing socioeconomic makeup of a school.

A second objective of the interdistrict magnet schools is to increase the academic achievement of all students, and particularly the achievement of minority students (namely black and Hispanic students), which generally lies far below that of white students.¹⁰⁸ Once again, the state legislature does not tie grant allotments to a specific metric of achievement. There are many such metrics, from an individual’s GPA or grades in particular courses or assignments to their performance on standardized tests, which measures a comprehensive acquisition of skills rather than particular content knowledge.¹⁰⁹ Test scores are generally easy to use because they are publically accessible on a school, district, and state level and, because they are standardized, largely reflect the skill attainment of the students (barring discrepancies on the day of testing) as opposed to individual grades or GPA, which may vary based on the curriculum and grading system from school to school. In studies and news

¹⁰⁷ Although there are important limitations to FRP as a proxy for poverty, for this discussion, FRP will be used interchangeably with the low-income. See the following source for a discussion on the limitations of FRP in this context; National Forum on Education Statistics, Forum Guide to Alternative Measures of Socioeconomic Status in Education Data Systems, (NFES 2015-158), U.S. Department of Education. Washington, DC: National Center for Education Statistics, 2015, <https://nces.ed.gov/pubs2015/2015158.pdf>, 10.

¹⁰⁸ “An Act Concerning School Choice and Interdistrict Programs,” Connecticut General Assembly Cong, January 1999; Although there are alternative terms to “Hispanic” to describe students of Latin American ancestry that may be preferred by some, such as “Latino” or “Latinx”, “Hispanic” is the ethnic category used by NCES and by CT state resources and thus will be used throughout this paper.

¹⁰⁹ Travis T. York, Charles Gibson, and Susan Rankin, "Defining and measuring academic success," *Practical Assessment, Research & Evaluation* 20, no. 5, 2015, 16.

articles that have previously addressed change in CT student achievement post *Sheff*, achievement was in-part measured by student performance on the Connecticut Mastery Test (CMT, grades 3-8) and the Connecticut Academic Performance Test (CAPT, grade 10) up until 2015.¹¹⁰ Although the state's standardized testing has changed since 2015, the results of the CMT and CAPT remain the most complete and comprehensive data set available. As a result, this essay employs the available data from the CAPT as one metric to assess changes in academic performance of students, particularly for students of color, in New Haven's interdistrict magnet high schools

Numerical parameters (test scores, enrollment statistics) are utilized frequently in academic literature and popular media to assess the success and failures of America's public school systems. The reasoning seems simple— if the objectives of an education plan are to promote racial diversity and academic achievement, then a good way to determine the success of the program is to quantifiably measure racial diversity and academic achievement. However, as further analysis will demonstrate, the numbers alone have many limitations that prevent us from making many definitive claims about the efficacy of New Haven's interdistrict magnet high schools. In addition, the data do not speak to the lived experience of the students, parents, teachers, and administrators who are involved with these schools and the lottery process required for admission. Without having conducted an in-depth ethnographic investigation, neither can this essay. However, the final section of analysis will touch on the equity and accessibility of the city's lottery process, utilizing lottery outcomes, newspaper articles, and interview materials to capture one small element of the experience of enrolling in the interdistrict magnets.

¹¹⁰ Beaudin, "Interdistrict Magnet Schools and Magnet Programs in Connecticut: An Evaluation Report," 2003.

Assessment of Ethnic, Racial, and Socioeconomic Integration

Using the methods detailed above, the ethnic, racial, and socioeconomic makeup of each New Haven public high school was assessed, as well as the ethnic and racial composition of each school's AP classes in the year 2013. To support a conclusion that interdistrict magnet high schools have improved outcomes in ethnic and racial diversity, particularly for students of color, one might expect to see that across each of the interdistrict magnets, the enrollment of white students has increased overtime and ultimately remained stable at a ratio of white to minority enrollment that falls within the *Sheff* standards for an integrated school. In reality, the data ultimately suggest that the status of a New Haven high school as an interdistrict magnet is not enough to show improved outcomes in ethnic and racial diversity. Instead, it is evident that the ethnic and racial makeup of each school varies greatly overtime, and is inconsistent across the seven interdistrict magnets. As illustrated by Figure 1, only three of seven interdistrict magnets, Cooperative Arts and Humanities (COOP), High School in the Community (HSC), the Engineering and Science University Magnet School (ESUMS), have met the standards of over 25% white enrollment at any point during the last twenty years.¹¹¹

¹¹¹ The results suggest that COOP most closely and consistently achieved an ethnically and racially integrated status; while in the 1994-95 school year white enrollment was only at 14.6%, by 1998 the school had surpassed the 25% benchmark. Moreover, the school maintained a relatively stable level of white enrollment, between 27% and 34%, for a period of ten consecutive years. Out of the twenty years included in the data set, COOP was technically integrated for thirteen. However, white enrollment dropped below 25% in 2012, and although white enrollment was still relatively high in 2014, at 20.8%, it was still below the desired standard. ESUMS, in contrast, was only established in 2008, but white enrollment reached over 25% in the school's second year, and grew to 31.3% by 2014. HSC maintained a white enrollment of over 25% for fourteen consecutive years beginning in 1994. However, in contrast with COOP, which did not begin with a high level of white enrollment, HSC's white enrollment in 1994 was already at 41.7%. The school maintained this relatively high level until 2002, when the percentage of white enrollment began to drop steadily. In 2014, white enrollment was at 13.1%, and the school had not been technically integrated for seven years. As for the four remaining interdistrict magnet high schools, none surpassed the 25% threshold of white enrollment, although the Metropolitan Business Academy looks as though it could be on the way based on its 2014 enrollment data.

