



THE NEW PROMISE OF SCHOOL  
INTEGRATION AND THE OLD  
PROBLEM OF EXTREME SEGREGATION  
AN ACTION PLAN FOR NEW JERSEY TO  
ADDRESS BOTH

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## Dedication

To the children of New Jersey who deserve to be educated together in a supportive, effective and enlightened environment, and who deserve to live together in a shared and productive future.

## Acknowledgements

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Our inaugural CDEE Fellow Noha Haggag, a second-year student at Rutgers Law School in Newark, responded to every request for research assistance promptly and effectively.

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For their input and support, we especially thank the UCLA Civil Rights Project and its director Gary Orfield and staff, Professor Elise Boddie of Rutgers Law School in Newark and her Inclusion Project, and retired New Jersey Supreme Court Associate Justice Gary Stein and his colleagues at the New Jersey Coalition for Diverse and Inclusive Schools.

We also thank the Fund for New Jersey for its support of the production of this report.

Ultimately, though, we accept full responsibility for the content of this report. It has been a labor of love for us, but one fraught with challenges given the complex and sensitive nature of the report's focus on the old problems and new opportunities regarding the long-overdue true integration of New Jersey's public schools.

## Contents

|  |    |
|--|----|
| DEDICATION AND ACKNOWLEDGEMENTS  | I  |
| LIST OF FIGURES, MAPS, AND TABLES  | IV |
| EXECUTIVE SUMMARY  | VI |
| INTRODUCTION AND OVERVIEW  | 1  |
| SECTION 1: AN INTRODUCTION TO AND OVERVIEW OF QUANTITATIVE RESEARCH<br>ON SCHOOL DIVERSITY | 7  |
| MEASURING EXTREME FORMS OF SCHOOL SEGREGATION  | 8  |
| A NEW SCHOOL INTEGRATION MEASURE: PROPORTIONALITY  | 9  |
| SCHOOL DISTRICT DIVERSITY CATEGORIES   | 11 |
| A NOTE ON THE BENEFITS AND DRAWBACKS OF AVERAGING  | 12 |
| SECTION 2: THE RESEARCH FINDINGS ABOUT SCHOOL DIVERSITY IN NEW JERSEY                      | 14 |
| EXTREME SEGREGATION  | 16 |
| ECONOMIC SEGREGATION   | 20 |
| PROPORTIONALITY  | 23 |
| SCHOOL DISTRICT DIVERSITY CATEGORIES   | 31 |
| CHARTER SCHOOLS VS. TRADITIONAL DISTRICTS AND SCHOOLS                                      | 37 |
| SECTION 3: POLICY AND LEGAL STRATEGIES LINKED TO THE THREE DIVERSITY<br>CATEGORIES         | 41 |
| FOUR REMEDIAL LEVELS   | 44 |
| ACHIEVING INTEGRATION ACROSS LEVELS AND CATEGORIES   | 44 |
| SECTION 4: A STATE ACTION PLAN FOR INTEGRATING NEW JERSEY PUBLIC<br>SCHOOLS                | 65 |
| REFERENCES   | 78 |

|  |    |
|--|----|
| ABOUT THE AUTHORS                        | 82 |
| APPENDICES                               | 84 |
| APPENDIX A: INTERACTIVE MAP              | 84 |
| APPENDIX B: PROPOTIONALITY SCORE         | 85 |
| APPENDIX C: DATA SOURCES                 | 86 |
| APPENDIX D: STATE-NATION PROPORTIONALITY | 87 |
| APPENDIX E: DISTRICT-LEVEL DATA          | 89 |

## List of Figures

|  |    |
|--|----|
| FIGURE 1: TRENDS OF EXTREME LEVELS OF SCHOOL SEGREGATION | 19 |
|--|----|

## List of Maps

|  |    |
|--|----|
| MAP 1: MEASURES OF EXTREME SEGREGATION | 18 |
| MAP 2: MEASURES OF POVERTY             | 22 |
| MAP 3: PROPORTIONALITY CATEGORIES      | 28 |
| MAP 4: DISTRICT DIVERSITY CATEGORIES   | 35 |

An interactive map of New Jersey's Schools and Districts is available at <http://www.centerfordiversityandequalityineducation.com/related-links/>

## List of Tables

|  |    |
|--|----|
| TABLE 1: SUMMARY OF SEGREGATION MEASURES   | 6  |
| TABLE 2: STATEWIDE PUBLIC SCHOOL DEMOGRAPHIC PROFILE   | 15 |
| TABLE 3: SCHOOL-LEVEL SEGREGATION  | 17 |
| TABLE 4: STUDENTS EXPERIENCING EXTREME SEGREGATION   | 17 |
| TABLE 5: DISTRICT-LEVEL SEGREGATION  | 17 |
| TABLE 6: EDUCATIONAL OUTCOMES BY SCHOOL-LEVEL SEGREGATION  | 20 |
| TABLE 7: DEMOGRAPHIC COMPOSITION OF SCHOOLS BY PROPORTION OF STUDENTS QUALIFYING FOR FREE OR REDUCED-PRICE LUNCH | 21 |
| TABLE 8: EDUCATIONAL OUTCOMES BY PROPORTION OF STUDENTS QUALIFYING FOR FREE OR REDUCED-PRICE LUNCH               | 23 |
| TABLE 9: PROPORTIONALITY CATEGORIES  | 24 |
| TABLE 10: SCHOOL DEMOGRAPHICS BY SCHOOL-STATE PROPORTIONALITY  | 26 |

|   |    |
|---|----|
| TABLE 11: DISTRICT DEMOGRAPHICS BY DISTRICT-STATE PROPORTIONALITY             | 27 |
| TABLE 12: SCHOOL-LEVEL EDUCATIONAL OUTCOMES BY DISTRICT-STATE PROPORTIONALITY | 30 |
| TABLE 13: DISTRICT-LEVEL DEMOGRAPHICS BY INTEGRATION CATEGORY                 | 31 |
| TABLE 14: DISTRICT CONSOLIDATION EXAMPLE                                      | 33 |
| TABLE 15: DISTRICT-LEVEL EDUCATIONAL OUTCOMES BY INTEGRATION CATEGORY         | 36 |
| TABLE 16: CHARTER SCHOOL DEMOGRAPHICS BY ALL SEGREGATION/INTEGRATION MEASURES | 38 |

## Executive Summary

We expected this report to primarily update our 2013 study, *New Jersey's Apartheid and Intensely Segregated Schools: Powerful Evidence of an Inefficient and Unconstitutional State Education System*. Our initial work on the update revealed that the proportion of apartheid and intensely segregated<sup>1</sup> schools in New Jersey has actually grown since the last publication.

As we applied a newly conceived measure of school segregation—a proportionality score—to New Jersey's education system, however, we were surprised to discover that a considerable number of the state's school districts, and their municipalities, have become substantially diverse.<sup>2</sup> Perhaps that should not have come as a surprise since we also discovered that New Jersey's total student population is very diverse and closely mirrors that of the nation.

These data and analyses led us to produce an entirely new study rather than an update of the 2013 study. As the title suggests, the new report deals both with “the Old Problem of Extreme Segregation” and “the New Promise of School Integration” in the context of “An Action Plan for New Jersey to Address Both.”

