

A large group of graduates in blue caps and gowns, some with yellow stoles, are seated in rows. The scene is a graduation ceremony. The graduates are looking in various directions, some towards the camera, some looking down or to the side. The background is dark, suggesting an indoor arena or stadium.

# The New Jersey Story

Who Are We and Who Do We Want to Be?

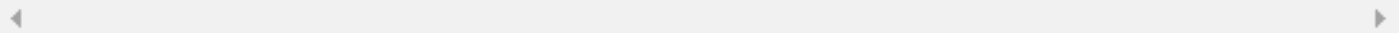
What Does It Mean to  
Say NJ's Public Schools  
Are Segregated?

# New Jersey Student Racial Demographics

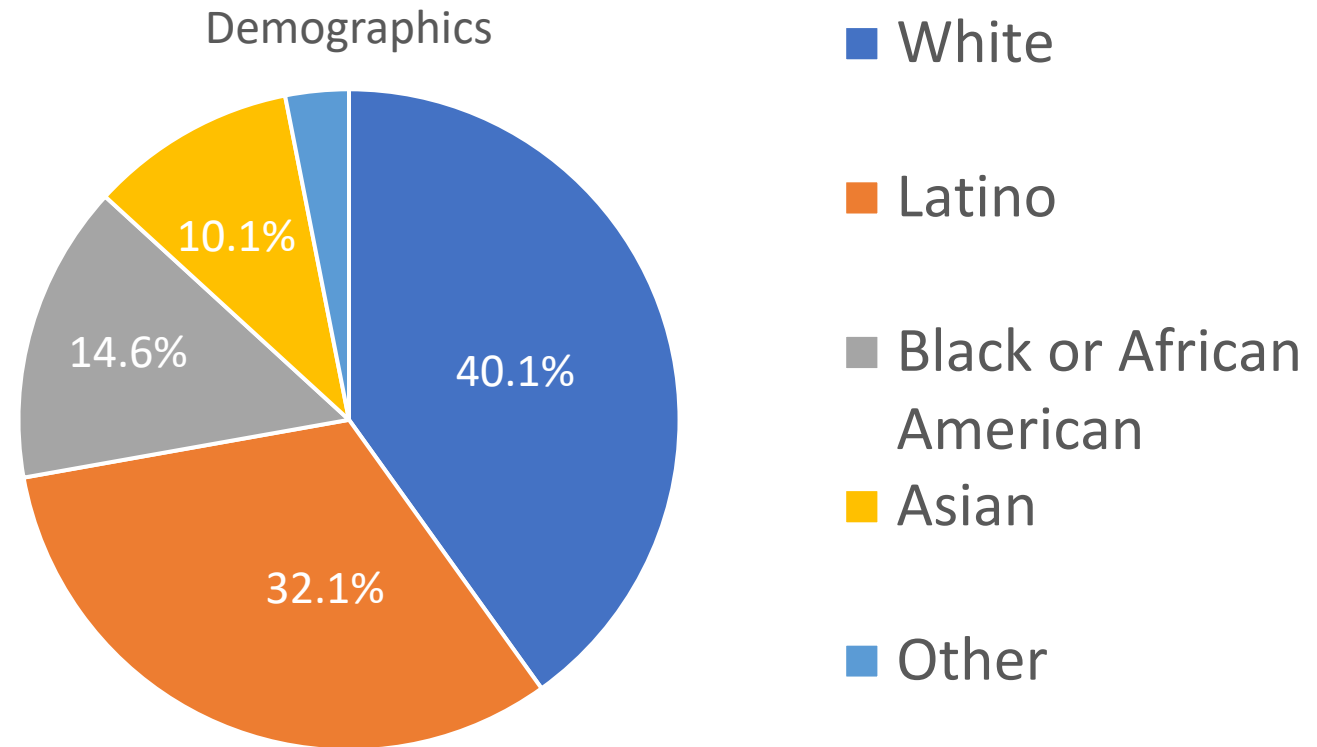
## Enrollment by Racial and Ethnic Group

This table shows the percentage of students by racial and ethnic group for the past three school years.