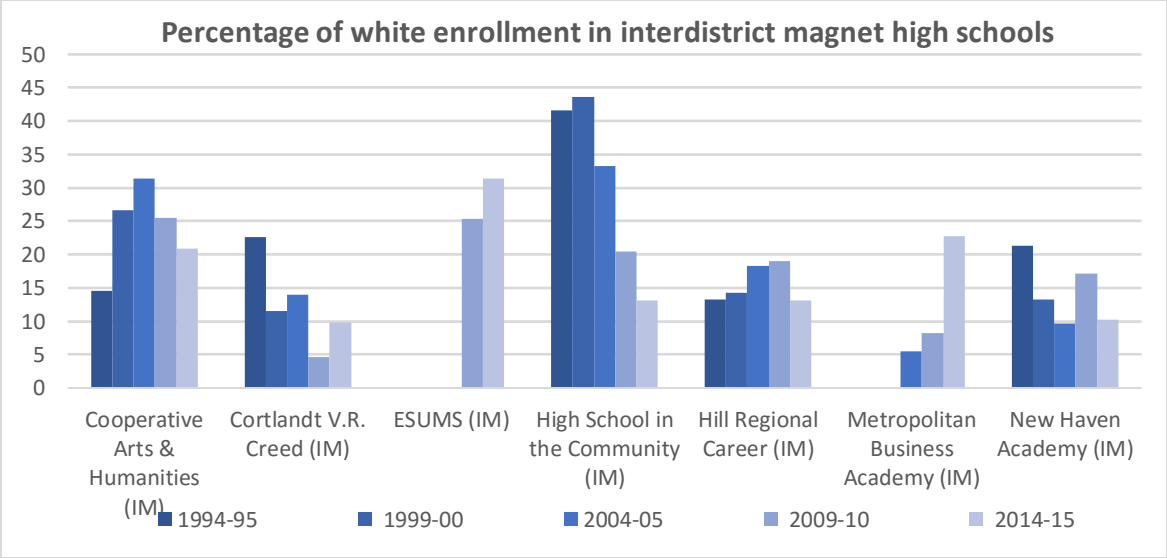


Figure 1: Enrollment data provided by the National Center for Education Statistics

These data demonstrate that even for interdistrict magnet schools that have been able to achieve a *Sheff* standard of integration, the results vary greatly from school to school, and none of the interdistrict magnets, aside from ESUMS, have been able to maintain high enough level of white enrollment. The data beg the question of why COOP and HSC managed to have such high levels of white enrollment for so many years, but lost those high levels by 2014. There are many possible explanations that could depend on the quality and leadership of each school, or on the numbers of suburban students attending these schools. This essay does not seek to explain the trends for each individual school, but understanding these trends could be an objective of further research.

Looking at the ethnic and racial composition of each school’s AP classes is one way to assess whether a school’s magnet status led to greater academic opportunities for students of color. In the year 2013, every interdistrict magnet school had a higher percentage of white AP students compared to the schools’ overall white enrollment. However, three of the interdistrict magnet schools, COOP, HSC, and Corlandt V.R. Creed had AP enrollment in which the racial makeup of their AP classes paralleled, relatively closely, that of the rest of the school. The variation in ethnic makeup of the

school versus those taking AP courses fell mostly within ten percentage points for each ethnic category.¹¹²

These ratios suggest that in COOP, HSC, and Corlandt V.R. Creed, both white and minority students participate in the advanced coursework; each ethnic group enrolled is taking challenging coursework and students are learning with one another in moderately integrated

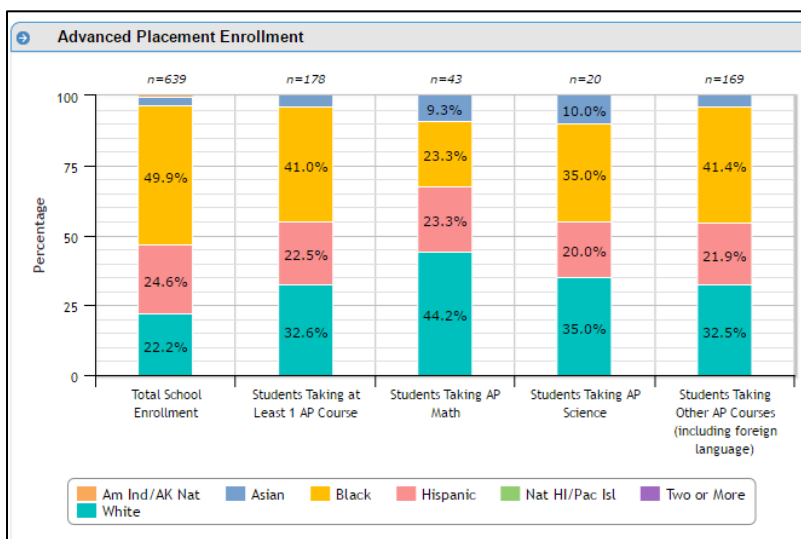


Figure 2: AP enrollment at Cooperative Arts and Humanities High School in 2013, from the Office for Civil Rights

classrooms. At COOP in particular, over 25% of AP students are white, but a large number of black and Hispanic students also participate in AP courses. (See Figure 2.) While the ratios are not perfect, COOP has achieved *Shreff* standards for integration within its AP program without leaving a disproportionate number of black and Hispanic students behind. This is likely possible for COOP because its overall white enrollment is already higher than at HSC or Corlandt V.R. Creed, and because it offers the most AP classes out of any public high school in New Haven.¹¹³ With higher levels of

¹¹² There was still some disproportionate representation; for example, 32.6% of students taking at least one AP course at COOP were white, whereas only 22.2% of the total school population was white. At HSC, 46.4% of the school was comprised of black students, but only 35.7% of students taking at least one AP course were black. In two of the schools offering AP math courses, the number of white students enrolled in the AP level math was particularly high compared to schools' overall white enrollment. In the other four interdistrict magnets, however, white students were consistently overrepresented in AP courses, while black students were largely underrepresented. At New Haven Academy, black students made up 57.4% of the student population, but only 25.9% of students taking AP courses were black. At ESUMS, only 17.4% of AP students were black when black students comprised 43.9% of the student body. Hispanic students, except at ESUMS, were relatively well represented in AP courses across all the interdistrict magnets.

