

: HHD-X07-CV89-4026240-S

FILED

2013 APR 30 P 4: 23

MILO SHEFF, et al.

Plaintiffs

v.

WILLIAM A. O'NEILL, et al.

Defendants

SUPERIOR COURT

COMPLEX LITIGATION DOCKET

AT HARTFORD – X07

OFFICE OF THE CLERK  
SUPERIOR COURT  
HARTFORD, CT

APRIL 30, 2013

**STIPULATION AND ORDER**

WHEREAS, the above entitled action was initially filed by the Plaintiffs in 1989 against the named Defendants and various state officials; and

WHEREAS, the Connecticut Supreme Court on July 9, 1996, held that public school students in the City of Hartford attended schools that were racially, ethnically, and economically isolated in violation of the Connecticut Constitution, and urged the State to take prompt steps to seek to remedy the violation; and

WHEREAS, the City of Hartford intervened in this action on January 4, 2007; and

WHEREAS, the Plaintiffs and Defendants entered into a Stipulation and Order dated April 4, 2008 ("Phase II Stipulation"), which was approved by the General Assembly and became an Order of this Court on June 11, 2008, and which set forth a program for voluntary interdistrict programs to lessen racial, ethnic, and economic isolation; and

WHEREAS, the goals as set forth by Paragraph II. B. 2 of that Phase II Stipulation were not met by the Defendants; and

WHEREAS, Section II. C. 4 of the Stipulation authorizes a one-year extension upon mutual agreement of the parties to achieve the 80% demand benchmark or 41% integration standard; and

WHEREAS, the parties have a mutual interest in reducing the racial, ethnic, and economic isolation of students in the Hartford Public Schools; and

WHEREAS, this agreement represents reasonable measures to reduce racial, ethnic, and economic isolation in the Hartford Public Schools for the 2013-14 school year until June 30, 2014; and

WHEREAS, the parties are cognizant that efforts will need to continue beyond June 30, 2014 to further reduce racial, ethnic, and economic isolation in the Hartford Public Schools; and

WHEREAS, the parties do hereby knowingly and voluntarily enter into this Stipulation and agree to be bound thereby;

NOW THEREFORE, the parties hereby stipulate and agree as follows:

#### **I. EXTENSION OF STIPULATION**

- A. Pursuant to Section II. C. 4 of the Phase II Stipulation, the Phase II Stipulation shall be extended for a period of one year, until June 30, 2014. If there is any direct conflict between any provision of the Phase II Stipulation and this extension thereto, the language of the extension will control.

#### **II. CHANGES TO SECTION I: DEFINITIONS**

A. The following changes are made to Section I of the Phase II Stipulation:

1. Paragraph I. B. 5 shall provide that "Existing Magnet Schools are those Interdistrict Magnet Schools that are in operation during the 2012-13 school year, as may be modified by chart 2 of Appendix A hereto."
2. Paragraph I is amended to add the following clarification to the Sheff Region definition: "For purposes of meeting compliance requirements pursuant to this Agreement, other school districts outside the Sheff Region and their resident students shall participate in Sheff-related school choice programming through the Regional School Choice Office and students attending such schools/programs shall be counted for purposes of compliance with the Phase II Stipulation, as amended by this extension."

**III. CHANGES TO GOALS AND PERFORMANCE:** In an effort to comply with the mandate in paragraph II. B. 2 of the Phase II Stipulation to reach 80% of demand or satisfy the 41% set forth in paragraph II.C.4 of the Phase II Stipulation, Defendants shall provide the necessary resources to plan, develop, open and operate the schools and programs set forth in Appendix A hereto as a Plan for achieving either benchmark within the one year extension period in accordance with the terms below. The parties acknowledge and agree with respect to all provisions of the Phase II Stipulation as are being modified by this extension that the plan set forth in Appendix A and elsewhere in this extension represents the parties' best estimate of the steps that will be most effective in meeting either the requirements of demand as set forth in paragraph II.B.2. of the Phase II Stipulation (80%) or the overall percentage of Hartford resident minority students in reduced isolation settings as set forth in paragraph II.C.4 of the Phase II Stipulation. However, deviation from any