Racial And Ethnic Group	2019-20	2020-21	2021-22
White	41.4%	40.5%	40.1%
Hispanic	30.5%	31.2%	32.1%
Black or African American	15.1%	15.0%	14.6%
Asian	10.2%	10.4%	10.1%
Native Hawaiian or Pacific Islander	0.2%	0.2%	0.2%
American Indian or Alaska Native	0.1%	0.2%	0.2%
Two Or More Races	2.4%	2.6%	2.7%



# Visualization of NJ Public School Racial Demographics





# Segregation of New Jersey's Black Students

## 2015-2016 to 2019-2020 School Years Five-Year Statewide Averages



### Black Students

- On average, 54,108 Black students (26.0%) attended public schools that were over 99% non-White, and 48,389 Black students (23.2%) attended public schools that were between 90% and 99% non-White.
- On average, 129,316 Black students (62.0%) attended schools that were more than 80% non-White, and 137,977 Black students (66.2%) attended schools that were more than 75% non-White.



(Coughlan Supp. Cert. ¶ 4(a), Exh. A) Independence • Integrity • Fairness • Quality Service

DO NOT RECORD WITHOUT PERMISSION

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# Segregation of New Jersey's Latino Students

## 2015-2016 to 2019-2020 School Years Five-Year Statewide Averages



### Latino Students

- On average, 60,540 Latino students (15.7%) attended schools that were at least 99% non-White, and 112,953 Latino students (29.2%) attended schools that were between 90% and 99% non-White.
- An average of 224,901 Latino students (58.2%) attended schools that were more than 80% non-White, and 239,570 Latino students (62.0%) attended schools that were more than 75% non-White.



(Coughlan Supp. Cert. ¶ 4(b), Exh. A) **DO NOT RECORD WITHOUT PERMISSION**

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## Comparisons

# Proportionality Scores 2016-2017 New Jersey School Year



- **51.4% of schools somewhat or highly disproportional to their county demographics**
- **75.0% of schools somewhat or highly disproportional to the State's demographics**
- **43.2% of school districts somewhat or highly disproportional to their county demographics**
- **76.3% of school districts somewhat or highly disproportional to the State's demographics**



(Paul L. Tractenberg & Ryan W. Coughlan, *The New Promise of School Integration and the Old Problem of Extreme Segregation: An Action Plan for New Jersey to Address Both* 24 (May 2018) (introduced as Charter Intervenor Brief 17-00177).)

