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NO.

MILO SHEFF, ppa ELIZABETH SHEFF; WILDALIZ BERMUDEZ & PEDRO BERMUDEZ & EVA BERMUDEZ, ppa PEDRO & CARMEN WILDA BERMUDEZ; OSKAR M. MELENDEZ & WALESKA MELENDEZ, ppa OSCAR & WANDA MELENDEZ; MARTIN HAMILTON, ppa VIRGINIA PERTILLAR; DARRYL HUGHLEY & JEWELL HUGHLEY, ppa ROSETTA HUGHLEY; NEIIMA BEST, ppa DENISE BEST; LISA LABOY, ppa ADRIA LABOY; DAVID WILLIAM HARRINGTON and MICHAEL JOSEPH HARRINGTON, ppa KAREN AND LEO HARRINGTON; RACHEL LEACH & JOSEPH LEACH, ppa EUGENE LEACH & KATHLEEN FREDERICK; ERICA CONNOLLY & TASHA CONNOLLY, ppa CAROL VINICK & TOM CONNOLLY, Plaintiffs v. WILLIAM A. O'NEILL, Governor, State of Connecticut; STATE BOARD OF EDUCATION; ABRAHAM GLASSMAN, A. WALTER ESDAILE, WARREN J. FOLEY, RITA HENDEL, JOHN MANNIX, JULIA RANKIN, members of the State Board of Education; GERALD N. TIROZZI, member of the State Board of Education and Commissioner, Department of Education; FRANCISCO L. BORGES, Treasurer, State of Connecticut; J. EDWARD CALDWELL, Comptroller, State of Connecticut, Defendants.	SUPERIOR COURT JUDICIAL DISTRICT OF HARTFORD/NEW BRITAIN AT HARTFORD APRIL 26, 1989

COMPLAINT

1. This complaint is brought on behalf of school children in the Hartford school district, a great majority of whom -- 91 percent -- are black or Hispanic, and nearly half of whom -- 47.6 percent -- live in families that are poor. These children attend

public schools in a district that is all but overwhelmed by the demand to educate a student population drawn so exclusively from the poorest families in the Hartford metropolitan region. The Hartford school district is also racially and ethnically isolated: on every side are contiguous or adjacent school districts that, with one exception, are virtually all-white, and without exception, are middle- or upper-class in socioeconomic composition.

2. This complaint is also brought on behalf of children in suburban school districts that surround Hartford. Because of the racial, ethnic, and economic isolation of Hartford metropolitan school districts, these plaintiffs are deprived of the opportunity to associate with, and learn from, the minority children attending school with the Hartford school district.

3. The educational achievement of school children educated in the Hartford school district is not, as a whole, nearly as great as that of students educated in the surrounding communities. These disparities in achievement are not the result of native inability: poor and minority children have the potential to become well-educated, as do any other children. Yet the State of Connecticut, by tolerating school districts sharply separated along racial, ethnic, and economic lines, has deprived the plaintiffs and other Hartford children of their rights to an equal educational opportunity, and to a minimally adequate education -- rights to which they are entitled under the Connecticut Constitution and Connecticut statutes.

4. The defendants and their predecessors have long been aware of the educational necessity for racial, ethnic, and economic integration in the public schools. The defendants have recognized the lasting harm inflicted on poor and minority students by the maintenance of isolated urban school districts. Yet, despite their knowledge, despite their constitutional and statutory obligations, despite sufficient legal tools to remedy the problem, the defendants have failed to act effectively to provide equal educational opportunity to plaintiffs and other Hartford schoolchildren.

5. Equal educational opportunity, however, is not a matter of sovereign grace, to be given or withheld at the discretion of the Legislative or the Executive branch. Under Connecticut's Constitution, it is a solemn pledge, a covenant renewed in every generation between the people of the State and their children. The Connecticut Constitution assures to every Connecticut child, in every city and town, an equal opportunity to education as the surest means by which to shape his or her own future. This lawsuit is brought to secure this basic constitutional right for plaintiffs and all Connecticut schoolchildren.

II. PARTIES

A. PLAINTIFFS

6. Plaintiff Milo Sheff is a ten-year-old black child. He resides in the City of Hartford with his mother, Elizabeth Sheff, who brings this action as his next friend. He is enrolled in the fourth grade at Annie Fisher School.

7. Plaintiff Wildaliz Bermudez is a six-year-old Puerto Rican child. She resides in the City of Hartford with her parents, Pedro and Carmen Wilda Bermudez, who bring this action as her next friend. She is enrolled in kindergarten in the City of Hartford.

8. Plaintiff Pedro Bermudez is a four-year-old Puerto Rican child. He resides in the City of Hartford with his parents, Pedro and Carmen Wilda Bermudez, who bring this action as his next friend. He will enter kindergarten in the public school system in the fall of 1989.

9. Plaintiff Eva Bermudez is a two-year-old Puerto Rican child. She resides in the City of Hartford with her parents, Pedro and Carmen Wilda Bermudez, who bring this action as her next friend. She will enter kindergarten in the public school system in the fall of 1992.