provision(s) of Appendix A, or provisions of this extension with respect to schools, grades, magnet seats offered or filled, Open Choice seats offered or filled, Interdistrict Cooperative programs offered or filled, or legislation proposed or passed into law, shall not be a material breach so long as the requirement of one of the two goal paragraphs cited above is met. In the event of substantial deviation from the Plan, as reasonably determined by the SDE, SDE will notify plaintiffs and meet to discuss alternate ways to modify the Plan in order to accommodate the substantial deviation. The Plan represented by Appendix A is based on the following estimates and projections summarized below by program:

Program	Projected Hartford Seats	Estimated Offers to Hartford-Resident Students in Demand Pool
Magnet Schools – Expansion of Existing Capacity	1,395	1,674
Magnet Schools -- New School Capacity	522	678
Open Choice	451	902
CTHSS Regional Application	155	202
<b>Total</b>	<b>2,523</b>	<b>3,456</b>

- A. NEW/EXPANSION OF MAGNET SCHOOLS:** The Connecticut State Department of Education (“SDE”) will provide adequate funding for the planning, development, construction and operation of four new magnet schools and one expanded magnet school as projected in Appendix A under New Magnet Capacity. The Montessori-themed school, operated by Hartford Public Schools, as part of the expansion plan will be located at a site approved by the State Department of Education (“SDE”).
- B. DESIGNATION OF MAGNET STATUS TO ALREADY EXISTING SCHOOLS:** The following schools will be converted to “Sheff” magnet schools and expand their capacity to enroll Hartford resident minority students as follows: Global Experience Magnet School, Wintonbury Each Childhood Magnet School and Connecticut International Baccalaureate Academy, as referenced in chart 3 of Appendix A hereto.
- C. EXPANDED CAPACITY OF EXISTING MAGNET SCHOOLS:** Certain existing Sheff magnet schools, as defined herein, will expand their capacity to enroll Hartford resident students as estimated in Chart 2 of Appendix A, which reflects the 2013-14 expanded capacity projections for Hartford-resident seats based on operator seat declarations and an 80% acceptance rate.
- D. EXPANDED CAPACITY OF TECHNICAL SCHOOLS:** Participating technical high schools shall pursue expanded seat capacity as estimated in Chart 4 of Appendix A.

## **E. CHARTER SCHOOLS**

1. SDE shall give due consideration to any application for a state charter in the Sheff Region that is submitted by any entity which proposes to operate such charter in a way that will further the desegregation goals under the Phase II Stipulation.
2. Within one business day of the submission of the Charter School Operations report to the General Assembly pursuant to Section 10-66gg of the Connecticut General Statutes, the State Department of Education shall provide plaintiffs with a copy of said report. The report shall include any recommendations for statutory changes that SDE supports to facilitate applicants for charter opportunities with the goal of reducing racial, ethnic and economic isolation.

## **F. ENROLLMENT MANAGEMENT PLANS**

1. Based on preliminary analyses of October 1 enrollment data, Enrollment Management Plans ("EMP") for those schools that SDE anticipates may be in non-compliance with the desegregation standard for the 2013-2014 school year shall be submitted to SDE no later than October 15, 2013.
2. On or before October 25, 2013, the SDE shall provide the plaintiffs' representative with copies of the EMP for those schools in non-compliance with the desegregation standard for the 2013-14 school year. The plaintiffs' representative may provide written, non-binding comments within 5 business days of receipt of the EMP document and prior to SDE approval.