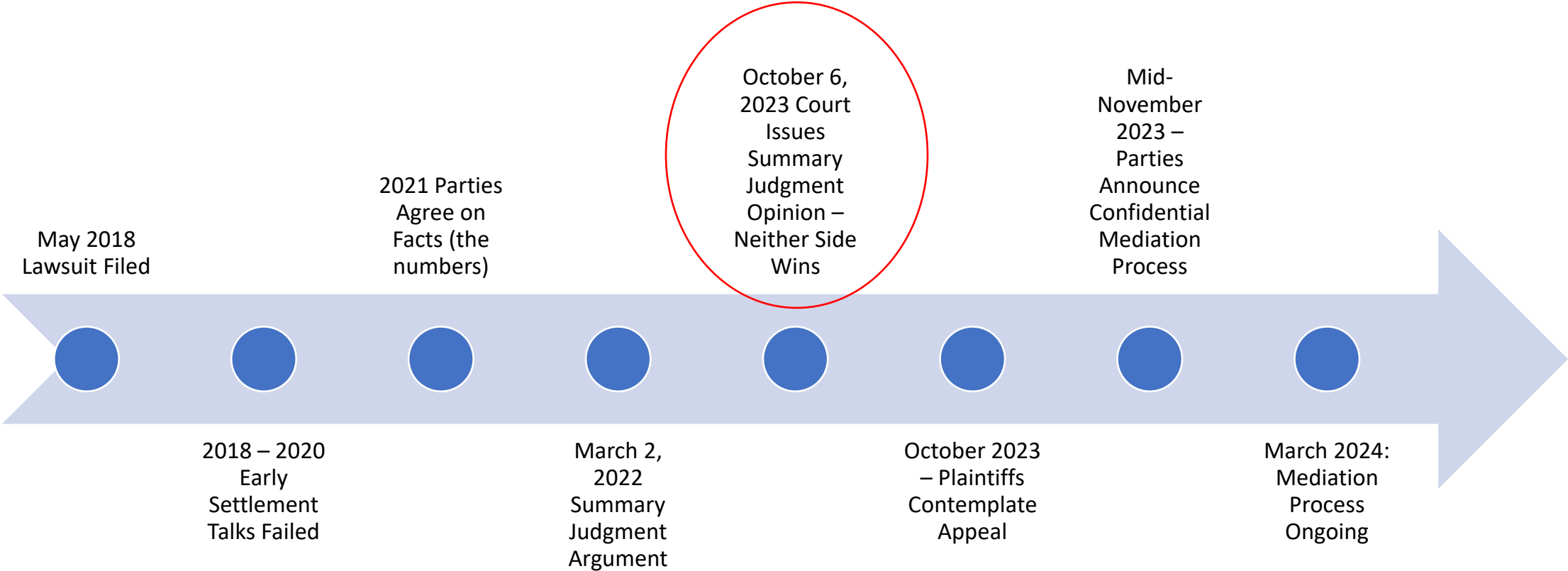


A row of classical stone columns, likely in a courtroom or government building, with the text "What Has Happened in the Lawsuit?" overlaid in white. The columns are fluted and have papyrus capitals. The floor is made of large, light-colored stone tiles.

What Has Happened in the  
Lawsuit?



# Latino Action Network, et al. v. State of NJ Timeline

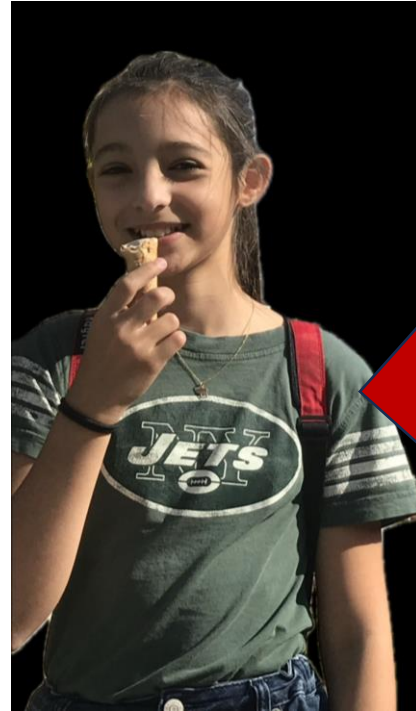
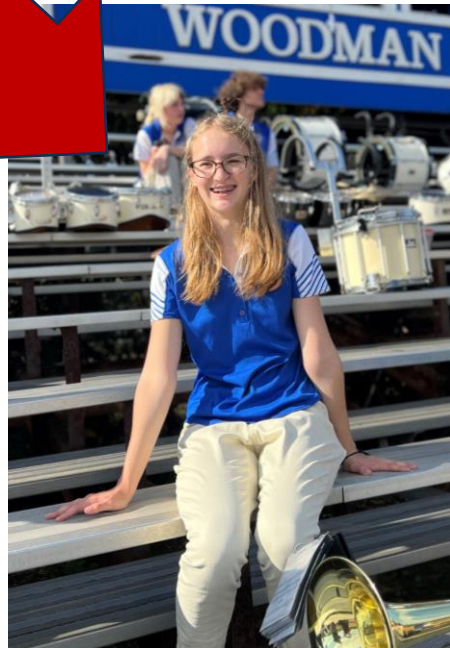


# 2018 to 2023 Is an Eternity For Children



May 2018 (3<sup>rd</sup> Grade)

Oct 2023 (9<sup>th</sup> Grade)



May 2018 (7<sup>th</sup> Grade)

June 2023  
(High School Graduate)





What Did the  
Court Say?