10. Plaintiff Oskar M. Melendez is a six-year-old Puerto Rican child. He resides in the City of Hartford with his parents, Oscar and Wanda Melendez, who bring this action as his next friend. He is enrolled in the first grade at Betances School.

11. Plaintiff Waleska Melendez is a ten-year-old Puerto Rican child. She resides in the City of Hartford with her parents, Oscar and Wanda Melendez, who bring this action as her next friend. She is enrolled in the fifth grade at Betances School.

12. Plaintiff Martin Hamilton is a nine-year-old black child. He resides in the City of Hartford with his mother, Virginia Pertillar, who brings this action as his next friend. He is enrolled in the third grade at Annie Fisher School.

13. Plaintiff Darryl Hughley is an eighteen-year-old black child. He resides in the City of Hartford with his mother, Rosetta Hughley, who brings this action as his next friend. He is enrolled in the twelfth grade at Bulkeley High School.

14. Plaintiff Jewell Hughley is a sixteen-year-old black child. She resides in the City of Hartford with her mother, Rosetta Hughley, who brings this action as her next friend. She is enrolled in the eleventh grade at Bulkeley High School.

15. Plaintiff Neiima Best is twelve-year-old black child. She resides in the City of Hartford with her mother, Denise Best, who brings this action as her next friend. She is enrolled in the sixth grade at Cedar Court School.

16. Plaintiff Lisa Laboy is an eight-year-old Puerto Rican child. She resides in the City of Hartford with her mother, Adria Laboy, who brings this action as her next friend. She is enrolled in the first grade at Fox Elementary School.

17. Plaintiff David William Harrington is a nine-year-old white child. He resides in the City of Hartford with his parents, Karen and Leo Harrington, who bring this action as his next friend. He is enrolled in the third grade at Noah Webster Elementary School.

18. Plaintiff Michael Joseph Harrington is a six-year-old white child. He resides in the City of Hartford with his parents, Karen and Leo Harrington, who bring this action as his next friend. He is enrolled in kindergarten at Noah Webster Elementary School.

19. Plaintiff Rachel Leach is a seven-year-old white child. She resides in the Town of West Hartford with her parents, Eugene Leach and Kathleen Frederick, who bring this action as her next friend. She is enrolled in the first grade at the Whiting Lane School.

20. Plaintiff Joseph Leach is a five-year-old white child. He resides in the Town of West Hartford with his parents, Eugene Leach and Kathleen Frederick, who bring this action as his next friend. He will enter kindergarten at the Whiting Lane School in the fall of 1989.

21. Plaintiff Erica Connolly is a five-year-old white child. She resides in the City of Hartford with her parents, Carol Vinick and Tom Connolly, who bring this action as her next friend. She is enrolled in kindergarten at Dwight School.

22. Plaintiff Tasha Connolly is a three-year-old white child. She resides in the City of Hartford with her parents, Carol Vinick and Tom Connolly, who bring this action as her next friend. She will enter kindergarten in the public school system in the fall of 1991.

23. Among the plaintiffs are five black children, six Puerto Rican children, and six white children. At least four of the children live in families whose income falls below the

official poverty line; at least five have limited proficiency in English; four live in single-parent families.

B. DEFENDANTS

24. Defendant William O'Neill is the Governor of the State of Connecticut. Pursuant to C.G.S. §10-1 and 10-2, with the advice and consent of the General Assembly, he is responsible for appointing the members of the State Board of Education and, pursuant to C.G.S. § 10-4 (b), is responsible for receiving a detailed statement of the activities of the Board and an account of the condition of the public schools and such other information as will assess the true condition, progress and needs of public education.

25. Defendant State Board of Education of the State of Connecticut (hereafter "the State Board" or "the State Board of Education") is charged with the overall supervision and control of educational interests of the State, including elementary and secondary education, pursuant to C.G.S. §10-4.

26. Defendants Abraham Glassman, A. Walter Esdaile, Warren J. Foley, Rita Hendel, John Mannix, and Julia Rankin, are members of the State Board of Education of the State of Connecticut, Pursuant to C.G.S. § 10-4, they have general supervision and control of the educational interests of the State.

27. Defendant Gerald N. Tirozzi is the Commissioner of Education of the State of Connecticut and a member of the State Board of Education. Pursuant to C.G.S. §§ 10-2 and 10-3a, he is responsible for carrying out the mandates of the Board, and is

also director of the Department of Education (hereafter "the State Department of Education" or "the State Department").

28. Defendant Francisco L. Borges is the Treasurer of the State of Connecticut. Pursuant to Article Fourth, § 22 of the Connecticut Constitution, he is responsible for the disbursements of all monies by the State. He is also the custodian of certain educational funds of the Connecticut State Board of Education, pursuant to C.G.S. §10-11.

29. Defendant J. Edward Caldwell is the Comptroller of the State of Connecticut. Pursuant to Article Fourth, § 24 of the Connecticut Constitution and C.G.S. §3-112, he is responsible for adjusting and settling all public accounts and demands.