## **G. MODIFICATIONS TO OPEN CHOICE**

1. Upon legislative authorization, the per pupil operating grant for Open Choice school districts that exceed a 4% participation rate shall be increased to \$8,000.
2. Upon legislative authorization, an amount of \$750,000 shall be allocated to provide grants-in-aid to local or regional boards of education for capital costs related to the expansion of Open Choice enrollment in the district. Capital incentives may be used for building renovations, classroom expansions, the purchase of equipment and technology, and other similar purposes that substantially support the provision of education services that reduce racial isolation in education.
3. SDE shall allocate a portion of the social and academic support grant to provide a professional development support program during the school year to those districts accepting Open Choice students. Professional development opportunities provided pursuant to this paragraph shall be open to all districts within the region

covered by this Stipulation that participate in the reduction of the racial, ethnic and economic isolation of Hartford-resident minority students.

4. SDE staff, including the Commissioner of Education and the Chief Operating Officer, will continue to contact and/or meet with any district's board of education, and/or superintendent, whose participation rate in Open Choice is, in SDE's view, substantially less than its capacity for participation, in order to strongly encourage greater participation.
5. SDE will work with CREC to develop a model for and collect retention data on Open Choice and agrees to consider conducting, whether through CREC or otherwise, a comprehensive and detailed study of Open Choice retention data for any Phase III Stipulation so as to improve the operation of Open Choice.
6. To the extent that Open Choice seats remain unfilled after the waitlist for Hartford Open Choice applicants is exhausted, Hartford-resident applicants currently on magnet school waitlists may be offered placement in an available Open Choice seat in the grade to which they applied, provided the applicant has not received a magnet placement offer prior to the date of the Open Choice offer. Open Choice offers made pursuant to this paragraph III.G.6. shall not be made after September 30, 2013.

**H. INTERDISTRICT COOPERATIVE GRANTS:** SDE will conduct an evaluation of these programs to ensure they are meeting the requirements in II.C.5.e. of the Phase II Stipulation.

**IV. PAIRING OF NON-MAGNET HARTFORD PUBLIC SCHOOLS WITH MAGNET SCHOOLS:** SDE will continue to provide fiscal support within available funding for the Blended Solutions program, pairing interdistrict magnet schools with Hartford Public Schools to share professional development activities.

**V. RSCO OFFICE:**

- A. The position posting for a full-time permanent Director of RSCO shall be listed on the SDE's website and in other targeted job-posting publications by May 1, 2013. The SDE shall seek to identify and hire a qualified candidate for the position as quickly as possible in accordance with applicable personnel policies and procedures. The Director's primary responsibility will be seeking to ensure implementation of the Phase II Stipulation as amended by this extension.
- B. SDE will continue its efforts to move the Parent Intake Center to a more accessible, permanent location. During this interim period, one of the satellite locations, to be

opened 12 months per year, funded and staffed at least half-time by personnel knowledgeable in the application process, will serve as a primary parent information center to support the central Parent Intake Center at 165 Capitol Avenue, Hartford. SDE will consider plaintiffs' timely input as to the satellite site that shall serve as the primary satellite office.

## **VI. MARKETING PLAN AND NEW SCHOOLS AND OPPORTUNITIES LOTTERY**

- A. SDE shall coordinate a uniform marketing initiative with Hartford Public Schools ("HPS") and the Capitol Region Education Council ("CREC") to recruit and communicate new schools and opportunities to potential applicants in the Sheff Region and ensure compliance with the Phase II Stipulation, as amended by this extension. SDE will direct HPS and CREC to focus marketing efforts to strategic markets based on available grade configuration and target populations. SDE shall collaborate with the plaintiffs' representative, HPS and CREC on developing and implementing effective marketing strategies within the recruitment period for the New Schools and Opportunities Lottery.
- B. The satellite offices contracted by RSCO and used for recruitment during the 2012-13 school year shall receive extensions on their contracts and shall be staffed, trained and equipped to assist families to apply for the new school lottery for the new schools outlined in paragraph III.A. above.
- C. The SDE will extend the application period for the New Schools and Opportunities Lottery ("NSO Lottery") by one week and new marketing strategies may be employed during the extended one week period.