# The Court Said

- “[T]he parties agree that approximately 25% of New Jersey’s public-school students attend school districts in which the student body is ‘relatively proportional to the overall demographic of the state[]’ and approximately 75% ‘of children are currently going to school in a place that is disproportionate or nonrepresentative of the overall demographic[s] of the state.’”
- “Plaintiffs[] . . . fail to prove that the State’s entire educational system is unconstitutionally segregated because of race or ethnicity.”



# The Court Tried to Limit Issue to 23 Districts

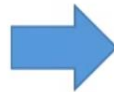
County	Districts
Camden	Camden City, Lawnside Boro, Woodlynne Boro
Essex	East Orange, Irvington, Newark, Orange
Hudson	Guttenberg, North Bergen, Union City, West New York
Mercer	Trenton
Middlesex	New Brunswick, Perth Amboy
Monmouth	Asbury Park, Red Bank Boro
Passaic	Passaic, Paterson, Prospect Park
Union	Elizabeth, Hillside, Plainfield, Roselle



## Example of County-Level Data: 2016-2017 School Year in Essex County

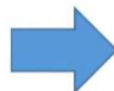


Four school districts had student populations that were at least 90% non-White:



- East Orange
- Irvington
- Newark
- Orange

Nine districts had at least 75% White students:



- Caldwell-West Caldwell
- Cedar Grove Township
- Essex Fells Borough
- Fairfield Township
- Glen Ridge Borough
- North Caldwell E
- West Essex Regio
- Verona Borough
- Roseland Boroug

(Am. Compl. ¶ 40(A); Coughlan Cert. ¶ 28, Exh. E.)

Dr. Nathan Barrett (Charters' Expert): "[I]n Essex County, almost half of White enrollment can be found percent of the total schools in the entire county." (Barrett Aff. ¶ 50.)



The Court  
Did Not  
Address  
White-  
Segregated  
Districts

# What About Home Rule/Local Control?

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“[H]ome rule and neighborhood schools are not set in stone. They remain viable as long as they serve public policy; to the extent that they protect and prolong racial segregation, they are anathema to public policy. As the Court has further emphasized, home rule and neighborhood schools impose no obstacle to and do not dilute or diminish the Commissioner’s exercise of her obligation to fight segregation in public schools.”



The Court Said  
the  
Commissioner  
Has the  
Authority to  
Remedy  
School  
Segregation

- “The Supreme Court has not hesitated to ensure that State officials compel compliance with the constitutional mandate to the full extent of their responsibilities and authorities. It has construed the anti-segregation clause and its implementing legislation to impose on the Commissioner the responsibility, as well as powers “comprehensive in nature,” to correct de facto segregation in public schools.



In New Jersey,  
Both De Jure  
and De Facto  
School  
Segregation Are  
Unconstitutional