Our new measure, which dictated that we issue a fundamentally altered report, is a proportionality score<sup>3</sup> based on a comparison of demographic profiles at different governmental levels. Here is why we believe it is such an important measure. The United States is becoming increasingly diverse and some states, such as New Jersey, closely mirror that national trend; others do not. The proportionality scores comparing national and state level data capture those distinctions. Similarly, proportionality scores that compare state level and school district data, and school district and individual school data, provide a basis for knowing where we stand currently regarding diversity. Because the proportionality score accounts for all demographic subgroups and has the flexibility to shift as demographics change, it can point to an ideal condition in which all schools have a diverse student population that is representative of society as a whole. That presupposes, of course, diversity is our goal.

Although the federal government could play a significant role in promoting diversity among states or within states, that would require a major reversal of current policies and practices. At the state level, particularly with regard to education, the situation is markedly different. Longstanding constitutional principles provide state governments, not the federal or local governments,

with ultimate authority over education, and some states, New Jersey prominent among them, have construed that authority to bar school segregation, even to affirmatively require racial balance, well beyond the requirements of *Brown v. Board of Education*.

For a state like New Jersey to actually succeed in diversifying its education system at all levels and in all areas, instead of just pontificate about it, the proportionality scores of school districts and individual schools, as compared to the state demographic profile, can provide an important benchmark and aspirational goal. In the effort to realize such a goal, the highly successful history of districts such as the Morris School District in Morris County can offer essential guidance.

In the report, we document in detail the current state of affairs and recommend how the state should address both the new opportunities we have identified as well as the far too old and serious problems we still confront.

First, we must recognize and act urgently to deal with the continuing, or even worsening, extreme segregation that exists in approximately 25% of our school districts. They are mostly urban districts where black and Hispanic students, many of them low-income, go daily to intensely segregated or apartheid schools. Additionally, we must deal with the significant, but sharply declining, number of districts where white students exist in extreme isolation (fewer than 10% non-white students). Both circumstances diminish the educational and social opportunities of far too many New Jersey students, and deprive the state as a whole of the benefits of students educated in schools that mirror our society's growing diversity.

In order to guide the state toward unlocking the full benefits of its diverse population, we have presented two new frameworks for explaining the demographic and educational data, and for developing and implementing remedies tailored to address the opportunities and challenges that await us. Our new approaches to analyzing school integration supplement, and in our opinion improve upon, the more traditional framework that emphasizes instances of extreme segregation.

Our new frameworks: (1) measure all the state's schools, school districts and counties by their proportionality to the statewide demographic profile; and (2) use those proportionality scores to derive three district diversity categories—(i) those that are already relatively proportional to the state as a whole; (ii) those that are not yet sufficiently proportional but are in relatively diverse counties;

and (iii) those that are not yet sufficiently proportional and are in counties that also lack diversity.

We also deal in this report with some of the major educational aspects and implications of our shifting demographics, which, at best, we touched on briefly in the 2013 report.

Among our major findings are:

- While white students still make up the largest portion of children in New Jersey's public schools, there is no longer a single racial group in the majority. In the 2016-2017 academic year, 45.3% of New Jersey's public school students were white, 27.1% were Hispanic, 15.5% were black, 9.9% were Asian, and 2.1% identified as part of some other racial or ethnic group.<sup>4</sup> By comparison, the national profile a year earlier had 48.9% white students, 25.9% Hispanic students, 15.5% black students, 5.0% Asian students and 4.8% "other" students.
- In the 2016-2017 academic year, 24.4% of New Jersey's students attended a school characterized by some form of extreme segregation: 7.8% of students went to apartheid schools, where less than 1% of the population was white; 13.5% of students went to intensely segregated schools, where between 1% and 10% of the population was white; and 3.1% of students went to white isolated schools, where more than 90% of students were white.
- While the proportion of children attending white isolated schools has dropped precipitously and continuously since 1990, the proportion of children attending either apartheid or intensely segregated schools has risen almost continuously since 1990. The main exception to that trend is that, between 2015 and 2016, the proportion of apartheid schools dropped while the proportion of intensely segregated schools continued to grow. This might be a hopeful indicator of decreases in the most extreme forms of segregation, but more data are needed to assess that.
- Educational outcomes at New Jersey's apartheid and intensely segregated schools are significantly below the state averages. 51.0% of students across the state demonstrate English Language Arts (ELA)

proficiency, while only 35.1% of students in intensely segregated schools and 25.4% of students in apartheid schools demonstrate proficiency. Similarly, 41.8% of students across the state demonstrate Math proficiency, but only 26.6% of students in intensely segregated schools and 17.9% of students in apartheid schools demonstrate proficiency. Equally troubling is that, while 91.1% of students across the state graduate from high school, only 82.3% of students in intensely segregated schools and 79.9% of students in apartheid schools graduate. Additionally, while 77.7% of New Jersey's public school students matriculate to college, only 69.0% of students in intensely segregated schools and 63.6% of students in apartheid schools do so.

- While Asian and white students make up only 55.2% of all students in the state, 87.3% of students in low poverty schools, where less than 10% of students qualify for free or reduced-price lunch, are Asian or white. Conversely, four out of five students in high poverty schools are black or Hispanic even though only two out of five students across the state are black or Hispanic.
- 25% of New Jersey's public schools can be classified as proportional to the overall racial profile of the state's public school student population (i.e., less than 25% of students in each school would need to be exchanged with students from a different racial background for that school to match the diversity of the state as a whole). The other three-quarters of New Jersey's public schools are classified as disproportional. In order for these disproportional schools to match the diversity of the state as a whole, more than 25% of students in each of these schools would need to be exchanged with students from a different racial background.
- There is a significant correlation between how proportional a school's demographic profile is to the state and an array of educational outcomes. The more proportional schools are to the state's demographic profile, the higher the graduation rates, college matriculation rates, ELA proficiency rates, and math proficiency rates are and the lower the dropout rates are.
- Even after controlling for the proportion of students who qualify for free or reduced-price lunch, there is a significant correlation between

proportionality and graduation rates, college matriculation rates, and dropout rates. The more proportional schools are, the higher their graduation rates and college matriculation rates are and the lower their dropout rates are.

- 23.7% of districts have sufficient levels of diversity to provide all students with the benefits of learning in diverse schools and classrooms; these are proportional districts grouped into District Diversity Category 1. These districts have graduation rates that exceed the state average and dropout rates far below the state average.
- 76.3% of districts currently lack sufficient levels of diversity to provide all students with the benefits of learning in diverse schools and classrooms; these are disproportional districts.
- 49.0% of all districts are disproportional to the state and lack sufficient levels of diversity in and of themselves, but they are located in diverse counties and have the potential to create diverse learning environments for their students by adopting innovative school assignment practices; these are grouped into District Diversity Category 2.
- 27.3% of districts are isolated in non-diverse counties and internally lack sufficient levels of diversity to provide all students with the benefits of learning in diverse schools and classrooms; these are grouped into District Diversity Category 3. Despite the challenges to creating diverse schools in these areas, these districts have the opportunity to develop and adopt innovative practices to provide students with some of the benefits of learning in diverse environments.
- 81.5% of charter school students are in schools characterized by extreme levels of segregation (apartheid, intense segregation, and white isolation). These schools currently exacerbate New Jersey's school segregation crisis.