III.

STATEMENT OF FACTS

A. A SEPARATE EDUCATION

30. School children in public schools throughout the State of Connecticut, including the City of Hartford and its adjacent suburban communities, are largely segregated by race and ethnic origin.

31. Although blacks comprise only 12.1% of Connecticut's school-age population, Hispanics only 8.5%, and children in families below the United States Department of Agriculture's official "poverty line" only 9.7% in 1986, these groups comprised, as of 1987-88, 44.9%, 44.9%, and 51.4% respectively of the school-age population of the Hartford school district. The percentage of black and Hispanic (hereafter "minority") students

enrolled in the Hartford City schools has been increasing since 1981 at an average annual rate of 1.5%.

32. The only other school district in the Hartford metropolitan area with a significant proportion of minority students is Bloomfield, which has a minority student population of 69.9%.

33. The school-age populations in all other suburban school districts immediately adjacent and contiguous to the Hartford school district, (hereafter "the suburban districts"), by contrast, are overwhelmingly white. An analysis of 1987-88 figures for Hartford, Bloomfield, and each of the suburban districts (excluding Burlington, which has a joint school program with districts outside the Hartford metropolitan area) reveals the following comparisons by race and ethnic origin:

	Total School Pop.	% Minority
Hartford	25,058	90.5
Bloomfield	2,555	69.9
*********		
Avon	2.068	3.8
Canton	1,189	3.2
East Granby	666	2.3
East Hartford	5,905	20.6
East Windsor	1,267	8.5
Ellington	1.855	2.3
Farmington	2,608	7.7
Glastonbury	4,463	5.4
Granby	1,528	3.5
Manchester	7,084	11.1
Newington	3,801	6.4
Rocky Hill	1,807	5.9
Simsbury	4,039	6.5
South Windsor	3,648	9.3
Suffield	1,772	4.0
Vernon	4,457	6.4
West Hartford	7,424	15.7
Wethersfield	2,997	3.3

Windsor	4,235	30.8
Windsor Locks	1,642	4.0

34. Similar significant racial and ethnic disparities characterize the professional teaching and administrative staffs of Hartford and the suburban districts, as the following 1986-87 comparisons reveal:

	Staff	% Minority
Hartford	2,044	33.2%
Bloomfield	264	13.6%
*********		
Avon	179	1.1%
Canton	108	0.0%
East Granby	57	1.8%
East Hartford	517	0.6%
East Windsor	102	4.9%
Ellington	164	0,6%
Farmington	201	1.0%
Glastonbury	344	2.0%
Granby	131	0,8%
Manchester	537	1.7%
Newington	310	1.0%
Rocky Hill	154	0.6%
Simsbury	317	1.9%
South Windsor	294	1.4%
Suffield	143	0.7%
Vernon	366	0.5%
West Hartford	605	3.5%
Wethersfield	263	2.1%
Windsor	331	5.4%
Windsor Locks	140	0.0%

B. AN UNEQUAL EDUCATION

35. Hartford schools contain a far greater proportion of students, at all levels, from backgrounds that put them "at risk" of lower educational achievement. The cumulative responsibility for educating this high proportion of at-risk students places the Hartford public schools at a severe educational disadvantage in comparison with the suburban schools.

36. All children, including those deemed at risk of lower educational achievement, have the capacity to learn if given a suitable education. Yet because the Hartford public schools have an extraordinary proportion of at-risk students among their student populations, they operate at a severe educational disadvantage in addressing the educational needs of all students -- not only those who are at risk, but those who are not. The sheer proportion of at-risk students imposes enormous educational burdens on the individual students, teachers, classrooms, and on the schools within the City of Hartford. These burdens have deprived both the at-risk children and all other Hartford schoolchildren of their right to an equal educational opportunity.

37. An analysis of 1987-88 data from the Hartford and suburban districts, employing widely accepted indices for identifying at-risk students -- including: (i) whether a child's family receives benefits under the federal Aid to Families with Dependent Children program, (a measure closely correlated with family poverty); (ii) whether a child has limited English proficiency (hereafter "LEP"); or (iii) whether a child is from a single-parent family, reveals the following overall comparisons:

	% on AFDC	% LEP %	Sgl.Par.Fam. *
Hartford *********	47.6	40.9	51.0
Avon	0.1	1.9	6.8
Bloomfield	4.1	3.1%	12.0
Canton	1.2	1.6	8.8
East Granby	1.1	0.2	10.1
East Hartford	7.2	9.8	19.7
East Windsor	3.6	2.5	8.3

Ellington	0.5	0.3	7.7
Farmington	0.7	4.7	14.0
Glastonbury	1.5	1.4	10.0
Granby	0.6	0.0	5.6
Manchester	3.4	2.5	17.9
Newington	1.2	6.2	9.5
Rocky Hill	0.6	7.5	13.4
Simsbury	0.2	1.4	7.6
South Windsor	0.4	4.4	8.4
Suffield	0,8	2.1	8.4
Vernon	6.2	0.9	13.5
West Hartford	2.0	7.3	10.9
Wethersfield	3.1	0.8	9.6
Windsor	2.5	12.5	14.2
Windsor Locks	3.3	2.3	11.4

* (Community-wide Data)

38. Faced with these severe educational burdens, schools in the Hartford school district have been unable to provide educational opportunities that are substantially equal to those received by schoolchildren in the suburban districts.