## *North Haledon*, 181 N.J. 161 (2004)

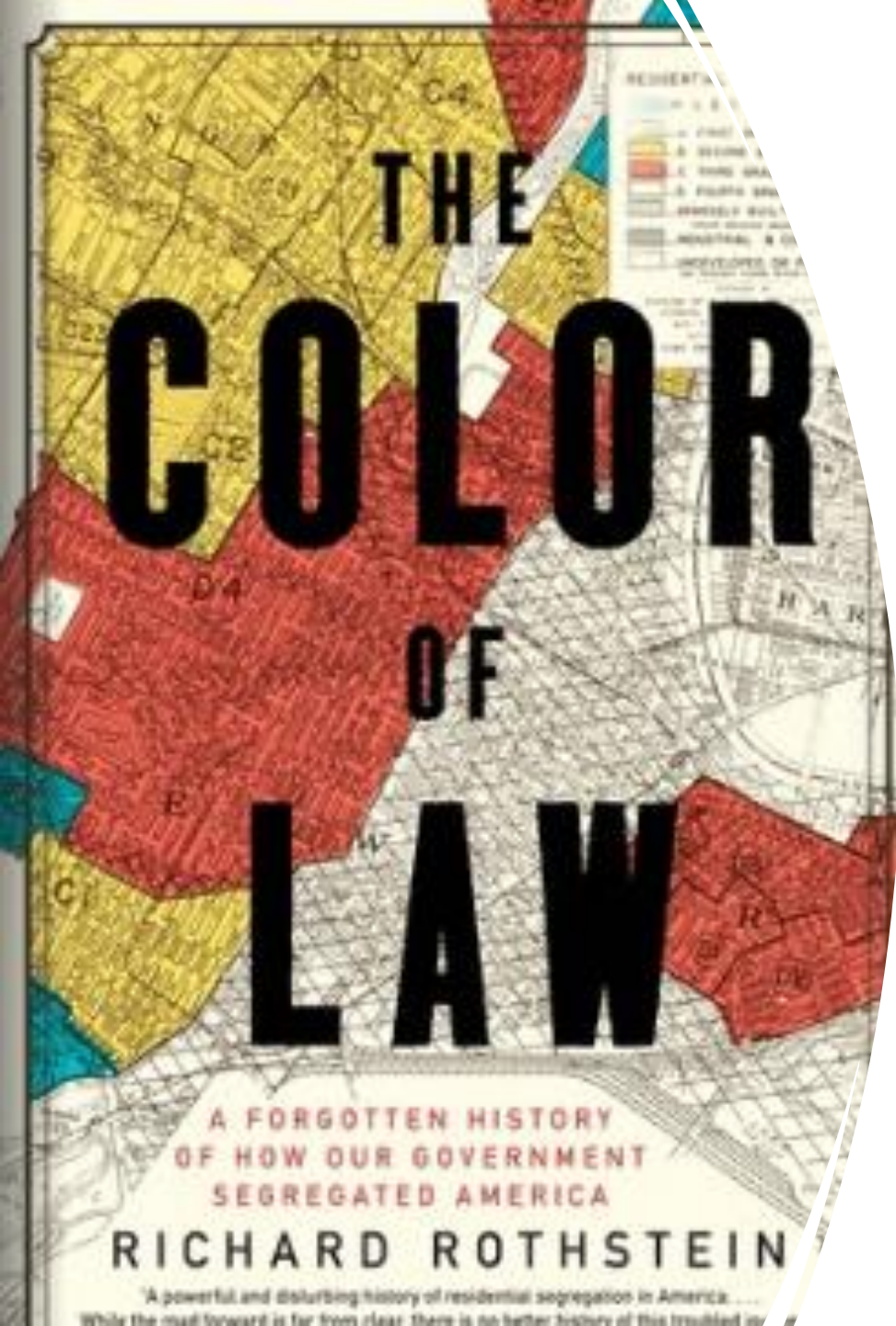


“Long before the United States Supreme Court decision in *Brown v. Board of Education of Topeka*, . . . New Jersey had rejected segregation in the public schools of this State, by statute and by case law. One hundred and fifteen years later, in [*Englewood on the Palisades*], we reaffirmed New Jersey’s abhorrence of discrimination and segregation in the public schools. We said, as we had before in *Booker*, that whether due to an official action, or simply segregation in fact, our public policy applies with equal force against the continuation of segregation in our schools. **We consistently have held that racial imbalance resulting from *de facto* segregation is inimical to the constitutional guarantee of a thorough and efficient education.**”

(181 N.J. at 177-78 (citations, quotations and New Jersey law omitted))



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Richard Rothstein's *The Color of Law: A Forgotten History of How Our Government Segregated America*

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# JUST ACTION

HOW TO CHALLENGE  
**SEGREGATION**  
ENACTED UNDER  
**THE COLOR OF LAW**

RICHARD ROTHSTEIN  
LEAH ROTHSTEIN

*Just Action: How to  
Challenge Segregation  
Enacted Under the  
Color of Law*

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# Government Contribution to Segregation: Redlining