¹¹³ Garnered through data gathering from statistics provided by the Office for Civil Rights.

preparation, more integrated classrooms, and more choices in coursework, joining the AP program may seem like a more mainstream part of school culture.

Each of the four remaining schools has also achieved the *Sheff* standard of integration within the AP program— their AP programs have no less than 25% and no more than 75% white enrollment. However, because none of the schools themselves are integrated by *Sheff* standards, this means that within the school, a disproportionate number of white students are being shuttled into advanced AP classrooms while black and Hispanic students are disproportionately segregated into less advanced classrooms. For the benefits of racial integration to kick-in, it is vital to achieve racial integration within the classroom; however, first and foremost, a school must achieve racial integration within the school or else minority students, particularly black and Hispanic students, may continue to face racial isolation and will be less likely to experience coursework that is challenging and beneficial for college preparation.

Looking at socioeconomic status next, it is also impossible to identify trends in socioeconomic diversity that are consistent across all of the interdistrict magnets high schools. As can be seen in Figure 3, COOP, ESUMS, and Hill Regional Career have consistently had a percentage of low-income students that is well below 75%. At Cortland V.R. Creed, HSC, Metropolitan Business Academy, and New Haven Academy, enrollment of low-income students, meets, nearly meets, or exceeds 75% in some years, but falls below that threshold in others. At COOP, Cortland V.R. Creed, HSC, and Hill Regional Career, the percentage of low-income enrollment was higher in 2014 than in 1999 (the first year in this data set), while the remaining schools all had lower enrollment of low-income students by 2014 than in the first reporting year. In addition, the enrollment of low-income students in all of the interdistrict magnets, aside from ESUMS, is comparable to that of the entire New Haven Public School system, which shifted between the values of 55.8% and 78.2% from 1998-2014. So, given the

data for the interdistrict magnets, one could technically say that status as an interdistrict magnet means that a school is likely to have socioeconomic diversity. However, looking at the city’s enrollment as a whole, it seems that this socioeconomic diversity may have less to do with magnet status and rather generally reflects the socioeconomic status (SES) of students across the city to begin with. Without specific guidelines from the legislature as to what percentage of low-income enrollment constitutes socioeconomic diversity, it is impossible to draw any definitive conclusions.

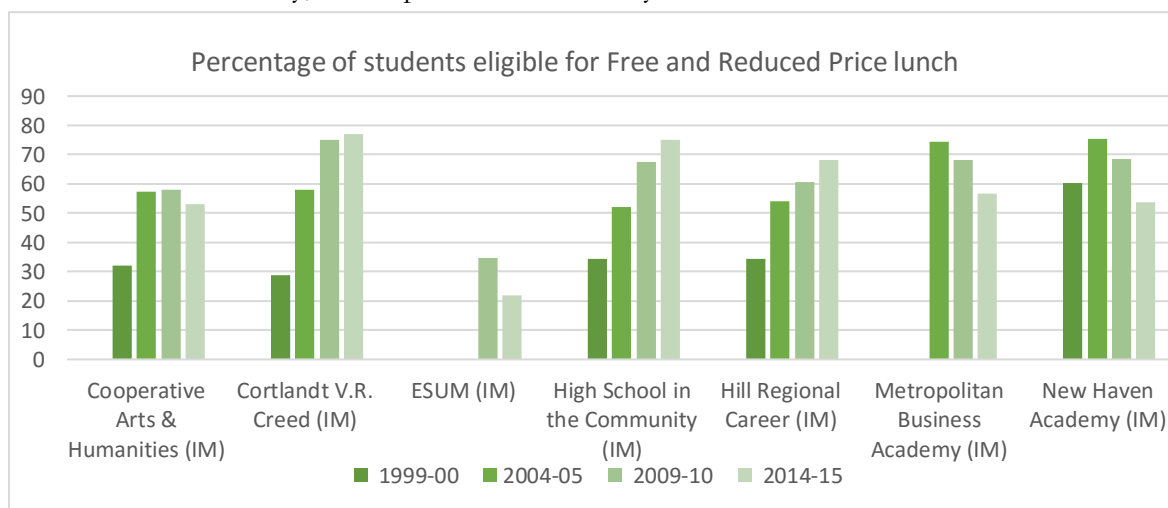


Figure 3: Enrollment data provided by the National Center for Education Statistics

One overarching assumption about interdistrict magnet schools as a tool for integration could be that students who come from outside of New Haven, particularly white suburban students, will also be more affluent. Thus, bringing in more white students would diversify the socioeconomic makeup of each school, assuming that minority students from New Haven are also more likely to be low-income. Under this assumption, it is tempting to assume a correlation between high white enrollment in some years at COOP, for example, and low FRP enrollment in those same years. However, a major limitation of the descriptive statistics used here to evaluate ethnic, racial, and socioeconomic diversity is that each student is not identified by race, place of residency, and FRP eligibility. Therefore one could not say, for example, that COOP magnet had increased socioeconomic diversity because of an influx of affluent white students, unless one knows that these white students

were in fact affluent. As such, it is not possible to use these data to make any claims of causation or correlation between trends in racial and socioeconomic diversity. There are also many external factors that could affect changes in low-income enrollment across the interdistrict magnets, including the changing status of individual students due to the global Great Recession and more localized economic shifts.