39. As a result, the overall achievement of schoolchildren in the Hartford school district-- assessed by virtually any measure of educational performance -- is substantially below that of schoolchildren in the suburban districts.

40. One principal measure of student achievement in Connecticut is the Statewide Mastery Test program. Mastery tests, administered to every fourth, sixth, and eighth grade student, are devised by the State Department of Education to measure whether children have learned those skills deemed essential by Connecticut educators at each grade level.

41. The State Department of Education has designated both a "mastery benchmark" -- which indicates a level of performance reflecting mastery of all grade-level skills -- and a "remedial

benchmark"--- which indicates mastery of "essential grade-level skills." See C.G.S. §10-14n (b)-(c).

42. Hartford schoolchildren, on average, perform at levels significantly below suburban schoolchildren on statewide Mastery Tests. For example, in 1988, 34% (or 1-in -3) of all suburban sixth graders score at or above the "mastery benchmark" for reading, yet only 4% (or 1-in-25) of Hartford schoolchildren meet that standard. While 74% of all suburban sixth graders exceed the remedial benchmark on the test of reading skills, no more than 41% of Hartford schoolchildren meet this test of "essential grade-level skills." In other words, fifty-nine percent of Hartford sixth graders are reading below the State remedial level.

43. An analysis of student reading scores on the 1988 Mastery Test reveals the following comparisons:

	% Below 4th Gr. Remedial Bnchmk.	% Below 6th Remedial Bnchmk.	% Below 8th Remedial Bnchmk.
Hartford	70	59	57
*********			
Avon	9	6	3
Bloomfield	25	24	16
Canton	8	10	2
East Granby	12	4	9
East Hartford	38	30	36
East Windsor	17	10	15
Ellington	25	14	13
Farmington	12	3	10
Glastonbury	15	13	11
Granby	19	14	17
Manchester	22	15	17
Newington	8	15	12
Rocky Hill	13	10	24
Simsbury	9	5	3
South Windsor	9	13	16
Suffield	20	10	15
Vernon	15	18	20

West Hartford	19	15	11
Wethersfield	18	12	14
Windsor	26	17	23
Windsor Locks	25	16	17

44. An analysis of student mathematics scores on the 1988 Mastery Test reveals the following comparisons:

	% Below 4th Gr. Remedial Bnchmk.	% Below 6th Remedial Bnchmk.	% Below 8th Remedial Bnchmk.
Hartford	41	42	57
*********			
Avon	4	2	3
Bloomfield	6	21	18
Canton	3	8	5
East Granby	10	7	6
East Hartford	14	19	19
East Windsor	2	9	19
Ellington	10	8	4
Farmington	3	5	3
Glastonbury	6	8	2
Granby	3	12	11
Manchester	8	15	11
Newington	3	6	7
Rocky Hill	5	4	14
Simsbury	5	5	3
South Windsor	8	10	8
Suffield	11	13	8
Vernon	8	9	12
West Hartford	8	9	7
Wethersfield	6	8	6
Windsor	12	13	26
Windsor Locks	2	7	14

45. Measured by the State's own educational standards, then, a majority of Hartford schoolchildren are not currently receiving even a "minimally adequate education."

46. Other measures of educational achievement reveal the same pattern of disparities. The suburban schools rank far ahead of the Hartford schools when measured by: the percentage of students who remain in school to receive a high school diploma versus the percentage of students who drop out; the percentage of

high school graduates who enter four-year colleges; the percentage of graduates who enter any program of higher education; or the percentage of graduates who obtain full-time employment within nine months of completing their schooling.

47. These disparities in educational achievement between the Hartford and suburban school districts are the result of the educational and social policies pursued and/or accepted by the defendants, including the racial, ethnic, and socioeconomic isolation of the Hartford and suburban school districts. These factors have already adversely affected many of the plaintiffs in this action, and will, in the future, inevitably and adversely affect the education of others.

48. The racial, ethnic, and economic segregation of the Hartford and suburban districts necessarily limits, not only the equal educational opportunities of the plaintiffs, but their potential employment contacts as well, since a large percentage of all employment growth in the Hartford metropolitan region is occurring in the suburban districts, and suburban students have a statistically higher rate of success in obtaining employment with many Hartford-area businesses.

49. Public school integration of children in the Hartford metropolitan region by race, ethnicity, and economic status would significantly improve the educational achievement of poor and minority children, without diminution of the education afforded their majority schoolmates. Indeed, white students would be provided thereby with the positive benefits of close associations

during their formative years with blacks, Hispanics and poor children who will make up over 30% of Connecticut's population by the year 2000.