After presenting and explaining our findings, we propose remedies at the district, school, classroom, course and program, and person-to-person interactional levels matched with each of the district diversity categories. These remedies are designed to achieve not just diversity or racial balance, but also

what has come to be called “true integration” for every student to the maximum extent possible. Although diversifying student populations at the district and school levels is usually a predicate for achieving diversity at the classroom, course and program level, true integration involves still greater challenges. To achieve classroom, course and program level diversity necessitates a close look at student tracking policies and practices, and at policies and practices that produce differential student disciplinary and special education classification rates. But, even after that results in diverse classrooms, courses and programs, true integration must take the next major step by focusing on the creation and adoption of enlightened, socially responsive curricula and materials taught by thoughtful and well-trained teachers.

Where, in some cases, extreme segregation cannot be fully remedied in the near term by creating day-by-day student-to-student diversity even at the district and school levels, we recommend some interim measures. These include innovative uses of technology that can provide some semblance of live student-to-student interactions, combined with periodic curricular and extra-curricular opportunities for these students to interact physically.

Finally, we build on those remedial recommendations to conclude the report with the following action plan for the state:

### ***An Action Plan to Diversify New Jersey’s Schools***

1. **A clear, definitive and strong policy statement from the governor** making it a state priority to:
  - a. Actually achieve residential and educational diversity wherever feasible and as soon as possible;
  - b. Define educational diversity in a manner that comports to the state’s current demography and establish the state’s diversity goals based on that definition;
  - c. Develop and implement an operational plan for achieving diversity that recognizes the state’s varied circumstances;
  - d. In those definitions and that plan, emphasize that the required educational diversity does not stop at the district or even school level, but applies to classrooms, courses and programs and the achievement of “true integration,” thereby necessitating that

- educators throughout the state and at every level evaluate and improve all relevant policies and practices, including those that relate to tracking and ability grouping, student discipline, special education classification, curricular development and pedagogy;
- e. Require all districts to develop and implement plans to diversify their teaching, administrative and support staffs with CJ PRIDE (Central Jersey Program for the Recruitment of Diverse Educators), a program being implemented by 17 school districts, as a possible model;
  - f. Rationalize the structure of the education system (bringing it into harmony with the state constitutional mandate of an “efficient system of free public schools”<sup>5</sup>) and ensure that it gives priority to promoting diversity;
  - g. Develop and fully fund a school financing law that assures adequate resources to every district, that is adjusted regularly to reflect changing enrollments and demographics, that provides incentives for districts to maintain or increase their diversity, and that reduces reliance on disparate local property tax rates; and
  - h. Charge relevant state agencies and officials with responsibility for: implementing the elements of this Action Plan; reviewing all existing statutes, regulations, policies and practices that potentially impact housing and educational diversity and proposing changes that would enhance the prospect of their promoting diversity; and proposing new statutes, regulations and policies for that purpose.
2. **A new blue-ribbon commission, with a broad but specific mandate and a relatively short time-line**, to study and recommend the best means of achieving and sustaining educational diversity over the long-term, including by studying linkages between educational diversity and:
- a. school district and municipal structures;
  - b. the state and local tax structure;
  - c. residential segregation;
  - d. the availability of jobs; and
  - e. real and perceived issues regarding community safety.

3. **A re-established highly visible and well-staffed office in the state department of education** to monitor the status of educational diversity and to require districts to take actions to promote educational diversity, including to extend district-wide diversity to the school and classroom, course and program levels.
4. **Support for districts that already are diverse** by choice or by demographic happenstance, or are seeking to reach that status, to enable them to maintain or extend their diversity. This could include financial support for student transportation necessary to diversify all of the districts' schools, and financial support and technical assistance for training district and school staff to deal effectively with an increasingly diverse student population.<sup>6</sup>
5. **Increase the number of diverse school districts** by:
  - a. Supporting judicial efforts under Mount Laurel to assure the construction of more affordable housing units and promoting other measures to integrate housing throughout the state;<sup>7</sup>
  - b. Enforcing the 2007 statutory mandate of the CORE Act to require all districts to move to K-12 status, but with a specific requirement that this be done in a manner that increases educational diversity to the maximum extent feasible;
  - c. Identifying clusters of districts whose consolidation can feasibly enhance educational diversity and inducing them to consolidate (or, if need be, requiring them to do so); and
  - d. Establishing pilot projects to test the effectiveness of county-wide or other regional school districts as a vehicle for increased educational diversity, as well as greater efficiency and overall student achievement.<sup>8</sup>
6. **Promote diverse schools in districts not yet diverse** by:
  - a. Supporting and promoting residential integration efforts, including neighborhood integration efforts;
  - b. Modifying the Interdistrict Public School Choice law to require that increasing student diversity be a priority purpose;

- c. Establishing inter-district magnet schools modeled after the *Sheff* magnet schools in Connecticut or the longstanding magnet programs in Massachusetts; or
  - d. Modifying the charter school law to encourage or require more multi-district charter schools with a specific mandate to enhance diversity.
7. **Encourage districts where day-to-day diversity is not a realistic prospect in the near term to develop other ways to provide their students with an exposure to diversity and its benefits** through extra-curricular or co-curricular means, periodic cross-district programming with districts different in pupil population than theirs (as, for example, by using immersive educational technology and Holodeck classrooms).
8. **Establish high-quality professional development programs** for teachers and administrators to enhance their ability to effectively educate diverse student bodies.
9. **Require that, as a condition of New Jersey school districts purchasing textbooks, other instructional materials and educational technology, those items must be sensitive and responsive to the racial, ethnic, cultural and economic diversity of the state's students.**
10. **Foster or support citizen coalitions** to promote greater educational and residential diversity by all appropriate means including political action, legislative lobbying, policy development and, if necessary, litigation.

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<sup>1</sup> Based on reports from the UCLA Civil Rights Project, apartheid schools and districts have fewer than 1% white students; intensely segregated schools and districts have between 1 and 10% white students.

<sup>2</sup> In this report, we use a variety of terms, such as diverse or diversity, proportional or proportionality, inclusive or inclusiveness, desegregated or desegregation, integrated or

integration, and truly integrated and true integration, to describe either existing circumstances or aspirational goals. Although some of these terms are synonymous, others are intended to convey different meanings. In the body of the report, we seek to specify the particular meaning we intend to convey. We chose to use diverse or diversity as our default term for several reasons. First, it seemed most broadly descriptive of the foundational demographic circumstances with which our report deals. Second, it has been used for decades to describe the main focus of our report—the extent to which schools reflect racial, ethnic and socioeconomic heterogeneity. Actually, a number of seminal decisions of the New Jersey Supreme Court involving race and education, mainly from the 1960s and 1970s (*i.e.*, *Booker v. Board of Education of City of Plainfield*, 45 N.J. 161 (1965), *Jenkins v. Township of Morris School District*, 58 N.J. 483 (1971)), used another term—“racial balance” or “racial imbalance,” and some later decisions injected the term “isolation” or “racial isolation” into the discussion (*i.e.*, *Abbott v. Burke*, 119 N.J. 287 (1990)). Indeed, the most common formulation of New Jersey’s state constitutional mandate is that schools have to be “racially balanced wherever feasible.”

<sup>3</sup> See Section 1 for a full description of proportionality.

<sup>4</sup> See Section 1 for descriptions of the terms “racial” and “ethnic.” As will be indicated there, we have tended to use established terminology, however imperfect it may be, because the best available data are presented on that basis.

<sup>5</sup> N.J.CONST. Art. VIII, Sec. 4, Par. 1 (“The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.”).