Assessment of Outcomes in Academic Achievement

Another way to measure the impact of interdistrict magnet schools is to measure changes in academic achievement over time. In contrast with measuring changes in SES, assessing trends in academic outcomes using the CAPT is relatively straightforward; improved scores equate improved academic performance. In looking at whether or not interdistrict magnets improve academic outcomes for students of color, one would hope to see not only improved scores for minority students but also a smaller gap in scores between white students and students of color. Unfortunately, however, CAPT data for New Haven's high schools is incomplete in some crucial areas. Only six out of seven interdistrict magnets have accessible CAPT scores from before 2013— this means it is not possible to use CAPT scores to discuss academic achievement at ESUMS. Moreover, only two out of six schools that reported CAPT scores also provided an adequate breakdown of scores by race and ethnicity. Each of the six schools report scores separately for black students, but there is no consistency in reporting scores for white or Hispanic students except in the case of COOP and Hill Regional Career (HRC). Furthermore, even at COOP and HRC, the only ethnic groups for whom CAPT scores are disaggregated are black, white, and Hispanic students, which means that scores for Asian, American Indian, Pacific Islander, and mixed race students are not being separately accounted for. Without complete ethnic and racial disaggregation of the scores for each school, one cannot

properly compare the performance of white and minority students to ascertain changes in achievement gaps.

As a result, Figures 4 and 5 can only show changes in CAPT performance for black students at the six reporting interdistrict magnets, compared with CAPT scores for black students overall in New Haven. Between 2001 and 2013, four of six schools demonstrated overall improvement in math scores for black students— COOP, Cortland V.R. Creed, HRC, and New Haven Academy. Four of six schools demonstrated overall improvement in reading scores for black students— COOP, Cortland V.R. Creed, HSC, and New Haven Academy. In that same timespan, New Haven experienced a slight and gradual increase in math scores for black students, and a slight and gradual decrease in reading scores for black students. In 2012 (the last year with full reporting from all six schools), black students were performing better in math at COOP, HSC, HRC, and New Haven Academy than black students in New Haven overall. Black students were performing better in reading at COOP, HSC, HRC, and Metropolitan Business Academy.

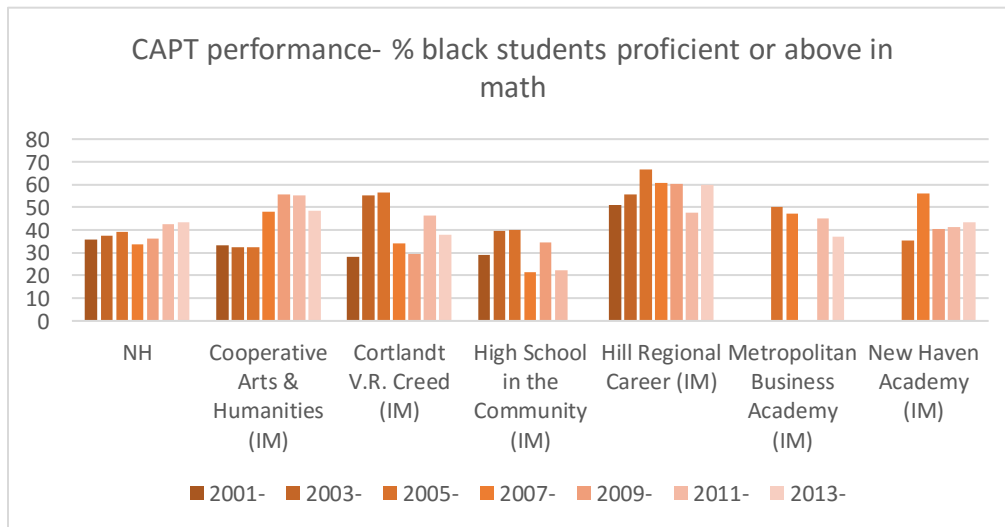


Figure 4: CAPT data provided by the Connecticut Academic Performance Test

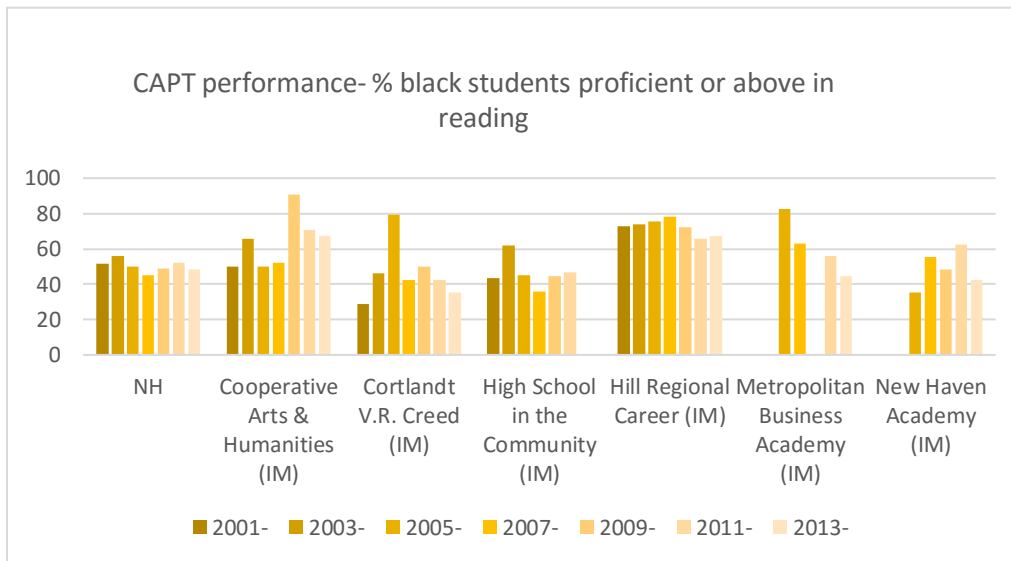


Figure 5: CAPT data provided by the Connecticut Academic Performance Test

Given these data, it is impossible to say that the status of a school as an interdistrict magnet means that black students will experience improved outcomes in academic achievement. The data does suggest, however, that at some schools, COOP and HRC in particular, black students perform better in math and reading than black students in the rest of the city.