C. THE STATE'S LONGSTANDING KNOWLEDGE OF THESE INEQUITIES

50. For well over two decades, the State of Connecticut, through its defendant O'Neill, defendant State Board of Education, defendant Tirozzi, and their predecessors, have been aware of: (i) the separate and unequal pattern of public school districts in the State of Connecticut and the greater Hartford metropolitan region; (ii) the strong governmental forces that have created and maintained racially and economically isolated residential communities in the Hartford region; and (iii) the consequent need for substantial educational changes, within and across school district lines, to end this pattern of isolation and inequality.

51. In 1965, the United States Civil Rights Commission presented a report to Connecticut's Commissioner of Education which documented the widespread existence of racially segregated schools, both between urban and suburban districts and within individual urban school districts. The report urged the defendant State Board to take corrective action. None of the defendants or their predecessors took appropriate action to implement the full recommendations of the report.

52. In 1965, the Hartford Board of Education and the City Council hired educational consultants from the Harvard School of Education who concluded: (i) that low educational achievement in

the Hartford schools was closely correlated with a high level of poverty among the student population; (ii) that racial and ethnic segregation caused educational damage to minority children; and (iii) that a plan should be adopted, with substantial redistricting and interdistrict transfers funded by the State, to place poor and minority children in suburban schools.

53. In 1966, the Civil Rights Commission presented a formal request to the Governor, seeking legislation that would invest the State Board of Education with the authority to direct full integration of local schools. Neither the defendants nor their predecessors acted to implement the request.

54. In 1966, the Committee of Greater Hartford Superintendents proposed to seek a federal grant to fund a regional educational advisory board and various regional programs, one of whose chief aims would be the elimination of school segregation within the metropolitan region.

55. In 1968, legislation supported by the Civil Rights Commission was introduced in the Connecticut Legislature which would have authorized the use of state bonds to fund the construction of racially integrated, urban/suburban "educational parks," which would have been located at the edge of metropolitan school districts, have had superior academic facilities, have employed the resources of local universities, and have been designed to attract school children from urban and suburban districts. The Legislature did not enact the legislation.

56. In 1968, the defendant State Board of Education proposed legislation that would have authorized the Board to cut off State funding for school districts that failed to develop acceptable plans for correcting racial imbalance in local schools. The proposal offered State funding for assistance in the preparation of the local plans. The Legislature did not enact the legislation.

57. In 1969, the Superintendent of the Hartford School District called for a massive expansion of "Project Concern," a pilot program begun in 1967 which bused several hundred black and Hispanic children from Hartford to adjacent suburban schools. The Superintendent argued that without a program involving some 5000 students -- one quarter of Hartford's minority student population -- the City of Hartford could neither stop white citizens from fleeing Hartford to suburban schools nor provide quality education for those students who remained. Project Concern was never expanded beyond an enrollment of approximately 1,500 students. In 1988-89, the total enrollment in Project Concern was no more than 747 students, less than 3 percent of the total enrollment in the Hartford school system.

58. In 1969, the State Legislature passed a Racial Imbalance Law, requiring racial balance within, but not between, school districts. C.G.S. § 10-226a et seq. The Legislature authorized the State Department of Education to promulgate implementing regulations. C.G.S. § 10-226e. For over ten years,

however, from 1969 until 1980, the Legislature failed to approve any regulations to implement the statute.

59. From 1970 to 1982, no effective efforts were made by defendants fully to remedy the racial isolation and educational inequities already previously identified by the defendants, which were growing in severity during this period.

60. In 1983, the State Department of Education established a committee to address the problem of "equal educational opportunity" in the State of Connecticut. The defendant Board adopted draft guidelines in December of 1984, which culminated in the adoption, in May of 1986, of a formal Education Policy Statement and Guidelines by the State Board. The Guidelines called for a state system of public schools under which "no group of students will demonstrate systematically different achievement based upon the differences -- such as residence or race or sex-- that its members brought with them when they entered school." The Guidelines explicitly recognized "the benefits of residential and economic integration in [Connecticut] as important to the quality of education and personal growth for all students in Connecticut."

61. In 1985, the State Department of Education established an Advisory Committee to Study Connecticut's Racial Imbalance Law. In an interim report completed in February of 1986, the Committee noted the "strong inverse relationship between racial imbalance and quality education in Connecticut's public schools." The Committee concluded that this was true "because racial

imbalance is coincident with poverty, limited resources, low academic achievement and a high incidence of students with special needs." The report recommended that the State Board consider voluntary interdistrict collaboration, expansion of magnet school programs, metropolitan districting, or other "programs that ensure students the highest quality instruction possible."

62. In January, 1988, a report prepared by the Department of Education's Committee on Racial Equity, under the supervision of defendant Tirozzi, was presented to the State Board. Entitled "A Report on Racial/Ethnic Equity and Desegregation in Connecticut's Public Schools," the report informed the defendant Board that

> Many minority children are forced by factors related to economic development, housing, zoning and transportation to live in poor urban communities where resources are limited. They often have available to them fewer educational opportunities. Of equal significance is the fact that separation means that neither they nor their counterparts in the more affluent suburban school districts have the chance to learn to interact with each other, as they will inevitably have to do as adults living and working in a multi-cultural society. Such interaction is a most important element of quality education.