<sup>6</sup> Between 1991 and 1994, the state had a desegregation-aid program to support districts regarding school bussing and other efforts to achieve school-level diversity. The program was eliminated by Governor Christine Todd Whitman, with the support of her education commissioner Leo Klagholtz, ostensibly because the program had been used to distribute aid for political gain. Peter Schmidt, N.J. Desegregation-Aid Program on Chopping Block, EDUCATION WEEK (May 10, 1995), <https://www.edweek.org/ew/articles/1995/05/10/33nj.h14.html>.

<sup>7</sup> *Southern Burlington County NAACP v. Township of Mount Laurel*, 67 N.J. 151 (1975). The recently resuscitated judicial role in implementing Mount Laurel’s affordable housing mandate could significantly reshape residential patterns in many of the state’s municipalities, especially if it were supported by the Murphy administration. See Colleen O’Dea, NJ Court Determines How Many Affordable Housing Units Needed by 2025, NJSPOTLIGHT (March 12, 2018), <http://www.njspotlight.com/stories/18/03/11/nj-superior-court-determines-how-many-affordable-housing-units-needed-by-2025/>.

## Introduction and Overview

The impetus for this report was to update and, to some degree, expand the coverage of our 2013 report entitled *New Jersey's Apartheid and Intensely Segregated Urban Schools: Powerful Evidence of an Inefficient and Unconstitutional State Education System*. As its title suggests, that report, issued by the Rutgers-Newark Institute on Education Law and Policy in collaboration with the UCLA Civil Rights Project, focused on the extent to which students in virtually all the state's urban districts were grossly segregated by race<sup>1</sup> and socioeconomic status. Often, we found, they were educated in extreme isolation just across district borders from students who were as disproportionately white, or white and Asian, and upper-income.

That seemed to us a recipe for educational, social and constitutional disaster, especially in a state with the nation's strongest state laws requiring racial balance in the schools wherever feasible. The only conceivable way to reconcile our strong and long-held constitutional principles with the reality of extreme segregation in urban New Jersey was in terms articulated by the former chief justice of the state supreme court Deborah Poritz. In a 2004 decision of the court, Poritz said that for far too long we had paid "lip service" to the constitutional mandate, but not really acted to enforce it.<sup>2</sup> In the 2013 report, we urged the state, at long last, to align its action with its constitutional rhetoric.

As we looked at the most current data to prepare this updated report, we discovered two important things:

1. Despite our admonitions to the state, the plight of black and Hispanic students in our urban schools actually has worsened in terms of their isolation; but
2. Largely as a result of demographic forces that have significantly diversified the state's general population, and with it the student population, New Jersey has a considerable number of school districts that are significantly diverse.<sup>3</sup>

We suspect that the first finding will not surprise those conversant with New Jersey's housing patterns and educational system, but that the second finding may. 160 of the state's 674 school districts (including charter schools, each of which is technically a school district), almost 25% of the total number, are

substantially diverse by a variety of measures, and many of those districts are unlikely to be on the radar screens of those who monitor school diversity.

For this new report, we have looked at these seemingly contradictory trends through several related and overlapping lenses. We constructed Table 1 to summarize all of the segregation measures used in this report. Readers should use this table, which is located at the end of the introduction on page 16, as a reference.

One measure is the segregation categories used by our research collaborators at the UCLA Civil Rights Project in 2013 and again in 2017. These include intensely segregated districts with between 1% and 10% white students and apartheid districts with fewer than 1% white students. In the 2017 report, we also identified white isolated districts with fewer than 10% nonwhite students. The value of these measures lies in their ability to identify the areas of New Jersey where the most extreme racial segregation exists. However, we must use other measures to understand conditions in the overwhelming majority of areas that do not suffer from these extreme forms of school segregation.

A second lens is the proportionality scores we have pioneered. These compare the student demographic profiles of schools, districts and counties with one another and, ultimately with the statewide profile. We use proportionality as a way to give substance to the term “diversity,” by dividing all the state’s school districts into four groupings: Highly Proportional, Somewhat Proportional, Somewhat Disproportional and Highly Disproportional. This measure illuminates a more complete spectrum of segregation and integration by highlighting the degree to which the demographic composition of a single entity matches the overall demographic profile of the larger entities in which it is embedded.

A third lens, also of our creation, is related to the second. It operationalizes the proportionality scores by converting the four groupings described above into three categories of districts, each linked to a set of policy and legal recommendations. We call this our School District Diversity Categories. Category 1 includes all the districts identified as Highly or Somewhat Proportional wherever they are located in the state. Category 2 includes all the districts identified as Somewhat or Highly Disproportional that are located in Highly or Somewhat Proportional counties. Category 3 includes all the districts identified as Somewhat or Highly Disproportional that are located in Somewhat or Highly Disproportional counties.

In effect, this third lens provides us with a vision that leads to the report's comprehensive action plan through which New Jersey can move toward thoroughgoing statewide school integration for all its students.

Of course, many elements of this action plan, as the report explains, are neither easy nor likely to be fully implemented in the near term. The problems of our most segregated school districts, and especially the hard-pressed urban districts that were the focus not only of our 2013 report, but also of other educational improvement strategies such as those embodied by the *Abbott v. Burke* funding and educational reform remedies, will be complicated to solve fully. But even in those districts, and their converse, white isolated districts, important steps can be taken to ameliorate the problem and bring at least some of the educational benefits of diversity to their students.

This report will be divided into four sections:

1. The first section will be a narrative discussion of the three distinct measures referenced above and of their application to New Jersey's demographic data and, to a limited extent, to educational outcomes data. This is designed to shed light both on the current state of diversity and integration across the state's public schools and to the educational implications of student exposure to greater or lesser degrees of diversity and integration. We will describe the evolution, meaning and import of each measure. In the interests of full transparency, we will share our judgments about the strengths and limitations of each. In the spirit of a famous New Jerseyan, Albert Einstein, we will try to make this section, indeed the entire report, as simple as possible, but not simpler.
2. The second section will focus on applying these measures to the best available and most current data in a series of tables, graphs and maps interspersed by explanatory text. We have chosen to concentrate most of the data into this section because we understand that some readers may be less interested in, or less comfortable with, the data analysis than with other aspects of this report, and other readers may be primarily interested in the data.

3. The third section will relate these measures, and their application to the underlying data, to policy and legal strategies designed to enable each category of school districts to begin to reap the benefits of educational diversity for their students as soon and as fully as possible. Without elaborating on the full details of this section, suffice it to say that:
  - a. For Category 1, which includes the state's most proportional/diverse school districts, the strategies will focus on maintaining or even improving existing district-level diversity and extending it to the school and classroom levels.
  - b. For Category 2, which includes districts with low proportionality/diversity that are located in relatively diverse counties, the strategies will focus on increasing diversity within existing district lines while exploring ways to change or bridge district lines to provide more students with an integrated educational experience,<sup>4</sup> as well as to extend diversity to the school and classroom levels. We discovered that this category includes a substantial number of the state's most segregated districts.<sup>5</sup> The fact that they are located in relatively diverse counties makes our longstanding failure to find the means to increase their diversity all the starker and more inexplicable.
  - c. For Category 3, which also includes districts with low proportionality/diversity but that are located in counties that also lack substantial diversity, the challenges of bringing the benefits of diversity to their students are even more complicated and the responses have to be the most creative and far-reaching. This category, like Category 2, contains many districts that are the most deeply segregated for black and Hispanic students in apartheid or intensely segregated schools and districts or for white students in white isolated schools and districts. Because their counties also lack diversity, selectively changing or bridging existing district lines is still a possibility, but a more uncertain and complicated one than for Category 2 districts. Therefore, other more limited strategies may have to be utilized, at least in the near term.