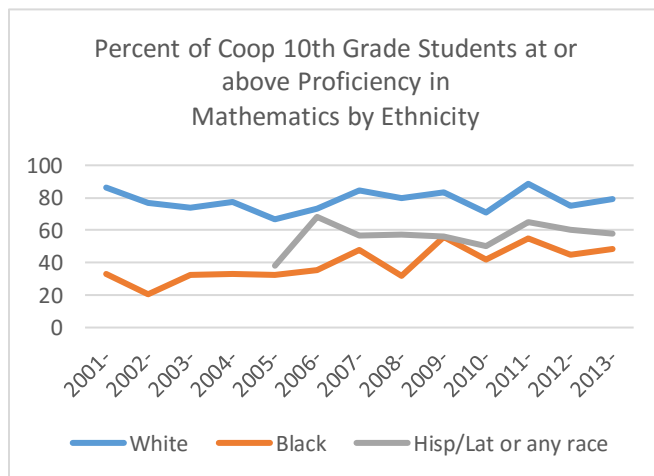


Figure 6: CAPT data provided by the Connecticut Academic Performance Test

For the two schools that did provide disaggregated scores for white, black, and Hispanic students, it is possible to calculate changes in the achievement gap between the white and minority students over time.¹¹⁴ Figures 6, 7, 8, and 9 illustrate trends in math and reading scores for white, black, and Hispanic students at COOP and HRC. At

¹¹⁴ “Hisp/Lat or any race” is a label provided by the CAPT. CAPT does not designate who falls into the category of “or any race.” Therefore, this discussion assumes the label refers to Hispanic students, although it is possible that it refers to other non-black minority students as well.

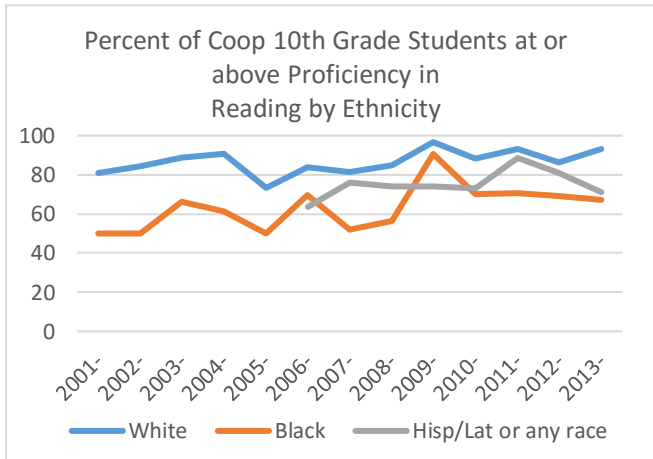


Figure 7: CAPT data provided by the Connecticut Academic Performance Test

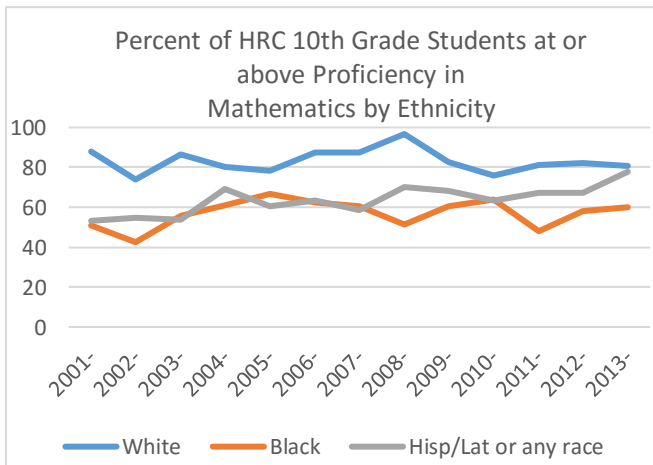


Figure 8: CAPT data provided by the Connecticut Academic Performance Test

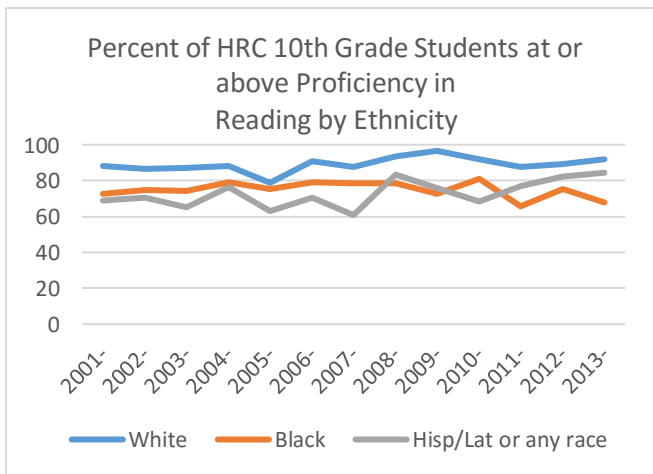


Figure 9: CAPT data provided by the Connecticut Academic Performance Test

COOP, the achievement gap between white and black students and between white and Hispanic students was greatly reduced in math between the years 2001 and 2013, with only a slight overall decrease in the performance of white students. The achievement gap for black students in math in 2013 was 22.5% less than in 2001. The achievement gap for Hispanic students in math in 2013 was 7.6% less than in 2005.

In reading, there was not as dramatic of an achievement gap to begin with for either minority group. For black students, the achievement gap decreased by 5% by 2013, but was still quite large, at 26%. For Hispanic students, from 2003-2013, the achievement gap in reading shrunk by 19.1%. In 2013, the achievement gaps in both math and reading for both black and Hispanic students were smaller than the New Haven and state averages.

At HRC, the achievement gap between white and black students and between white and Hispanic students was also greatly reduced in math between the years 2001 and 2013, and

nearly closed for Hispanics in 2013. The achievement gap for black students in math in 2013 was 16.4% less than in 2001. The achievement gap for Hispanic students in math in 2013 was 32% less than in 2001. In reading, the achievement gap for black students had increased by 8.8% by 2013. For Hispanic students, the achievement gap in reading had decreased by 11.9%.