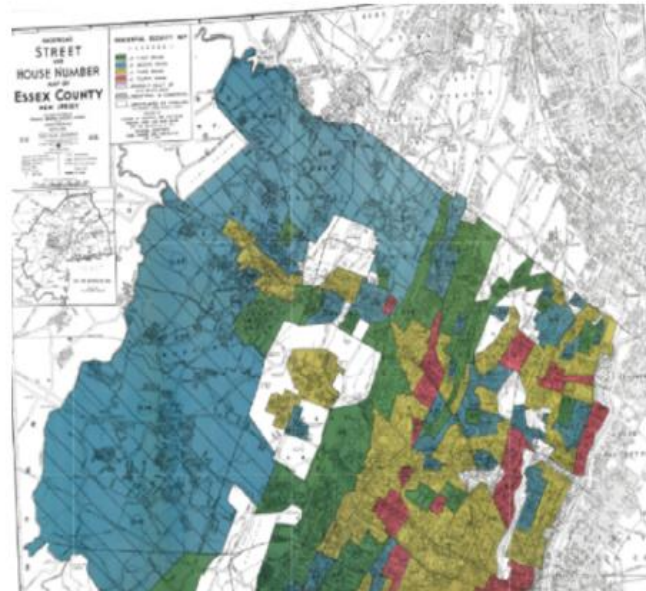
HANDOUT

## Redlining in Essex County, NJ (1940)



NAME:

AREAS BY GRADE		
Green	A "Best"	20%
Blue	B "Still Desirable"	50%
Yellow	C "Definitely Declining"	21%
Red	D "Hazardous"	9%
Population: 837,340 (18% Foreign-born white)		





# One New Jersey Neighborhood

Essex Co., NJ

B36 B37 B38

B37 Montclair - North Side

Show Full Show Scan

8. Description and Characteristics of Area

Level and well wooded. 95% improved. All city facilities, schools, etc. Good transportation including commutation to New York City. There has been a small settlement of negroes on Gray St. for number of years. It is not increasing and does not affect the area with the exception of two adjacent streets. Otherwise, the area consists of moderately substantial houses of good type but fair age. It is surrounded on all sides by very good areas, and should retain a degree of desirability for a long time.

1. Population

e. Shifting or Infiltration: None

c. Foreign Families: 0% Nationalities: empty

d. Negro: 0

b. Class and Occupation: White collar Est. income \$2500-15000

Map interface includes: Apps, Drug War, URJ Logistics, Democracy in a Da..., New Jersey Story, Education, Cross State Project..., L'Taken Resources, NJ Coalition Partners, Antisemitism, Reading list, Introduction, Downloads & Data, About, Contact Us, American Panorama, map options, Search for city, 8:54 AM, 3/9/2022

# Our Moral Moment

## **New Jersey Constitution of 1947, Article I, § 5**

“No person shall be . . . segregated . . . in the public schools, because of religious principles, race, color, ancestry or national origins.”

**VS.**

## **New Jersey's Reality**

New Jersey has the 6<sup>th</sup> most segregated schools in the country for Black children and the 7<sup>th</sup> most for Latino/a/x children

# Dr. King's Letter from a Birmingham Jail

**“All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority.”**





FURNISH TELEGRAM RECEIVED BY TELEPHONE

PRESIDENT JOHN F. KENNEDY

WHITE HOUSE

I LOOK FORWARD TO PRIVILEGE OF BEING PRESENT AT MEETING TOMORROW FOUR PM. LIKELIHOOD EXISTS THAT NEGRO PROBLEM WILL BE LIKE THE WEATHER. EVERYBODY TALKS ABOUT IT BUT NO BODY DOES ANYTHING ABOUT IT. PLEASE DEMAND OF RELIGIOUS LEADERS PERSONAL INVOLVEMENT NOT JUST SOLEMN DECLARATION. WE FORFEIT RIGHT TO WORSHIP GOD AS LONG AS WE CONTINUE TO HUMILIATE NEGROES. CHURCH SYNAGOGUE HAVE FAILED, THEY MUST REPENT. ASK OF RELIGIOUS LEADERS TO CALL FOR NATIONAL REPENTANCE AND PERSONAL SACRIFICE. LET RELIGIOUS LEADERS DONATE ONE MONTH'S SALARY TOWARD FUND FOR NEGRO HOUSING AND EDUCATION. I PROPOSE THAT YOU MR. PRESIDENT DECLARE STATE OF MORAL EMERGENCY. A MARSHALL PLAN FOR AID TO NEGROES.