## **VII. COLLECTION AND RESEARCH**

- A. SDE shall provide to plaintiffs a report on the academic performance of HPS students and non-HPS students participating in Open Choice, interdistrict magnets, technical and vo-ag schools outlined in this extension of the Phase II Stipulation, no later than September 1, 2013.
- B. Ten business days prior to each quarterly meeting, the first of which shall occur on or about July 1, 2013, the SDE shall provide the parties with a written report on the progress toward implementing the terms of the Phase II Stipulation as amended by this extension. The written report shall include, but not be limited to, compliance data (as available on or after November 15, 2013), budgeting projections not previously disclosed to plaintiffs' counsel, relevant updates, and a description of any obstacles the State has identified to achieve the provisions of the Phase II Stipulation as amended by this extension.

## VIII. OTHER PROVISIONS

- A. By agreeing to the terms of this extension to the Phase II Stipulation, for purposes of potential future agreements, stipulations or court proceedings covering or addressing time periods subsequent to the period covered by the Phase II Stipulation as amended by this extension, Plaintiffs do not acknowledge that Defendants' method of calculating "demand" is appropriate, including but not limited to their method of determining student race and ethnicity, and using a waitlist procedure. Subject to the first sentence of this paragraph, Plaintiffs reserve the right to contest such methods, including but not limited to the demand calculation and the determination of student race and ethnicity, in any future judicial proceedings, and Defendants' use of the current methods for the purposes of the present extension of the Phase II Stipulation shall not be used as an admission against Plaintiffs in such future evidentiary hearing or court proceeding.
- B. In the event the Connecticut General Assembly does not: (1) approve the currently anticipated increase in new Sheff-related funding as needed to substantially implement the Plan set forth in Appendix A, and SDE cannot make up the shortfall with other funding; or (2) approve Sheff-related legislation recommended for adoption by SDE or submitted by administration to the Appropriations and Bonding Committees, which in SDE's assessment (which assessment must be reasonable), to be reflected in a timely communication to plaintiffs, will substantially impair SDE's ability to substantially comply with the Phase II Stipulation as extended hereby, plaintiffs reserve the right to seek further relief from the Court upon receipt of such information.

## IX. FUTURE STEPS

- A. The parties agree to begin negotiations for a Phase III Stipulation no later than May 8, 2013 and hold regular meetings thereafter for the purpose of completing negotiations no later than October 1, 2013.
- B. The parties agree to convene one or more meetings with two nationally recognized experts designated by SDE and two designated by the plaintiffs to study
- a. The demographics of the *Sheff* region, and
  - b. The socio-economic make up of the suburban population

for the purpose of determining, what ways, if any, these issues should effect any future Phase III Stipulation. Defendants have agreed to pay the costs of Plaintiffs' experts, not to exceed \$6,000 unless the parties agree otherwise.

- C. In the event the parties are unable to reach agreement of a Phase III Stipulation by November 1, 2013, Plaintiffs reserve the right to seek judicial relief to enforce the mandates of the Supreme Court decision, for the period subsequent to the period covered by the extension to the Phase II Stipulation.
- D. The parties shall meet with the Court within 6 weeks of the signing of this Stipulation to report on the progress towards reaching a Phase III Stipulation, and once a month thereafter.

**PLAINTIFFS  
MILO SHEFF, ET AL.**

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Date: 4/30/13

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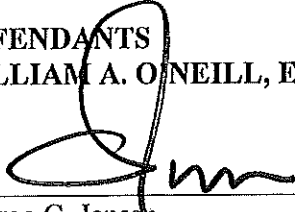
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**DEFENDANTS  
WILLIAM A. O'NEILL, ET AL.**

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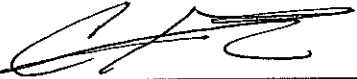


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4/30/13

The Hartford Board of Education participated in the development of this extension to the Phase II Stipulation and endorses its provisions.



