

***Sheff v. O'Neill* in the Universities:
Another Impact of Connecticut's Landmark Case**

Sheff v. O'Neill has had a transformative effect on Connecticut education policy, and it has influenced policies at the federal Department of Education and in some of our sister states. But it has also had a significant impact on the way that academic authors in law, social science, and education view the prospects for racial and economic integration. Here is a selection of the growing literature that has reviewed and discussed the implications of the Sheff case:

Articles and Books in Social Science, Education Theory, and Policy

Robert Bifulco, et al., Can Interdistrict Choice Boost Student Achievement? The Case of Connecticut's Interdistrict Magnet School Program *31 Educational Evaluation and Policy Analysis* 323 (2009)

Casey Cobb, et al., Legally viable desegregation strategies: The case of Connecticut 131, In *Integrating Schools in a Changing Society: New Policies and Legal Options For a Multiracial Generation*, Erica Frankenberg and Elizabeth DeBray, eds. (2011)

Susan E. Eaton and Gary A. Orfield, Continuing the Struggle for Desegregated Schools, In *Readings on Equal Education, Volume 13: Forty Years After the Brown Decision - Implications of School Desegregation for U.S. Education*, Kofi Lomotey and Charles Teddlie, eds. 5 (1996) (chapter in edited volume which extensively discussed Sheff case and concludes that racially and economically isolated inner-city students could benefit from an interdistrict desegregation plan)

Susan E. Eaton, The Children in Room E4: American Education on Trial, (2006) (Book focused on racial segregation in Hartford through a focus on the Simpson-Waverly Elementary School, an all-minority school in Hartford, CT)

Stephen B. Delaney, Milo Sheff et al. v. William A. O'Neill et al., *28 Equity & Excellence in Education* 14 (1995) (examines the decision in Sheff)

Jack Dougherty, et al. "Sheff v. O'Neill": Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008, 103-127 In *From the Courtroom to the Classroom: The Shifting Landscape of School Desegregation*, Claire Smrekar and Ellen B. Goldring, eds. (March 2009)

Richard Fossey, The Hartford desegregation case: Is there a judicial remedy for racially isolated inner-city schools?, In *Readings on Equal Education, Volume 13: Forty Years After the Brown Decision - Implications of School Desegregation for U.S. Education*, Kofi Lomotey and Charles Teddlie, eds. 7 (1996) (chapter in edited volume discussing Sheff v. O'Neill, focusing on the

possibility of establishing large regional districts that would address the issues of desegregation and equity in resources and their impact on inner-city schools)

Gloria Grave Holmes and Susan Clarke, To Choose or Not to Choose: Equity in Connecticut in the Wake of Sheff v. O'Neill, 38 *Equity and Excellence in Education* 3 (February 2005) (Uses focus groups, personal interviews, and a student forum, to present the perspectives of students and parents who are crossing district boundaries and educators from both sides of the district line)

Neil Kraus, Concentrated Poverty and Urban School Reform: "The Choice Is Yours" in Minneapolis, 41 *Equity & Excellence in Education* 262 (April 2008) (shows how Sheff both influenced and is contrasted by Minneapolis school reform)

Dennis Parker, Racial and Ethnic Isolation, Post "Sheff v. O'Neill.", 32 *Equity & Excellence in Education* 5 (1999)

Preston Cary Green, III, Can State Constitutional Provisions Eliminate De Facto Segregation in the Public Schools?, 68 *Journal of Negro Education* 29 (Spring 1999) (analyzes how the Sheff decision may influence litigation in other states and how state courts will vary)

Kathryn A. McDermott, Controlling Public Education: Localism versus Equity (1999) (book using Connecticut as a case study to analyze how local control can be a barrier to desegregation; uses Sheff decision as starting point)