SPECIAL DELIVERY 3038 BWAY NYC

WU 300 (1-63)

TELEGRAM RECEIVED BY TELEPHONE

IS BECOMING A NECESSITY. THE HOUR CALLS FOR MORAL GRANDUEUR AND SPIRITUAL AUDAACITY

224 JUN 16 255 PAID 30 SHEET 24 NL PD

ACA2 5833 WASHDC

ABRAHAM JOSHUA HESCHEL

224 JUN 16 SHEET 2

ACA 2 5833

ABRAHAM JOSHUA HESCHEL

# Telegraph from Rabbi Abraham Joshua Heschel to President Kennedy, June 1963

"I look forward to privilege of present at meeting tomorrow four PM. Likelihood exists that [African American] problem will be like the weather. Everybody talks about it but nobody does anything about it. Please demand of religious leaders personal involvement not just solemn declaration. We forfeit the right to worship God as long as we continue to humiliate [African Americans]. Church Synagogue have failed, they must repent. Ask of religious leaders to call for national repentance and personal sacrifice. Let religious leaders donate one month's salary toward fund for [African American] housing and education. I propose that you Mr. President declare state of moral emergency. A Marshall Plan for aid to [African Americans] is becoming a necessity. The hour calls for moral grandeur and spiritual audacity."



*Will Our State's  
Schools Look Like  
This?*





Or are we  
about to see  
a lot more of  
this?

## Today In Black History: The Fight for School Desegregation in a New Jersey City

By Rachel Pilgrim | 2/02/22 5:00PM



Englewood, NJ: Protest segregated schools: Pickets in front of the Municipal Building here February 2nd, to protest the arrest of 11 persons during sit-in demonstrations protesting allegedly segregated school. The sit-in took place Feb.1 and Feb 2. at City Hall in protest to a Board of education ruling barring nine Negro children from predominantly white Quarles School Feb 1., because of a zoning restriction. Photo: Getty (Getty Images)

Hundreds piled into the City Hall chamber to witness the Englewood Board of Education budget meeting on Feb. 1, 1962, anxious to hear a committee report on school segregation in Englewood, New Jersey.

Nine Black students were attempting to transfer to the new predominantly white Donald A. Quarles School from two mostly Black elementary schools, Lincoln School and Liberty School. The transfer requests were shot down.

Community  
Members  
Express Support  
for Integration  
and Diverse  
Classrooms



# Community Members Express Opposition to Integration

## **Urban Communities and/or Communities of Color**

- Give us the resources and our kids will succeed
- It is racist to assume that there need to be white kids in a classroom for kids of color to be academically successful
- Past integration efforts have harmed our children

## **Non-Urban Communities and/or Mostly White/Asian Communities**

- Safety – urban schools aren't safe
- Property values – “I don't want my property values to decrease and property values are tied to school quality”
- “I chose this town because of the schools”



# What Can We Do Since the Case Is in Court?

- **This affects all of *OUR* kids and communities**
  - Which kids might be in which building around the state
- **Most of the people in this room are not plaintiffs and do not have control of the court case; we CAN CONTROL how we:**
  - prepare our communities and schools to be welcoming to all children
  - Set up our state and our communities to ensure that all children can succeed
- **We can make a difference**
  - In coalition, we can put pressure on decision-makers to ensure that the public has a voice

Various Organizations Have  
Different Perspectives on Next  
Steps

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Who Are We?

Who Do We Want to Be?

Should we imagine a different New Jersey, together?