Christina M. Kishimoto  
Superintendent of Schools  
Hartford Board of Education  
960 Main Street  
Hartford, CT 06103

\_\_\_\_\_

4/30/13

**SO ORDERED:**

  
\_\_\_\_\_  
Superior Court Judge

DATE: \_\_\_\_\_

4/30/13

## APPENDIX A

### Year 6 Demand Calculation Estimate

**Chart 1**

Calculation		2012-13 Estimate	2011-12 Estimate	2010-11 Actual
	On-Time Hartford-Resident Minority Applicants	6,070	5,976	4,846
Less	Applicants Currently Enrolled in Open Choice or a Desegregated Interdistrict Program	705	521	432
Equals	On-Time Hartford-Resident Minority Applicants Subtotal	5,365	5,455	4,414
Less	Applicants Who Did Not Apply to Eligible Programs	785	768	675
Equals	Demand Pool	4,580	4,687	3,739
	No Response to Waitlist	450	453	501

**Estimated Offers to Get to 80% Met Demand: 3,214**

<b>Estimated Offers = DP – # of No Waitlist Responses – .2DP</b> <b>3,214 = 4,580 – 450 – .2(4,580)</b>
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Chart 2 below, details 2013-14 expanded capacity projections for Hartford-resident seats for each existing magnet school in the Sheff portfolio of schools based on current seat declarations and an 80% acceptance rate.

**Chart 2**

School	Location	Grades	Theme	2013-14 Projected Enrollment	2013-14 Projected Hartford Enrollment	2013-14 Estimated New Hartford Seats (Seat Dec) **
<b>GREC</b>						
Glastonbury-East Hartford Magnet School	Glastonbury	Pk1 - 5th	Science, technology, global studies	386	70	70
University of Hartford Magnet	U.Hart, Hartford	Pk1 - 5th	Multiple intelligences	485	161	161

School	Location	Grades	Theme	2013-14 Projected Enrollment	2013-14 Projected Hartford Enrollment	2013-14 Estimated New Hartford Seats (Seat Dec) **
Reggio Emilia Early Childhood Academy of Art & Science	Avon	Pk3 – 5th	Arts and Science; converting to International	435	200	30
International Magnet School for Global Citizenship	East Hartford	Pk3 – 5th	International Studies	435	200	17
Museum Academy	Bloomfield	Pk3 – 5th	Museum-based Studies	400	180	36
Montessori Magnet School	Hartford	Pk3 – 6th	Montessori	350	141	23
Two Rivers Middle	East Hartford	6th – 8th	Environmental Science	680	105	54
Greater Hartford Academy of Math and Science – PT	Hartford	9th – 12th	Math and Science	230	32	0
Academy of Aerospace and Engineering	Bloomfield	6th – 12th	Math and Science	525	214	58
Public Safety Academy	Enfield	6th – 12th	Public Service	544	190	28
Metropolitan Learning Center	Bloomfield	6th – 12th	International Studies	730	176	27
Greater Hartford Academy of the Arts PT/PT	Hartford	9th – 12th	Performing Arts	750	230	94
Medical Professions and Teacher Preparation Academy	Windsor (temporary location) New Britain (permanent location)	6th – 12th	Medicine and Education	425	100	32
Discovery Academy	Hartford (temporary location)	Pk3 – 5th	STEM	275	80	32
Greater Hartford Academy of the Arts	Hartford	Pk3 – 8th	Performing Arts	510	220	87