Kathryn A. McDermott, et al. Have Connecticut's Desegregation Policies Produced Desegregation? 35 *Equity & Excellence in Education* 18 (2002) (examines data on how the new policies have affected the student attendance patterns by racial group; concludes with a discussion of the implications of Connecticut's policies)

Kathryn A. McDermott, "Expanding the Moral Community" or "Blaming the Victim"? The Politics of State Education Accountability Policy, 44 *American Educational Research Journal* 77 (March 2007) (Uses four states – Connecticut, Massachusetts, New Jersey, and Vermont – to analyze enactment of educational accountability policies)

Monte Piliawsky, Remedies to de facto School Segregation: The Case of Hartford 28 *The Black Scholar* 29, (Summer 1998) (reviews the immediate government reactions following the Sheff decision and ways to improve the Hartford desegregation efforts)

James E. Ryan, Five Miles Away, A World Apart: One City, Two Schools, and the Story of Educational Opportunity in Modern America (2011)

Bilal Sekou (aka Darryl L. McMiller) 42 "I Support School Integration, But..." Sheff v. O'Neill More than Ten Years Later and No End in Sight, *Equity & Excellence in Education*, 97 (2009) (Analyzes racial attitudes of white parents as a barrier to school integration)

Jeanne Weiler, Recent changes in school desegregation 133 *ERIC Clearinghouse on Urban Education, Institute for Urban and Minority Education* (1998) (discusses some of the major trends and changes that took place in school desegregation in the 1990s)

Law Review Articles

David J. Armor, Facts and Fictions about Education in the Sheff Decision, 9 *Conn. L. Rev.* 981 (1996-1997).

Michael Besso, Sheff v. O'Neill: A Research Note, 34 *Conn. L. Rev.* 315 (2001-2002).

Michael Besso, Sheff v. O'Neill The Connecticut Supreme Court at the Bar of Politics, 22 *QLR* 165 (2003-2004).

Tom Beimers, A Wrong Still in Search of A Remedy: Educational Adequacy After Sheff v. O'Neill, 82 *Minn. L. Rev.* 565 (1997).

Derek W. Black, Middle-Income Peers As Educational Resources and the Constitutional Right to Equal Access, 53 *B.C. L. Rev.* 373 (2012) (analyzing why *Sheff* may not be easily transferable to other cases).

John C. Brittain, Why Sheff v. O'Neill is a Landmark Decision, 30. *Conn. L. Rev.* 211 (1997-1998).

John C. Brittain, Direct Democracy by the Majority Can Jeopardize the Civil Rights of Minority or Other Powerless Groups, 1996 *Ann. Surv. Am. L.* 441, 448 (1996) (hypothesizing that voters would have changed provisions in the Connecticut Constitution if Connecticut were a direct democracy).

John C. Brittain, Remarks of John C. Brittain, 78 *St. John's L. Rev.* 281, 286 (2004) (discussing *Sheff* strategy).

Kevin Brown, The Implications of the Equal Protection Clause for the Mandatory Integration of Public School Students, 29 *Conn. L. Rev.* 999, 1003-07 (1997) (reviewing *Sheff* opinion).

Douglas Bryant, III, J.D., "A Failure to Act" from Brown v. Board of Education to Sheff v. O'Neill: The American Educational System Will Remain Segregated, 25 *T.M. Cooley L. Rev.* 1 (2008).

Stephen J. Caldas, Ph.D. & Carl L. Bankston III, Ph.D., A Re-Analysis of the Legal, Political, and Social Landscape of Desegregation from Plessy v. Ferguson to Parents Involved in Community Schools v. Seattle School District No. 1, 2007 *B.Y.U. Educ. & L.J.* 217, 248-51 (2007) (comparing possible results from *Sheff* to the results from *Missouri v. Jenkins*, 495 U.S. 33, 55 (1990)).

Angela Ciolfi, Shuffling the Deck: Redistricting to Promote A Quality Education in Virginia, 89 *Va. L. Rev.* 773, 814 (2003) (applying *Sheff*'s reasoning to redrawing Virginia school districts).