Report, at 7.

63. In 1988, after an extensive analysis of Connecticut's Mastery Test results, the State Department of Education reported that "poverty, as assessed by one indicator, participation in the free and reduced lunch program . . . [is an] important

correlate[] of low achievement, and the low achievement outcomes associated with these factors are intensified by geographic concentration." Many other documents available to, or prepared by, defendant State Board of Education and the State Department of Education reflect full awareness both of these educational realities and of their applicability to the Hartford-area schools.

64. In April of 1989, the State Department of Education issued a report, "Quality and Integrated Education: Options for Connecticut," in which it concluded that

> [r]acial and economic isolation have profound academic and affective consequences. Children who live in poverty -- a burden which impacts disproportionately on minorities -- are more likely to be educationally at risk of school failure and dropping out before graduation than children from less impoverished homes. Poverty is the most important correlate of low achievement. This belief was borne out by an analysis of the 1988 Connecticut Mastery Test data that focused on poverty . . . . The analysis also revealed that the low achievement outcomes associated with poverty are intensified by geographic and racial concentrations.

Report, at 1.

65. Turning to the issue of racial and ethnic integration, the report put forward the findings of an educational expert who had been commissioned by the Department to study the effects of integration:

> [T]he majority of studies indicate improved achievement for minority students in integrated settings and at the same time offer no substantiation to the fear that integrated classrooms impede the progress of more advantaged white students. Furthermore, integrated education has long-term positive effects on interracial attitudes and behavior. . . .

Id.

66. Despite recognition of the "alarming degree of isolation" of poor and minority schoolchildren in the City of Hartford and other urban school systems, Report at 3, and the gravely adverse impact this isolation has on the educational opportunities afforded to plaintiffs and other urban schoolchildren, the Report recommended, and the defendants have announced, that they intend to pursue an approach that would be "voluntary and incremental." Report, at 34.

E. THE STATE'S FAILURE TO TAKE EFFECTIVE ACTION

67. The duty of providing for the education of Connecticut school children, through the support and maintenance of public schools, has always been deemed a governmental duty resting upon the sovereign State.

68. The defendants, who have knowledge that Hartford schoolchildren face educational inequities, have the legal obligation under Article First, §§ 1 and 20, and Article Eighth, § 1 of the Connecticut Constitution to correct those inequities.

69. Moreover, the defendants have full power under Connecticut statutes and the Connecticut Constitution to carry out their constitutional obligations and to provide the relief to which plaintiffs are entitled. C.G.S. § 10-4, which addresses the powers and duties of the State Board of Education and the State Department of Education, continues with § 10-4a, which expresses "the concern of the state (1) that each child shall have . . . equal opportunity to receive a suitable program of

educational experiences." Other provisions of state law give the Board the power to order local or regional remedial planning, to order local or regional boards to take reasonable steps to comply with state directives, and even to seek judicial enforcement of its orders. See § 10-4b. The Advisory Committee on Educational Equity, established by § 10-4d, is also expressly empowered to make appropriate recommendations to the Connecticut State Board of Education in order "to ensure equal educational opportunity in the public schools."

70. Despite these clear mandates, defendants have failed to take corrective measures to insure that its Hartford public schoolchildren receive an equal educational opportunity. Neither the Hartford school district, which is burdened both with severe educational disadvantages and with racial and ethnic isolation, nor the nearby suburban districts, which are also racially isolated but do not share the educational burdens of a large, poverty-level school population, have been directed by defendants to address these inequities jointly, to reconfigure district lines, or to take other steps sufficient to eliminate these educational inequities.

71. Defendant William O'Neill and his predecessors have also failed to take action to afford meaningful racial and economic integration of housing within school zones and school districts in the Hartford metropolitan region. These failures have contributed to the isolation of poor and minority students within the Hartford School District.

72. Deprived of more effective remedies, the Hartford school district has likewise not been given sufficient money and other resources by the defendants, pursuant to §10-14o or other statutory and constitutional provisions, adequately to address many of the worst impacts of the educational deprivations set forth in ¶¶ 23-37 supra. The reform of the State's school finance law, ordered in 1977 pursuant to litigation in the Horton v. Meskill case, has not worked in practice adequately to redress these inequities. Many compensatory or remedial services that might have mitigated the full adverse effect of the constitutional violations set forth above either have been denied to the Hartford school district or have been funded by the State at levels that are insufficient to ensure their effectiveness to plaintiffs and other Hartford schoolchildren.

IV. LEGAL CLAIMS

FIRST COUNT

73. Paragraphs 1 through 34 are incorporated herein by reference.

74. Separate educational systems for minority and non-minority students are inherently unequal.

75. 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 Article First, §§ 1 and 20, and Article Eighth, § 1, of the Connecticut Constitution, to the grave injury of the plaintiffs.