4. The final section will combine these policy and legal strategies into a succinctly stated but comprehensive state action plan for diversifying New Jersey's schools, which will include important statewide measures as well as the category-specific measures described in the prior section.

The report will conclude with appendices that include references to key source materials and demographic profiles for each New Jersey school district. Additionally, this report is accompanied by an interactive map that readers can use to explore the county-level, district-level, and school-level data utilized and developed for this report. This map can be accessed at <http://www.centerfordiversityandequalityineducation.com/related-links/>.

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<sup>1</sup> New Jersey uses seven categories for race: white, black, Hispanic, Asian, Native American, Hawaiian Native, and Two or More Races. We have collapsed Native American, Hawaiian Native, and Two or More Races into a single "other" category because of the relatively small numbers of children who identify in these ways. We take this approach in an effort to give more statistical weight to the category, not to withdraw significance from the separate identities. For the purposes of this report, we use the term *race* to discuss and represent these predefined categories with the full recognition that these categories are limiting and also denote some aspects of ethnicity.

<sup>2</sup> In *Re Petition for Authorization to Conduct a Referendum on the Withdrawal of North Haledon School District from the Passaic County Manchester Regional High School District*, 181 N.J. 161 (2004).

<sup>3</sup> Unless noted otherwise, we use the term *diverse* to signify the presence of a significant number of people from different racial and ethnic backgrounds. As we discuss in greater detail, we idealize shaping New Jersey's schools and districts in a way that closely matches the diversity that exists at the state-level. It is essential to note that *diversity* does not automatically translate to *inclusion* or to *equity*. However, diversity does create the conditions needed to promote inclusion and equity most efficiently and effectively.

<sup>4</sup> To the extent school district reorganization deserves serious remedial consideration in this category, there is a long lineage, dating back to at least the 1960s, of state blue ribbon commission recommendations that urge thoroughgoing reorganization for educational and fiscal efficiency reasons. There is also a 2007 statute, the Uniform Shared Services and Consolidation Act, P.L. 2007, c. 63 (NJSA 40A:65-1 through 65-35), whose so-called CORE reform components (the CORE Act) required executive county superintendents to develop plans for consolidating districts so that all provided a full K-12 educational program.

<sup>5</sup> Districts with the most severe segregation problems, perhaps not coincidentally, often also have the most severe educational problems.

| Measure   | Definition  |
|---|---|
| <p><b>Extreme Segregation</b></p> <p style="text-align: right;"><b>Apartheid</b></p> <p style="text-align: right;"><b>Intensely Segregated</b></p> <p style="text-align: right;"><b>White Isolated</b></p>  | <p>Less than 1% of students are white</p> <p>Between 1% and 10% of students are white</p> <p>Less than 10% of students are nonwhite</p>   |
| <p><b>Poverty Levels</b></p> <p style="text-align: right;"><b>Low</b></p> <p style="text-align: right;"><b>Below Average</b></p> <p style="text-align: right;"><b>Above Average</b></p> <p style="text-align: right;"><b>High</b></p>   | <p>Less than 10% of students qualify for free or reduced-price lunch</p> <p>Less than 38% of students qualify for free or reduced-price lunch</p> <p>More than 38% of students qualify for free or reduced-price lunch</p> <p>More than 50% of students qualify for free or reduced-price lunch</p>   |
| <p><b>Proportionality Categories</b></p> <p style="text-align: right;"><b>Proportional</b><br/><i>(including the two categories below)</i></p> <p style="text-align: right;"><b>Highly Proportional</b></p> <p style="text-align: right;"><b>Somewhat Proportional</b></p> <p style="text-align: right;"><b>Disproportional</b><br/><i>(including the two categories below)</i></p> <p style="text-align: right;"><b>Somewhat Disproportional</b></p> <p style="text-align: right;"><b>Highly Disproportional</b></p> | <p>Less than 25% of students would need to be exchanged with students of a different race</p> <p>Less than 10% of students would need to be exchanged with students of a different race</p> <p>Between 10% and 25% of students would need to be exchanged with students of a different race</p> <p>More than 25% of students would need to be exchanged with students of a different race</p> <p>Between 25% and 50% of students would need to be exchanged with students of a different race</p> <p>More than 50% of students would need to be exchanged with students of a different race</p> |
| <p><b>District Diversity Categories</b><br/><i>(derived from the Proportionality Categories)</i></p> <p style="text-align: right;"><b>Category 1</b></p> <p style="text-align: right;"><b>Category 2</b></p> <p style="text-align: right;"><b>Category 3</b></p>  | <p>All districts that are proportional to the state (either Highly or Somewhat Proportional)</p> <p>Districts that are disproportional to the state (either Somewhat or Highly Disproportional) that are located in counties that are proportional to the state</p> <p>Districts that are disproportional to the state (either Somewhat or Highly Disproportional) that are located in counties that are disproportional to the state</p>   |

TABLE 1: SUMMARY OF SEGREGATION MEASURES

## Section 1

# An Introduction to and Overview of Quantitative Research on School Diversity

Typically, quantitative research on school diversity has sought to identify areas that are plagued by the most extreme forms of school segregation. Prior to this report, we have approached our research on school segregation using measures of extreme school segregation in three studies done in collaboration with the UCLA Civil Rights Project. The logic behind structuring school diversity research in this way is based on the reality that many districts and schools in the United States remain deeply segregated despite decades of legal, legislative and grassroots efforts to reshape the educational experience of the nation's children.

While we recognize the need to continue studying the most segregated schools in order to undo the structures that perpetuate this problem, we have begun to question whether the hyper-focus on extreme forms of school segregation has actually held us back from cultivating and maximizing school diversity. By focusing on extreme forms of school segregation, we may have (1) hindered our ability to maximize the educational benefits of preexisting school diversity, (2) missed opportunities to cultivate greater levels of diversity in schools that linger somewhere between integrated and segregated, and (3) ignored more creative ways to create spaces for diverse groups of students to learn together even when residential demographic patterns and geography appear to make this infeasible. It is for these reasons that we take a new and unconventional approach to studying school diversity in this report.

The quantitative findings presented in this report begin with a traditional analysis of extreme forms of school segregation; however, we quickly turn to two new approaches for measuring and analyzing school integration that we believe provide policymakers, school leaders and the public with a clear and practical path toward cultivating increased levels of school diversity for all children. Before turning to these findings and our associated recommendations, we offer a brief overview of the research methods we employed in our work (Refer to Table 1 on page 16 for a summary of all the measures used in this report).

## ***Measuring Extreme Forms of School Segregation***

We rely on measures originated by the UCLA Civil Rights Project (CRP) to provide a brief discussion of extreme forms of school segregation in New Jersey. In particular, we consider CRP's two primary categories of extreme segregation—*apartheid* and *intensely segregated* schools and districts. Apartheid schools or districts have populations with less than 1% white students. Intensely segregated schools or districts have populations with between 1% and 10% white students. In addition to these two levels of segregation, we also analyze *white isolated* spaces. We originally discussed these schools and districts with a population that is 90% or more white in the 2017 UCLA Civil Rights Project report, *New Jersey's Segregated Schools: Trends and Paths Forward*. Our brief analysis of these three forms of extreme segregation adds to the extensive body of literature highlighting the most egregiously segregated schools and districts.