Robert Deichert, Honoring the Social Compact: Arguing for A State Duty of Protection Under the Connecticut Constitution, 33 *Conn. L. Rev.* 1069, (2001) (arguing that the social compact

clause of the Connecticut Constitution should lie closer to the *Sheff* interpretation than the *Moore* interpretation).

Peter D. Enrich, Race and Money, Courts and Schools: Tentative Lessons from Connecticut, 36 *Ind. L. Rev.* 523 (2003) (discussing cause and effect of *Sheff*).

Richard Fossey, J.D., Ed.D. and Elizabeth Kemper, Sheff v. O’Neill: The Connecticut Supreme Court Attacks Racial Isolation in the Hartford Schools, 121 *Ed. Law Rep.* 461 (1997).

Robert A. Garda, Jr., Coming Full Circle: The Journey from Separate but Equal to Separate and Unequal Schools, 2 *Duke J. Const. L. & Pub. Pol’y* 1, 55 (2007) (discussing how it is difficult for other courts to apply the *Sheff* rationale).

James K. Gooch, Fenced In: Why Sheff v. O’Neill Can’t Save Connecticut’s Inner City Students, 22 *QLR* 395 (2003-2004).

Kimberly J. Gost, II. State Constitutional Law-Education and Equal Protection-Connecticut Supreme Court Answers and Call of State Constitutionalism and Holds the State Legislature Responsible for Remediating De Facto Segregation. Sheff v. O’Neill, 28 *Rutgers L.J.* 916 (1997) (analyzing *Sheff*’s focus on the result of state legislation rather than discriminatory intent).

Michael R. Hilton, Literacy, Poverty, and Brain Development: Toward A New, Place-Based Educational Intervention, 17 *Rich. J.L. & Pub. Int.* 623, 643-44 (2014) (comparing *Sheff* outcomes to *Missouri v. Jenkins* outcomes).

Wesley W. Horton, Neutral Principles of Law and Sheff v. O’Neill, 30. *Conn. L. Rev.* 210 (1997-1998).

Mary Jane Lee, How Sheff Revives Brown: Reconsidering Desegregation’s Role in Creating Equal Educational Opportunity, 74 *N.Y.U. L. Rev.* 485 (1999).

Goodwin Liu, The Parted Paths of School Desegregation and School Finance Litigation, 24 *Law & Ineq.* 81 (2006) (claiming *Sheff* synthesized the doctrines of school desegregation and school finance reform under a common principal of equal educational opportunity).

Justin R. Long, Demosprudence, Interactive Federalism, and Twenty Years of Sheff v. O’Neill, 42 *Conn. L. Rev.* 585 (2009).

Justin R. Long, Enforcing Affirmative State Constitutional Obligations and Sheff v. O’Neill. 151 *U. Pa. L. Rev.* 277 (2002-2003).

Kevin Randall Mcmillan, The Turning Tide: The Emerging Fourth Wave of School Finance Reform Litigation and the Courts’ Lingering Institutional Concerns, 58 *Ohio St. L.J.* 1867, 1896-903 (1998) (arguing that *Sheff* introduced a fourth wave of school finance reform litigation).

Emanuel Margolis, Every Passing Day . . ., 90 *Cornell L. Rev.* 371, (2005) (comparing *Sheff* with *Brown v. Board of Education* as two major victories in civil rights education law).

Emanuel Margolis, Human Rights Commentator, 70 *Conn. B.J.* 245, 249-54 (1996) (Explaining that the Connecticut constitution bars de facto school segregation).

Martin B. Margulies, Sheff, Moore, and Westfarms: A Revised Blueprint, 17 *QLR* 177 (1997).

Molly McDonough, Still Chipping Away at Segregation: Connecticut's Sheff Ruling Tries to Further Improve on Brown, 3 No. 19 *ABA J.E-Report* 4, (May, 14 2004).