Looking at shifts in the size of achievement gaps, in addition to the achievement of a school overall, is extremely important to understanding how minority students are performing compared to their traditionally higher-performing white peers. Where enough data was provided to make such observations, the data reveal that COOP and HRC have actually done an excellent job at reducing the achievement gap in math and reading at COOP, and in math at HRC, between white, black, and Hispanic students since 2001. Unfortunately, due to the lack of data available, it is not possible to see whether similar trends occurred at the other interdistrict magnets or to draw any conclusions about whether or not a school's status as an interdistrict magnet is associated with a reduction in the achievement gap for students of color. In addition, it is pertinent to consider external reasons why CAPT scores may have improved over time; for example, the introduction of No Child Left Behind in 2001 stimulated an increased focus on standardized testing, incentivizing schools and teachers to intensify test preparation for their students, which could lead to improved test results.

Equity in the School Choice Placement System

Finally, assessing New Haven's school choice process provides insight into whether the choice system equitably distributes its participants to their schools of choice and whether certain demographics are advantaged by the system over others. With NHPS's centralized choice system, all students who wish to enroll in a school operated by New Haven must apply via The School Choice Placement System, which will henceforth be referred to as the "lottery" even though the selection process is not entirely randomized. The lottery includes all interdistrict magnets, neighborhood

schools, and charters, although charters are not operated by the city.¹¹⁵ Seventeen of NHPS schools, many of them interdistrict magnets, reserve about 30% of seats for out-of-district students in order to fulfill the quota for out-of-district enrollment and to help in filling the 25% minimum white enrollment that interdistrict magnets need to continue receiving the Interdistrict Cooperative Grants from the state.¹¹⁶ Every year, students applying for New Haven schools have the opportunity to attend informational events including open houses at each school, citywide school choice expositions, and a magnet school information session. Each household participating in the lottery then submits an application with a rank-ordered list of the top four schools for each child.¹¹⁷

The choice mechanism then assigns each student a priority ranking at their school of choice, where extra priority for an interdistrict magnet school is given only if the applicant already has a sibling who already attends the school. Where students have the same priority ranking based on how they ranked a particular school and whether or not they have sibling priority, a random draw breaks the tie and assigns the students an order. If a student is offered a place in one of their schools of choice, they can either accept the placement, leave the NHPS, or enroll in their default option which is either a neighborhood school (when there is room), an underenrolled school (when there is not), or an “overflow” school, created when there is not enough space for students in certain grades, particularly in elementary school. When a student is not offered a place in any of their schools of choice, they will be placed on a waiting list, but if this does not pan out, will be sent to a school with remaining space. Suburban students go through the same placement process as New Haven residents; however, if they

¹¹⁵ “The School Choice Process,” *New Haven Public Schools of Choice*, 2016, <http://www.newhavenmagnetschools.com/index.php/whats-the-process/the-application-process>.

¹¹⁶ Brian Zahn, “Parents learn Wednesday if child got into school of choice in New Haven,” *New Haven Register*, April 4, 2017, <http://www.nhregister.com/social-affairs/20170404/parents-learn-wednesday-if-child-got-into-school-of-choice-in-new-haven>.

¹¹⁷ Kapor, Adam, Christopher Neilson, and Seth Zimmerman. “Heterogeneous Beliefs and School Choice.” 6.

are not granted a spot in an interdistrict magnet, their alternative choices are in the wealthier suburbs, or in private schools.¹¹⁸

Although many students and families come away from the lottery pleased with their results, each year there are consistently more applications than seats available in the entering grades, meaning that many students are placed in schools for which they did not express any preference. In 2013, the first year in which NHPS publically released the enrollment odds for its magnets and charters, the resulting odds were bleak. In 2012, 9,333 New Haven and suburban students applied for a total of 2,677 open seats in the city's interdistrict magnets and charters from Pre-K to 12th grade. 5,584 students were New Haven residents; they alone could have filled the available seats more than twice over.¹¹⁹ The shortage of available seats, and the frustration of families that do not benefit from the lottery, is well documented by annual coverage of the lottery results, particularly in the *New Haven Independent*.¹²⁰

The release of the lottery odds came as a response to calls for greater transparency from the school system to help parents make choices that are more likely to benefit their child.¹²¹ Ostensibly, publishing these odds should make the lottery process easier for parents to navigate; whether or not this is true, they highlight the need for strategy in a system that already gives subtle benefits to

¹¹⁸ *Ibid.*, 7; Melissa Bailey, "City to Open 2nd Kindergarten Overflow," *New Haven Independent*, August 8, 2012, http://www.newhavenindependent.org/index.php/archives/entry/city_opening_2nd_kindergarten_overflow/.

¹¹⁹ Melissa Bailey, "9,333 Compete for 2,667 Magnet Seats," *New Haven Independent*, March 28, 2012, http://www.newhavenindependent.org/index.php/archives/entry/9333_compete_for_magnet_seats/.

¹²⁰ See "Magnet School Lottery Odds Revealed" and "'School Choice' Questioned" from the *New Haven Independent*, among other previously listed articles. These can be found at http://www.newhavenindependent.org/index.php/archives/entry/magnet_lottery_data_released/ and http://www.newhavenindependent.org/index.php/archives/entry/lottery_sibling_/, respectively.

¹²¹ Bailey, "9,333 Compete for 2,667 Magnet Seats," 2012.

applicants that are more affluent, educated, and frequently white. From its inception, the lottery process was designed to make the school choice process more equitable for all families, and parents and administrators have worked hard to adapt the system to maximize equitable use.¹²² But ultimately, families with the most time and resources are the ones who are able to a) make the most informed choices for their children, b) understand how to strategize to maximize their child's odds of placement, c) move to neighborhoods with desirable neighborhood schools in hopes of gaining preference, and d) leave the public school system if their child does not receive a good placement.