Measuring and analyzing segregation in this manner allows us to both locate the schools and districts with the most problematic levels of segregation and highlight long-term trends in extreme segregation. In the past, identifying apartheid, intensely segregated and white isolated schools and districts has allowed us to shock the public into greater awareness of the persistent and growing problem of school segregation, but it has not yet led to any lasting solutions. Building and implementing solutions to the problem of extreme segregation has proven to be elusive. Most recommendations have focused on piecemeal inter-district transfer programs and on long-term residential shifts. Although school district consolidation can serve diversity, as well as educational efficiency and fiscal, purposes, and has been recommended by a long line of New Jersey blue ribbon commissions for decades, it has gained little traction thus far.

While inter-district transfer programs<sup>1</sup> have had a degree of success in places like Hartford, such programs have been relatively limited in scope despite taking tremendous amounts of time and resources to implement and have left many students in deeply segregated schools and districts. Similarly, residential integration efforts move slowly and have accomplished less than we hoped. Because measuring and reporting extreme forms of segregation has failed to resolve the problem on the scale required, we turn to a new approach.

## ***A New School Integration Measure: Proportionality***

In an effort to create a measure of school integration that is aspirational, responsive to large-scale demographic changes, and of practical use to policy makers and school leaders, we constructed the *proportionality score* that serves as the foundation of this report. The proportionality score directly measures the percent of children who would need to be exchanged with children from a different racial background in order to ensure that the demographic composition of the student body perfectly matches the demographic profile of the full collection of spaces being studied.<sup>2</sup>

In this report, we use the proportionality score to compare New Jersey's schools to the district, county or state where they are located; to compare New Jersey's districts to the county or state where they are located; to compare New Jersey's counties to the state; and to compare New Jersey as a whole to the entire country. To give one example, the proportionality score tells us the percent of students at an individual school who would need to be exchanged with students from different racial backgrounds in order to ensure that the school's demographic profile perfectly matches the state's demographic profile. Each proportionality score compares the demographic profile of a smaller unit to a larger area (*i.e.*, school to district, district to state, or county to state).

While the proportionality score is a continuous variable that ranges from 0% to 100%, we have used that measure to divide schools, districts and counties into four groupings for practical purposes.<sup>3</sup> We label spaces where less than 10% of the student population would need to be changed in order to achieve perfect proportionality as *highly proportional*; spaces where between 10% and 25% of the student population would need to be changed as *somewhat proportional*; spaces where between 25% and 50% of the student population would need to be changed as *somewhat disproportional*; and spaces where more than 50% of the student population would need to be changed as *highly disproportional*.

The proportionality score has the benefit of capturing the relative state of diversity in all schools, districts and counties. It provides more nuance than the measures of extreme segregation, and it directs us toward an ideal rather than away from an unacceptable condition. Furthermore, the proportionality score accounts for all major racial groups equally rather than comparing the white population to all other groups combined. Despite these powerful benefits of the proportionality score, it has its own drawbacks.

The biggest drawback of the proportionality score is that it has the potential to be misleading under certain circumstances because it purely focuses on the degree to which the demographic profile of a district (or another unit) matches the demographic profile of the state (or another unit).<sup>4</sup> It is possible for a district to have a more favorable proportionality score but relatively low diversity and for the opposite to hold true as well. For example, some schools are classified as *somewhat proportional* in comparison to the state, but have few students of a particular racial group (as is true of North Arlington, where the proportionality score is 20.2% and 58.6% of students are white, 34.1% of students are Hispanic, 4.1% of students are Asian, and only 1.4% of students are black). In a different example, a school could be classified as *somewhat disproportional* and yet have significant numbers of students from all racial backgrounds (as is true of Union, where the proportionality score is 27.6% and 42.9% of students are black, 23.8% are Hispanic, 21.1% are white, and 10.0% are Asian). In the case of North Arlington, the black population, Hispanic population, and white population more closely match the demographic profile of the state than in Union and create the statistical conditions equating to a label of *somewhat proportional* despite having only 4.1% Asian students and 1.4% black students. On the other hand, Union has few white students and far more black students in comparison to the state, leading to a label of *somewhat disproportional* despite the fact that at least 10% of its students come from each of the major racial categories.

Despite this significant drawback of the proportionality score, there is a value to the measure even in cases such as North Arlington and Union. While Union may be able to create more diverse learning environments than North Arlington because of the demographic breakdown of the districts, a larger proportion of Union's students would need to change districts to move the district toward perfect proportionality. The ultimate value in the proportionality score is that it points us toward an idealized condition for ALL schools and districts rather than stopping at a benchmark of acceptable diversity for individual schools and districts. If we seek to ensure that all children attend school in diverse learning environments, the aspirational goal of perfect proportionality might be the only logical target.

The cases of Union and North Arlington assist in highlighting how the proportionality score translates to practical, though challenging, remedies for the state. As a self-contained environment, Union has a level of diversity that we may think is acceptable, but its level of disproportionality contributes to a condition in which other districts lack diversity. Ultimately, Union has a much higher proportion of black students than the state average and achieving high

levels of diversity within all districts would require that a large portion of Union's black population attend school in another district through either residential shifts or changes in school assignment practices. The proportionality score invites policy makers and school leaders to work toward a racial balance in all schools and districts that parallels the demographics of the state as a whole in order to ensure that no children remain trapped in segregated learning environments. Working toward this goal requires that disproportional yet diverse districts, such as Union, move toward a different kind of racial balance that matches the state's demographic profile. This shift would help ensure that children in less diverse districts are able to benefit from diversity.

### ***School District Diversity Categories***

We build on the proportionality scores to create three overarching categories of school district diversity—each of which has practical significance. *Category 1* districts have preexisting levels of diversity that make it possible to provide all of their students with an education in schools and classrooms that are relatively racially diverse. These districts are all categorized as either *highly proportional* or *somewhat proportional*, which means that fewer than 25% of their students would need to be exchanged with students from different demographic backgrounds in order to perfectly match the overall demographic profile of New Jersey's public school students.

*Category 2* districts typically do not have sufficient levels of diversity to ensure that all students in these districts obtain an education in racially diverse schools and classrooms. These districts are all categorized as either *highly disproportional* or *somewhat disproportional*, which means that more than 25% of students in these districts would need to be exchanged with students from different demographic backgrounds in order to perfectly match the overall demographic profile of New Jersey's public school students. Despite the lack of diversity internal to these districts, *Category 2* districts are located in counties with student populations that are relatively racially diverse categorized as either *highly proportional* or *somewhat proportional*. This means that fewer than 25% of students in these counties would need to be exchanged with students from different demographic backgrounds in order to reflect statewide diversity. While *Category 2* districts generally cannot, on their own, ensure that students learn in diverse environments, they are embedded in diverse counties and have the opportunity to construct diverse learning environments by changing or bridging district boundaries.

Category 3 districts are similar to Category 2 districts in that they typically do not have sufficient levels of diversity to ensure that all their students obtain an education in racially diverse schools and classrooms. All of these districts are categorized as either *highly disproportional* or *somewhat disproportional*. In addition to the lack of diversity internal to these districts, Category 3 districts are located in counties that also lack diverse student populations and are categorized as either *highly disproportional* or *somewhat disproportional*. Unlike Category 2 districts, Category 3 districts cannot easily construct diverse learning environments by crossing district boundaries because of the relative dearth of diversity in the counties where they are located. Category 3 districts present the greatest practical challenges to policy makers and school leaders seeking to provide students with an education in racially diverse classrooms.