Alicia L. Mioli, Sheff v. O'Neill: The Consequence of Educational Table-Scraps for Poor Urban Minority Schools, 27 *Fordham Urb. L.J.* 1903 (2000).

Rachel F. Moran, Milo's Miracle, 29 *Conn. L. Rev.* 1079 (1997).

Denise C. Morgan, The Less Polite Questions: Race, Place, Poverty and Public Education, 1998 *Ann. Surv. Am. L.* 267, 286-87 (1998) (criticizing the Connecticut General Assembly for failing to implement any real structural changes in response to the Sheff decision).

Roseann G. Padula, The Plight of Connecticut's Brightest Students: Broadley v. Meriden Board of Education, 29 *Conn. L. Rev.* 1319 (1997) (analyzing Connecticut's right to education through *Bradley*, *Horton*, and *Sheff*).

John A. Powell, The Tensions Between Integration and School Reform, 28 *Hastings Const. L.Q.* 655, 670-71 (2001) (explaining that *Sheff* is an exception to the rule).

Michael A. Rebell & Robert L. Hughes, Efficacy and Engagement: The Remedies Problem Posed by Sheff v. O'Neill--and A Proposed Solution, 29 *Conn. L. Rev.* 1115 (1997).

Christine H. Rossell, An Analysis of the Court Decisions in Sheff v. O'Neill and Possible Remedies for Racial Isolation, 29 *Conn. L. Rev.* 1187 (1996-1997).

James E. Ryan, Sheff, Segregation, and School Finance Litigation, 74 *N.Y.U. L. Rev.* 529 (1999) (examining relationship between desegregation and school financial litigation).

Aaron J. Saiger, The School District Boundary Problem, 42 *Urb. Law.* 495, 515-16 (2010) (suggesting that *Sheff* shows that courts must help in redistricting and cannot rely on legislature).

Nick R. Scalia, Look Back at Sheff v. O'Neill: Author Susan Eaton on the Legal Battle for School Desegregation in Connecticut, 17 *Conn. Law.* 20 (2006-2007).

Adira Siman, Challenging Zero Tolerance: Federal and State Legal Remedies for Students of Color, 14 *Cornell J.L. & Pub. Pol'y* 327, 361-62 (2005) (utilizing *Sheff* in an argument against zero tolerance policies).

Terry J. Tondro, Fragments of Regionalism: State and Regional Planning in Connecticut at Century's End, 73 *St. John's L. Rev.* 1123, 1146-50 (1999) (analyzing regional consciousness in *Sheff*).

Gayl Shaw Westerman, The Promise of State Constitutionalism: Can It Be Fulfilled in Sheff v. O'Neill, 23 *Hastings Const. L.Q.* 351 (1995-1996).

Lauren A. Wetzler, Buying Equality: How School Finance Reform and Desegregation Came to Compete in Connecticut, 22 *Yale L. & Pol'y Rev.* 494 (2004) (analyzing *Sheff*'s impact on state education finance).

Taryn Williams, Outside the Lines: The Case for Socioeconomic Integration in Urban School Districts, 2010 *B.Y.U. Educ. & L.J.* 435, 457-61 (2010) (using *Sheff* to outline argument for why states should reorganize failing urban school districts).

R. Craig Wood and George Lange, The Justiciability Doctrine and Selected State Education Finance Constitutional Challenges 32 *Journal of Education Finance* 11 (Summer 2006) (Uses *Sheff* decision to highlight differences in judicial activism and restraint in education finance decisions)

Julie Zwibelman, Broadening the Scope of School Finance and Resource Comparability Litigation, 36 *Harv. C.R.-C.L. L. Rev.* 527, 544-46 (2001) (explaining lessons derived from *Sheff*).

Prepared by David Loesberg and Sarah Clayman, Poverty & Race Research Action Council, for the Sheff Movement coalition. Last updated: February 2015.