

reduce racial isolation in the Hartford region. After the General Assembly did not object, this Court approved this stipulation and order and entered it as an Order of the Court on March 12, 2003.

3. Section III.A.1 of the Order provides that “The State will provide sufficient resources to plan, develop, open and operate two new host magnet schools of approximately 600 students each, for approximately 1200 students total per year, each year of the four year period of this Stipulation (or eight new magnet schools).”

4. In the school year that began in September 2003, the first year covered by the Order, two new magnet schools of approximately 600 students each were not opened. Two new magnet schools, as programs within existing Hartford public school facilities, were opened; however, one, the Classical Magnet, opened with 450 students, and the other, Pathways to Technology, opened with 82 students for a total of 532. Moreover, neither school was desegregated.

5. In the school year that will begin September 2004, the second year covered by the Order, two new magnet schools of approximately 600 students each will not open. Defendants project that three new magnet schools with a planned total enrollment of 330 students will open: Noah Webster with planned enrollment of 130, Simpson-Waverly with planned enrollment of 100, and University High School of Science and Engineering with planned enrollment of 100.

6. Thus, as of September 2004, defendants were required by the Order to have 2400 students attending new magnet schools. They will have fewer than 900. In fact, they had no plans to comply with the Order to reach the required numbers for the past two years, nor do they have plans to reach the required numbers for future years covered by the Order.

7. In March 2004, pursuant to Section V.5 of the Order, Dr. Leonard B. Stevens, expert for the plaintiffs, completed a report on the status of defendants' compliance with the Order. That report, which plaintiffs have shared with defendants, describes the methodology utilized by Dr. Stevens and the facts on which he based his opinions. Dr. Stevens concluded that defendants were not in compliance with the Order and that "[g]iven continuation of the implementation process in its current form, it is unlikely that the core goal of the Agreement – at least 30% of Hartford minority students in desegregated schools by 2006-07 – will be attained."

8. In 1991, the earliest data discussed by the Supreme Court, Hartford public schools were 92.4% minority. *Sheff v. O'Neill*, 238 Conn. at 8. In 1994, the most recent year discussed by the Supreme Court when it required efforts to reduce racial isolation of the Hartford schools, Hartford public schools were 94.5% minority. *Id.* at 38. In 2003-2004, twelve years (12) after the earliest data known to the Supreme Court and almost eight years (8) after the Supreme Court's decision, Hartford public schools are 95% minority.

9. As required by Section V.3, 6 of the Order, plaintiffs' counsel have met with defendants' representatives on two occasions to discuss the facts contained in this Motion. The parties have not been able to resolve plaintiffs' concerns about defendants' lack of progress.

10. Pursuant to Section V.6 of the Order, plaintiffs may not recommend possible remedies for non-compliance prior to a finding of liability on the issues raised in this Motion.

PLAINTIFFS,

Of Counsel:

Chinh Quang Le
NAACP LEGAL DEFENSE FUND
99 Hudson Street
New York, NY 10013
(212) 965-2202
fax (212) 226-7592

Annette Lamoreaux
CCLU
32 Grand Street
Hartford, CT 06106
(860) 247-9823
fax (860) 728-0287

By _____

Wesley W. Horton
HORTON, SHIELDS & KNOX, P.C.
90 Gillett Street
Hartford, CT 06105
(860) 522-8338
fax (860) 728-0401

Martha Stone
CENTER FOR CHILDREN'S ADVOCACY
University of Connecticut School of Law
65 Elizabeth Street
Hartford, CT 06105
(860) 570-5327
fax (860) 570-5256

Victor A. Bolden
WIGGIN & DANA
P.O. Box 1832
New Haven, CT 06508
(203) 498-4528
fax (203) 782-2889

Christopher Hansen
Pro Hac Vice
ACLU
125 Broad Street
New York, NY 10004
(212) 549-2500
fax (212) 549-2651

Wilfred Rodriguez
Greater Hartford Legal Assistance
999 Asylum Avenue
Hartford, CT 06105
(860) 541-5032
fax (860) 541-5050

ORDER

For good cause shown, the foregoing is hereby GRANTED/DENIED.

By the Court,

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed to the following on August 3, 2004:

Ralph Urban
Office of the Attorney General
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Mark D. Nielsen
38C Grove Street
Ridgefield, CT 06877

Robert A. Heghmann
237 Grove Road
Rye, NH 03870

Wesley W. Horton