### ***A Note on the Benefits and Drawbacks of Averaging***

Before turning to the data on extreme school segregation, proportionality, and district diversity, we must offer a brief note on our analysis. Throughout the findings section, we group schools and districts by various categories using the measures of segregation and integration discussed above. Many of our tables present averages for the demographic profiles and educational outcomes of students in different categories. We use these averages as a starting point for more nuanced discussion. In certain cases, the averages are clear and logical. For example, the average demographic composition of all apartheid schools aligns with all logical assumptions about this group of schools. For this group of schools, the white student population is always below 1%, which means that the average for the category has a white population that falls below 1%.

On the other hand, the message conveyed by averages presented for district diversity categories is less clear and self-evident. For example, the average demographic compositions for Categories 1, 2 and 3 schools are all quite similar to one another and to the state's overall demographic profile (see Table 14), but the reasons for that differ from category to category. By definition, Category 1 is composed of districts that all closely match the state's profile, which means the average is derived from districts that are quite similar. On the other hand, Categories 2 and 3 are made up of districts that have demographic compositions that are highly dissimilar from the state average in one direction or the other. In this case, the average is the result of amassing districts that fall at extremes rather than close to the center.

Simple statistics dictate that the average of 4 and 6 is 5; similarly, the average of 1 and 9 is 5. While the average in both examples is the same, the data that lead to the average are quite different. It is important to keep this simplified example in mind when reviewing the findings. In cases where the averages require deeper analysis, we do so in the text. In certain cases, we include standard deviations as well. Standard deviations inform us about the degree to which the data deviate from the average. Small standard deviations indicate that the data typically fall close to the average. Large standard deviations indicate that much of the data fall at a greater distance from the average. With these notes on our data and methods in mind, let us now turn to our findings.

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<sup>1</sup> There are three types of inter-district programs that have been used relatively widely for school integration purposes: (i) inter-district desegregation transfer plans, which enable students to choose to attend schools outside of their districts of residence; (ii) inter-district enrollment in themed magnet schools, which students from both urban and suburban districts can choose to attend; and (iii) regional controlled choice programs, which effectively enlarge attendance zones beyond individual school districts and then seek to promote integration by a combination of voluntary and involuntary features. These programs are discussed in some detail in Section 3 of this report. See also Amy Stuart Wells et al., *Boundary Crossing for Diversity, Equity and Achievement: Inter-District School Desegregation and Educational Opportunity* (2009); Erica Frankenberg, *Assessing Segregation Under a New Generation of Controlled Choice Policies* (2017); and Erica Frankenberg and Genevieve Siegel-Hawley, *Segregation by District Boundary Line: The Fragmentation of Memphis Area Schools* (2017).

<sup>2</sup> We include students identified as Asian, black, Hispanic, white, or "other" in separate categories for this measure. Readers seeking a full technical description of the proportionality score should see Appendix B.

<sup>3</sup> In practice, the proportionality score cannot reach 100%, because there is no situation in which 100% of students would need to be exchanged with students from a different demographic background in order to match the demographic profile of the larger area.

<sup>4</sup> As noted earlier, Appendix B provides a full technical definition of the proportionality score.

## Section 2

# The Research Findings about School Diversity in New Jersey

In the 2016-2017 school year, there were 674 school districts, 2,514 schools, and 1,373,267 students in New Jersey. While New Jersey has a few large school districts (Newark serves over 35,000 students), the average school district serves 2,037 students, and the median school district serves 946 students.<sup>1</sup> As those data suggest, a substantial number of New Jersey's school districts serve only a portion of the total K-12 universe of students. Across the state, 26.5% of districts are elementary districts, 7.1% are secondary districts, 52.7% are K-12 unified districts, and 13.6% are charter districts (as a legal matter, each charter school is considered its own district). The fact that overall more than 40% of the state's school districts educate less than the full K-12 spectrum means that they become either sending or receiving districts and have to rely on other districts to educate their resident students during part of their educational careers. The strong likelihood is that this introduces educational and fiscal inefficiencies into the New Jersey system of free public schools. The relatively small enrollment sizes of most of the state's school districts, combined with our still high level of residential segregation, also contributes to the persistent problems of school segregation.

During the 2016-2017 academic year, 45.3% of New Jersey's public school students were white, 27.1% were Hispanic, 15.5% were black, 9.9% were Asian, and 2.1% identified as part of some other racial or ethnic group (see Table 2). 38.0% of students qualified for free or reduced-price lunch, which is an indicator of poverty, and 5.3% were classified as having limited English proficiency. The current demographic profile of New Jersey's schools has changed significantly in the short period of time that elapsed between the 2010-2011 academic year discussed in the 2013 publication of the *New Jersey's Apartheid and Intensely Segregated Urban Schools* report and this current study. Between the 2010-2011 academic year and the 2016-2017 academic year, there has been a 4.4% increase in total student enrollment; there has been little change in the black student population; there has been a significant decrease in the white student population; and there have been substantial increases in Asian students, Hispanic students, and students who identify as some other race or ethnicity. In the 2010-2011 academic year, a majority of students in New Jersey were white. There is no longer a single racial

group in the majority. Such a shift is noteworthy and has led to greater overall diversity in the New Jersey public school system.

|                     | 2010-2011 |       | 2016-2017 |       | Percent Change |
|---------------------|-----------|-------|-----------|-------|----------------|
|                     | #         | %     | #         | %     |                |
| Total Enrollment    | 1,315,054 | --    | 1,373,267 | --    | 4.4%           |
| Asian Students      | 119,670   | 9.1%  | 136,466   | 9.9%  | 14.0%          |
| Black Students      | 214,354   | 16.3% | 213,115   | 15.5% | -0.6%          |
| Hispanic Students   | 284,052   | 21.6% | 372,657   | 27.1% | 31.2%          |
| White Students      | 686,458   | 52.2% | 622,360   | 45.3% | -9.3%          |
| Other Students      | 10,520    | 0.8%  | 28,670    | 2.1%  | 172.5%         |
| Students in Poverty | 430,023   | 32.7% | 521,576   | 38.0% | 21.3%          |

**TABLE 2: STATEWIDE PUBLIC SCHOOL DEMOGRAPHIC PROFILE, 2010-2011 AND 2016-2017**

In the 2016-2017 school year, 51.8% of the students demonstrated proficiency in English Language Arts and 41.8% demonstrated proficiency in math on the spring 2017 PARCC exams.<sup>2</sup> The graduation rate was 90.1%, and, of the 77.7% of students who matriculated to college, 35.6% attended two-year colleges and 64.4% attended four-year colleges.

These statewide averages establish a baseline for comparison in the remainder of this report. In the sections that follow, we provide an analysis of the opportunities and challenges for New Jersey's public schools. The current data also enable us to describe, analyze and consider the implications of this report's two major findings identified in the introduction—that, concurrently and seemingly paradoxically, (1) the extreme segregation experienced by about a quarter of New Jersey students, mostly low-income students of color residing in urban communities, has worsened, but (2) demographic changes in the state have produced substantial student diversity in approximately 25% of school districts. The report traces both of these trends first through this data section and then through the section presenting recommendations for assuring that New Jersey's constitutional and public policy commitments to its public school students are honored at long last.<sup>3</sup>

We begin this data section by discussing several well-established measures of racial segregation in New Jersey's schools. Next we turn to a brief analysis of economic segregation in the state's schools. Finally, we present our own new

measures of segregation and integration that specifically connect to a set of policy recommendations we put forward which seek to move New Jersey's public education system toward a place of true equity.