Walking into one of the annual school-choice expositions, the sheer number of choices, particularly for K-8 schools, can be overwhelming. Each school in the snaking chain of attractive tables is accompanied by school representatives, peddling their schools to incoming families, explaining what makes their school unique. Even though the immensity of choice can feel intimidating, attending the school-choice expositions and open houses is a key way for families to understand the differences between the schools they are choosing from.¹²³ However, attendance of these events assumes that parents have time on a weeknight or weekend afternoon to explore the multiple school options and have access to transportation for schools that may be far away. The expos and open houses are a crucial part of providing access and transparency in the school choice process, but as the main sources for crucial dissemination of information, they disadvantage those families who do not have the time or ability to come to these events and who then in turn cannot make the most informed choices.

¹²² Thomas MacMillan, "Lottery Will Decide Some Hooker Slots," *New Haven Independent*, April 29, 2011,

http://www.newhavenindependent.org/index.php/archives/entry/no_more_hooker_by_crook/.

¹²³ This description was generated from the author's personal experience visiting a school choice exposition in February, 2017.

In order to optimize their child's chances of being placed in a school of their choosing, parents must also have the time and ability to strategize about the schools where their children have a higher likelihood of acceptance, especially if they want to avoid being shuttled to default and overflow schools. With a highly limited number of spots, particularly in the interdistrict magnet high schools, the lottery mechanism encourages families, especially those without sibling or neighborhood preference, to select schools with less competitive admittance rates as their top choices even if this is not their true preference. More affluent families who can afford to enroll in private school if they do not receive their top choice, or suburban families that can fall back on their suburban public schools, may then be more likely to express their true preference for schools and as a result, be accepted into their top choices.¹²⁴

The elephant in the room however, so to speak, is that from the outset, 30% of seats in interdistrict magnet schools are reserved for suburban students. Although there is less rigorous oversight in New Haven than in Hartford, filling those seats is vital to the health of the magnet programs. NHPS relies on suburban students to bring racial and socioeconomic diversity, and suburban students must fill those seats if these schools are to continue receiving state magnet funding. While there are many non-interdistrict magnet choices of the 30+ K-8 options, interdistrict magnets comprise a majority of the high school options for New Haven residents. So, every year, some percentage of New Haven high schoolers are placed in schools they did not choose while suburban students either receive placement in their schools of choice or can fall back on suburban comprehensive high schools that are generally smaller, whiter, and more affluent than New Haven's comprehensive high schools.¹²⁵ To quantify this disparity, one would need to conduct further research

¹²⁴ Adam Kapor et. al, "Heterogeneous Beliefs and School Choice," 3.

¹²⁵ Data about the racial and socioeconomic makeup of Connecticut's suburban schools can be found at the National Center for Education Statistics.

with more specific data on the high school lottery than is currently available to families. How many suburban students are enrolled in each interdistrict magnet school? Do these schools leave seats open in order to maintain the 70:30 city to suburbs balance? How many New Haven high schoolers apply to interdistrict magnets and don't get any of their choices?

Incentivizing integration via interdistrict enrollment has been an important step in prioritizing ethnic, racial, and socioeconomic diversity within NHPS. However, with the enrollment statistics showing that interdistrict magnet status does not guarantee an integrated high school, the question arises whether it is equitable to attach magnet funding to the presence of white students if it means hundreds of minority students miss out on special educational opportunities afforded only by the interdistrict magnets. In considering alternatives to this system, it would be interesting to conduct further research comparing the interdistrict magnet, intradistrict magnet, and neighborhood K-8 schools to assess whether the interdistrict factor truly adds a level of diversity and increased achievement that magnets open only to New Haven residents do not reflect.

Broad Conclusions about Interdistrict Magnet High Schools

Although the analysis conducted in this chapter is limited to available state data, it suggests some preliminary conclusions about the success of the interdistrict magnets and about the larger conversation surrounding school choice and school success in achieving racial diversity. Looking at enrollment statistics and CAPT scores for New Haven's interdistrict magnets, the data indicates that twenty years after the start of the interdistrict magnet program, a high school's status as an interdistrict magnet does not guarantee increased ethnic and racial diversity or improved outcomes in academic achievement for black students. It is also evident that the interdistrict magnets have higher or similar levels of white enrollment to rest of New Haven and CAPT scores that are generally at or above the New Haven level. Finally, although equity seems to be prioritized in the school placement system, there are still major flaws in the school assignment mechanism that may be disadvantaging minority

and low income New Haven residents. Each piece of analysis has generated questions for further research that could in turn provide a more definitive assessment of New Haven's school choice program as a whole.

The process of assessing whether the interdistrict magnets have met their objectives, even using a limited set of standards, was ultimately hindered by a lack of complete data sets. Although there are many additional metrics that can be used to measure school diversity and academic outcomes, test scores and enrollment data are the metrics frequently used on a national scale to prove success or failure in public schools. As such, they should be fully accessible. Instead, this exercise in data gathering and analysis suggests that when parents, educators, and politicians makes a broad claim about what is working or not in education—for example, Secretary DeVos's insistence on the value of vouchers— they may not have a clear picture of the actual outcomes of education policies and their effects on students because the data is simply not accessible.

Ultimately, the evaluation of New Haven's interdistrict magnet high schools illustrates that outcomes in racial diversity and student achievement are highly variable from school to school. To determine why a school is exhibiting particular outcomes, one must also know the administrative history of the school, and be aware of other factors that could influence the success of its students. On a macro level, this example demonstrates that national initiatives to improve America's public schools, increase school diversity, and reduce achievement gaps cannot currently be solved in one fell swoop with national or even statewide initiatives. It will only be possible to truly understand why a school is meeting its objectives, or not, with a broader understanding of how that school came to be in the first place, and how it operates today.