School	Location	Grades	Theme	2013-14 Projected Enrollment	2013-14 Projected Hartford Enrollment	2013-14 Estimated New Hartford Seats (Seat Dec) **
Elem/Middle						
Two Rivers Magnet High	Hartford	9th – 12th	Environmental Science	300	90	46
Total Estimated CREC Seats						616
Goodwin College						
Connecticut River Academy	East Hartford	9th – 12th	Environmental Science	350	100	63
Total Estimated Goodwin Seats						63
Hartford						
Capital Prep	Hartford	Pk3 – 12th	Gifted and Talented (elementary grades), Social Justice	750	375	27
Montessori Magnet at Annie Fisher	Hartford	Pk3 – 6th	Montessori	309	149	24
Mary Hooker Environmental Studies	Hartford	Pk3 – 8th	Environmental Science	588	288	36
Breakthrough Magnet School	Hartford	Pk3 – 8th	Character	366	179	16
Noah Webster	Hartford	Pk3 – 8th	Microsociety	635	297	61
STEM at Annie Fisher	Hartford	K – 8th	STEM	381	172	25
Betances STEM	Hartford	4th – 8th	STEM	182	80	59
Hartford Magnet Trinity College Academy	Hartford	6th – 12th	Arts and Science	980	480	120
Classical	Hartford	6th – 12th	Classical Studies	779	350	49
Sports and Medical Sciences Academy	Hartford	6th – 12th	Sports and Medical Science	717	336	72

School	Location	Grades	Theme	2013-14 Projected Enrollment	2013-14 Projected Hartford Enrollment	2013-14 Estimated New Hartford Seats (Seat Dec) **
Great Path Academy at MCC	Manchester	9th – 12th	Middle College	332	166	38
Pathways to Technology	Hartford (temporary location) East Hartford (Permanent location)	9th – 12th	Technology	380	190	50
University High School for Science and Engineering	Hartford	9th – 12th	Science and Engineering	430	205	55
Kinsella Arts Magnet	Hartford	Pk3 – 12th	Performing Arts	885	443	84
Total Estimated Hartford Seats						716
Total Estimated Seats						1,395

\*\* Seat declarations are preliminary and subject to change based on simulation results.

Chart 3 provides projected enrollments for the proposed new magnet opportunities with an estimated 70% acceptance rate.

**Chart 3**

School	Operator	Theme	Grades	Total Enrollment	2012-13 Hartford Enrollment	2013-14 New Hartford Enrollment
Early Childhood Academy	Goodwin	Early Childhood	Pk3 – K	240	0	100
Pre-K Magnet Center	HPS	Early Childhood	Pk3-Pk4	176	0	88
Montessori at Moylan School	HPS	Montessori	Pk3 – 3 <sup>rd</sup>			18
Journalism and Media Academy	HPS	Journalism and Media	9 <sup>th</sup>	180	0	90
Academy for Aerospace and Engineering	CRPC	Math and Science	Pk3-5 expansion to 6-12 <sup>th</sup>	200 (to 240)	0	100

School	Operator	Theme	Grades	Total Enrollment	2012-13 Hartford Enrollment	2013-14 New Hartford Enrollment
(Expansion)			grade school			
Global Experience Magnet School	Bloomfield Public Schools	Global Studies	6 <sup>th</sup> - 12 <sup>th</sup>	183	28	60
Wintonbury Early Childhood Magnet School	Bloomfield Public Schools	Science and Inquiry	Pk3 - K	322	0	40
GIBA	East Hartford Public Schools	International Baccalaureate	9 <sup>th</sup> - 12 <sup>th</sup>	188	44	26
Total Projected Seats						522
Total Estimated Offers (70% Acceptance Rate)						678

Chart 4 details current enrollments and expanded seat capacities at each of the participating technical high schools.

Chart 4

SCHOOL	Hartford Minority	Hartford White	Suburban Minority	Suburban White	Total	Percentage Non-Minority	2013-14 Projected Expanded Hartford Capacity
E.C. Goodwin Technical High School	41	1	372	224	638	35%	40
Howell Cheney Technical High School	135	4	163	382	684	56%	70
Vinal Technical High School	32	3	139	462	636	73%	45
Total	733	26	1,159	1,582	3,500	46%	155