SECOND COUNT

76. Paragraphs 1 through 72 are incorporated herein by reference.

77. Separate educational systems for minority and non-minority students in fact provide to all students, and have provided to plaintiffs, unequal educational opportunities.

78. Because of the racial and ethnic segregation that exists between Hartford and the suburban districts, perpetuated by the defendants and resulting in serious harm to the plaintiffs, the defendants have discriminated against the plaintiffs and have failed to provide them with an equal opportunity to a free public education as required by Article First, §§ 1 and 20, and Article Eighth, § 1, of the Connecticut Constitution.

THIRD COUNT

79. Paragraphs 1 through 72 are incorporated herein by reference.

80. The maintenance by the defendants of a public school district in the City of Hartford: (i) that is severely educationally disadvantaged in comparison to nearby suburban school districts; (ii) that fails to provide Hartford schoolchildren with educational opportunities equal to those in suburban districts; and (iii) that fails to provide a majority of Hartford schoolchildren with a minimally adequate education measured by the State of Connecticut's own standards -- all to the great detriment of the plaintiffs and other Hartford

schoolchildren -- violates Article First, §§ 1 and 20, and Article Eighth, § 1 of the Connecticut Constitution.,

FOURTH COUNT

81. Paragraphs 1 through 72 are incorporated herein by reference.

82. The failure of the defendants to provide to plaintiffs and other Hartford schoolchildren the equal educational opportunities to which they are entitled under Connecticut law, including § 10-4a, and which the defendants are obligated to ensure have been provided, violates the Due Process Clause, Article First, §§ 8 and 10, of the Connecticut Constitution.

RELIEF

WHEREFORE, for the foregoing reasons, plaintiffs respectfully request this Court to:

1. Enter a declaratory judgment

a. that public schools in the greater Hartford metropolitan region, which are segregated de facto by race and ethnicity, are inherently unequal, to the injury of the plaintiffs, in violation of Article First, §§ 1 and 20, and Article Eighth, § 1, of the Connecticut Constitution;

b. that the public schools in the greater Hartford metropolitan region, which are segregated by race and ethnicity, do not provide plaintiffs with an equal educational opportunity, in violation of Article First, §§ 1 and 20, and Article Eighth, § 1, of the Connecticut Constitution;

c. that the maintenance of public schools in the greater Hartford metropolitan region that are segregated by economic status severely disadvantages plaintiffs, deprives plaintiffs of an equal educational opportunity, and fails to provide plaintiffs with a minimally adequate education -- all in violation of Article First §§ 1 and 20, Article Eighth §1, and C.G.S. § 10-4a; and

d. that the failure of the defendants to provide plaintiffs schoolchildren with the equal educational opportunities to which they are entitled under Connecticut law, including § 10-4a, violates the Due Process Clause, Article First, §§ 8 and 10, of the Connecticut Constitution.

2. Issue a temporary, preliminary and permanent injunction, enjoining defendants, their agents, employees, and successors in office from failing to provide, and ordering them to provide:

a. plaintiffs and those similarly situated with an integrated education;

b. plaintiffs and those similarly situated with equal educational opportunities;

c. plaintiffs and those similarly situated with a minimally adequate educations;

3. Assume and maintain jurisdiction over this action until such time as full relief has been afforded plaintiffs;

4. Award plaintiffs reasonable costs and attorneys fees; and

5. Award such other and further relief as this Court deems necessary and proper.

Dated: April 26, 1989

ON THE COMPLAINT

Respectfully submitted,

JULIUS L. CHAMBERS
JOHN CHARLES BOGER
NAACP Legal Defense & Educational Fund, Inc.
99 Hudson Street
New York, New York 10013
(212) 219-1900

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HELEN HERSHKOFF
American Civil Liberties Union
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Hartford, Connecticut 06106
(203) 247-9823

ATTORNEYS FOR PLAINTIFFS

The amount, legal interest or property in demand is not less than $15,000.00 exclusive of interest and costs.

Wesley W. Horton

STATE OF CONNECTICUT

RETURN DATE: MAY 30, 1989

MILO SHEFF, PPA, ET AL : SUPERIOR COURT

VS. :

: JUDICIAL DISTRICT OF HARTFORD/ NEW BRITAIN AT HARTFORD

WILLIAM A. O'NEILL, ET AL : APRIL 26, 1989

MOTION FOR ORDER OF NOTICE

Because of the hardship involved in citing in all interested persons as Defendants, the Plaintiffs move for an order that those listed in Schedule A, as attached should be sent a copy of the complaint, together with a cover letter as in schedule B, by certified mail; that the newspapers listed in the First Order of Notice as attached should be sent a copy of such notice for publication as described therein; and that such notice shall be sufficient compliance with P.B. §390(d) to apprise all interested persons of the pendency of this litigation.