Conclusion

This paper has investigated the development of school choice as a mechanism for school desegregation in New Haven, CT, and assessed, to some extent, the efficacy of the school choice program in achieving its objectives of increased ethnic and racial diversity in public schools and improved academic performance for students of color. Chapters One, Two, and Three utilized primary and secondary historical research to draw connections between the US's national story of desegregation, the development of school choice, the history of desegregation in Connecticut, and finally, the development of the current school choice program in New Haven. Each of these historical elements proves crucial to understanding why school choice in New Haven developed as it has, and why it has been successful in some areas, and unsuccessful in others.

On a broad national scale, the desegregation policies that were implemented on a national and state level after *Brown v. Board* were largely inconsistent, ineffective, and unenforced, ultimately leading to schools that, in some cities, are more segregated today than they were in 1954. This pattern of unsuccessful policy measures created a need for more targeted mechanisms for integration, from which arose the concepts of equity-based school choice and magnet schools. In turn, this conception of school choice was adopted by Connecticut after *Sheff v. O'Neill* demanded the state enact immediate desegregation initiatives, and New Haven was able to grow its small but pre-existing system of choice using state money provided to facilitate integration focused choice programs. The expansion of New Haven's school choice program via the creation of interdistrict magnet schools seems to have been met with little community resistance because school choice had already existed on a small level since the 1970s. However, without the state grants provided for the explicit purpose of creating integrated schools, the choice program is unlikely to have expanded on the same scale and might not carry its current mission of achieving ethnic, racial, and socioeconomic integration. Thus, although New Haven has its own unique history of residential segregation, school segregation, and school choice, the

evolution of the district's current choice system is deeply tied to the desegregation initiatives in the state, and those of the country.

Chapter Four incorporated analysis of raw data to assess whether or not New Haven's interdistrict magnet high schools were integrated by *Sheff* standards, and whether these magnet schools led to improved academic performance for minority students. The data revealed that status as an interdistrict magnet high school does not guarantee that the school will be ethnically and racially integrated, nor does it guarantee that students of color will have experienced improved academic performance over time. However, the data does indicate that most of the interdistrict magnet schools are performing at or above the New Haven average in these areas. Three of seven schools have met and maintained the 25% threshold for white enrollment for a period of at least six consecutive years, and two of seven schools have made particular improvements in the achievement gaps between CAPT scores for white and black students.

In addition, Chapter Four also looked at the outcomes of the placement mechanism designed to distribute New Haven and suburban students equitably to their schools of choice. Enrollment data and a multitude of news articles covering the yearly enrollment lotteries indicate that there are many more applicants for most New Haven schools, and in particular, the interdistrict magnets, than there are seats. This means that families are encouraged to strategize placement in any way possible—for families who cannot send their child to an out-of-district or private school (most likely lower income New Haven residents of color), this may mean expressing a false preference for a school where there is a higher likelihood of acceptance. The system is ultimately frustrating and confusing for many families, and uncertainty of placement may be a deterrent for out-of-district families. Although the placement mechanism is designed to be as fair as possible while still accomplishing the objectives of

the interdistrict magnets, it must be somewhat redesigned for the system to be truly equitable for all families.

This paper's case study of New Haven ultimately underscores the complexity and variability of school desegregation initiatives and the necessity of deeply contextualized understandings of such initiatives in assessing their efficacy. With this in mind, it does not seem surprising that large national education policies, like Bush's No Child Left Behind (2001), have historically been unsuccessful across the board because they assume that one type of policy will be effective for all school districts in all states. As evidence by the variability in the outcomes for New Haven's interdistrict magnets, one policy may not be effective across even *one* district in *one* state. If policy makers want to enact measures that have a higher likelihood of success, they must make decisions that take into account regional differences, and allow state and local governance systems flexibility to adapt policies given an intimate knowledge of their own histories. To increase the efficacy of education policy measures in general, and specifically those designed to increase school integration and close the achievement gap, districts must also ensure that they provide the most complete data possible about the enrollment and achievement of their students. In order to figure out what is working and what is not about a particular policy measure, it is important to have an accurate before and after picture of the areas the policy is targeting.

This paper also identified some critical limitations of school choice that is designed to facilitate racial and socioeconomic integration. Within New Haven, not only does choice not guarantee integrated schools or improved academic outcomes for black students, but the system clearly does not have the physical capacity to serve all students, especially those New Haven residents who do not get placed in any of their schools of choice. From *This American Life's* "The Problem We All Live With" and other news coverage of *Sheff* outcomes, this problem seems consistent with results in Hartford,

which employs a similar choice mechanism to that in New Haven. The schools with money attached to a particular percentage of white students are well resourced and highly sought after in contrast with many of the neighborhood alternatives. How can cities employing school choice programs ensure that the quality of education for students of color is not dependent only on white enrollment? Is the solution to create more interdistrict magnet schools, or would this spread thin the distribution of white suburban students willing to come into the city in the first place? As discussed in Chapter Four, one way to explore potential solutions to this problem would be to compare the outcomes of students in New Haven's intradistrict magnet K-8 schools to the outcomes of those in interdistrict K-8 schools. If student performance is comparable without the interdistrict component, perhaps one solution could be to fund more magnet schools that can accommodate more New Haven students. In reality, however, it seems unlikely that New Haven schools will achieve much higher levels of integration until there is more racial and socioeconomic diversity within both the city and its surrounding suburbs.

This paper recognizes that parents, scholars, politicians, educators, and activists have been working hard to facilitate truly integrated learning environments for nearly seventy years, and as such has not posed any radical new measures, so to speak. Rather, the case study of integration in Connecticut and New Haven Public Schools ultimately sheds light on the successes and limitations of an integration mechanism (school choice) that is currently a major topic of national debate, and questions the value of a mechanism that has not yet demonstrated an ability to consistently accomplish its objectives.

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