PLAINTIFFS,

By _____

Wesley W. Horton
Juris No. 38478
MOLLER, HORTON & FINEBERG, P.C
90 Gillett Street
Hartford, CT 06105
(203) 522-8338

SCHEDULE A

Superintendent of Schools,
Avon, Connecticut

Superintendent of Schools
Bloomfield, Connecticut

Superintendent of Schools
Canton, Connecticut

Superintendent of Schools
East Granby, Connecticut

Superintendent of Schools
East Hartford, Connecticut

Superintendent of Schools
East Windsor, Connecticut

Superintendent of Schools
Ellington, Connecticut

Superintendent of Schools
Farmington, Connecticut

Superintendent of Schools
Glastonbury, Connecticut

Superintendent of Schools
Granby, Connecticut

Superintendent of Schools
Hartford, Connecticut

Superintendent of Schools
Manchester, Connecticut

Superintendent of Schools
Newington, Connecticut

Superintendent of Schools
Rocky Hill, Connecticut

Superintendent of Schools
Simsbury, Connecticut

Superintendent of Schools
South Windsor

Superintendent of Schools
Suffield, Connecticut

Superintendent of Schools
Vernon, Connecticut

Superintendent of Schools
West Hartford, Connecticut

Superintendent of Schools
Wethersfield, Connecticut

Superintendent of Schools
Windsor, Connecticut

Superintendent of Schools
Windsor Locks, Connecticut

Honorable John Larson
President Pro Tempore of the
Senate
State Capitol
Hartford, Connecticut

Honorable Richard J. Balducci
Speaker of the House of
Representatives
State Capitol
Hartford, Connecticut

SCHEDULE B

Dear Sir or Madam:

Pursuant to order of the Superior Court, you are hereby notified of the pendency of the case of Sheff, ppa, et al v. O'Neill, et al, Superior Court, Judicial District of Hartford/New Britain at Hartford, Return Date May 30, 1989. This case challenges the constitutionality, under the State constitution, of the separation of public schools in the greater Hartford metropolitan region by race, and the failure of the State to provide equal educational opportunity to poor and minority students in the Hartford area.

A copy of the complaint is enclosed because of your possible interest in this litigation. If you wish to be heard, you should make an appropriate motion to the Court.

Very truly yours,

Attorney for the Plaintiffs

STATE OF CONNECTICUT

RETURN DATE: MAY 30, 1989

MILO SHEFF, PPA, ET AL : SUPERIOR COURT

VS. :

: JUDICIAL DISTRICT OF HARTFORD/ NEW BRITAIN AT HARTFORD

WILLIAM A. O'NEILL, ET AL : APRIL 26, 1989

ORDER RE NOTICE AND FINDING

It is hereby ordered that the Plaintiffs give written notice of the pendency of this action by sending to those listed in Schedule A attached to the Plaintiff's Motion a true and attested copy of the complaint, together with a cover letter as in Schedule B attached to the Plaintiffs' Motion, by certified mail and make return by affidavit that such notice has been given.

It is also ordered that the Plaintiffs give written notice of the pendency of this action by publishing a true and attested copy of the attached First Order of Notice in the newspapers listed therein, once during the week commencing June 4, 1989 and make return by affidavit that such notice has been given.

It is found that it would be unreasonable for the Plaintiffs to have to join all interested persons as parties to the action.

It is further found that such notice shall be sufficient to comply with the provisions of Section 390(d) of the Practice Book that all interested persons have been made parties to the action or given reasonable notice thereof.

So ordered this 26th day of April, 1989.

Robert Satter

Robert Satter, Judge

RETURN DATE: MAY 30, 1989

MILO SHEFF, PPA, ET AL	:	SUPERIOR COURT
VS.	:	JUDICIAL DISTRICT OF HARTFORD/ NEW BRITAIN AT HARTFORD
WILLIAM A. O'NEILL, ET AL	:	APRIL 26, 1989

NOTICE TO: ALL INTERESTED PERSONS

FIRST ORDER OF NOTICE

All interested persons are hereby notified of the pendency of the case of Milo Sheff, ppa, et al v. William A. O'Neill, et al, Superior Court, Judicial District of Hartford/New Britain at Hartford, Return Date May 30, 1989. This case challenges the constitutionality under the state constitution of the separation of public schools in the greater Hartford metropolitan region by race, and the failure of the State to provide equal educational opportunity to poor and minority students in the Hartford area. If you wish to be heard in this case, you should make a prompt motion to this Court.

This notice shall be printed once during the week commencing June 4, 1989 in each of the following newspapers:

Bridgeport Post-Telegram, Bridgeport, CT
News-Times, Danbury, CT
The Hartford Courant, Hartford, CT
Journal Inquirer, Manchester, CT
The Press, Middletown, CT
New Haven Register, New Haven, CT
The Day, New London, CT
The Hour, Norwalk, CT

Norwich Bulletin, Norwich, CT
The Advocate, Stamford, CT
Register Citizen, Torrington
The Waterbury Republican and American, Waterbury, CT
The Chronicle, Willimantic, CT

The Plaintiffs are ordered to make return by affidavit, on or before July 31, 1989 that such notice has been given.

So ordered this 26th Day of April, 1989.

Robert Satter

Robert Satter, Judge