### ***Extreme Segregation***

In the 2016-2017 school year, 7.8% of students in New Jersey attended apartheid schools, a term used to describe spaces where less than 1% of students are white. Nearly four-fifths of students in these schools live in poverty.<sup>4</sup> An additional 13.5% of students attend intensely segregated schools, where 90-99% of students are nonwhite. More than three-quarters of students in these schools live in poverty. Finally, 3.1% of students attend white isolated schools, where over 90% of children are white. Only 10.8% of students in white isolated schools live in poverty, a dramatically different number than in apartheid and intensely segregated schools.

As highlighted in Table 4, nearly half of the black students in New Jersey's public schools are isolated in either apartheid schools or intensely segregated schools. Similarly, close to 45% of Hispanic students in New Jersey's public schools attend either apartheid schools or intensely segregated schools. Likewise, over 40% of students living in poverty and over half of students with limited English proficiency are in either apartheid schools or intensely segregated schools.

Most research on school segregation focuses on the harm caused by the isolation of black and Hispanic students. We are troubled by all forms of segregation, because school segregation in any form establishes conditions in which children are prevented from developing a healthy and informed perspective of our diverse society. In total, nearly a quarter of New Jersey's public school students are directly harmed by the extreme forms of segregation seen in apartheid schools, intensely segregated schools, and white isolated schools. See Table 3 for a summary of these forms of segregation at the school level, Table 5 for a summary of these forms of segregation at the district level, and Map 1 for the locations of these segregated districts and schools. As Map 1 illustrates, apartheid and intensely segregated schools are concentrated in urban areas, including Newark, Camden and Trenton, while white isolated schools are concentrated in the less populous northwest corner of the state and along parts of the shore.

|                               | #<br>Schools | %<br>Schools | #<br>Students | %<br>Students | %<br>Poverty | %<br>LEP     |
|-------------------------------|--------------|--------------|---------------|---------------|--------------|--------------|
| Apartheid                     | 190          | 7.6%         | 107709        | 7.8%          | 78.4%        | 13.1%        |
| Intensely Segregated          | 319          | 12.7%        | 185042.5      | 13.5%         | 76.5%        | 13.9%        |
| White Isolated                | 96           | 3.8%         | 42778.5       | 3.1%          | 10.8%        | 0.3%         |
| <b>Total High Segregation</b> | <b>605</b>   | <b>24.1%</b> | <b>335530</b> | <b>24.4%</b>  | <b>68.7%</b> | <b>11.9%</b> |

**TABLE 3: SCHOOL-LEVEL SEGREGATION, 2016-2017**

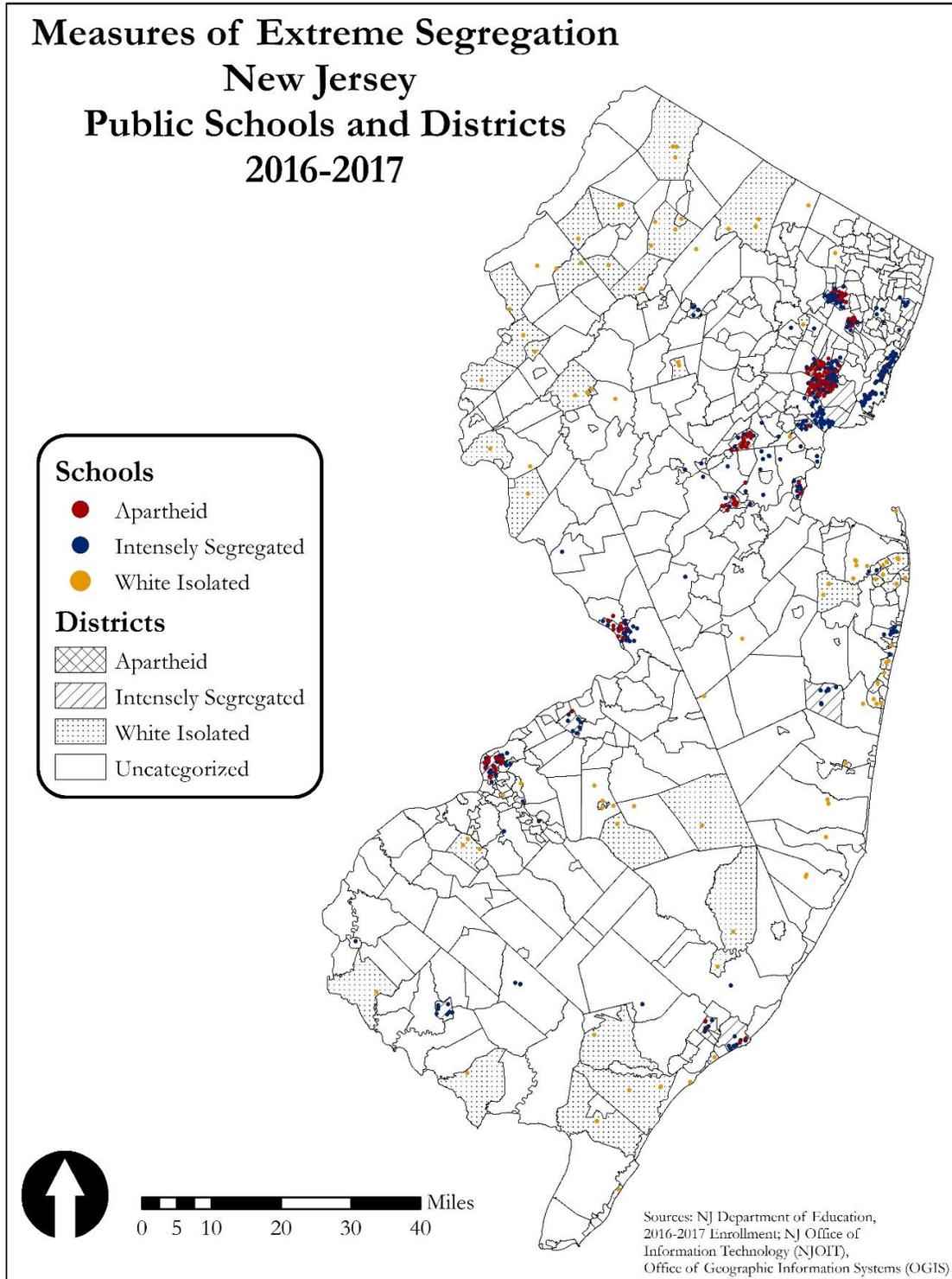
|                                  | White        |             | Black         |              | Hispanic      |              | Asian        |             | Poverty       |              | LEP          |              |
|----------------------------------|--------------|-------------|---------------|--------------|---------------|--------------|--------------|-------------|---------------|--------------|--------------|--------------|
|                                  | #            | %           | #             | %            | #             | %            | #            | %           | #             | %            | #            | %            |
| State total                      | 622360       | --          | 213115        | --           | 372657        | --           | 136466       | --          | 521576        | --           | 72257        | --           |
| Apartheid                        | 444          | 0.1%        | 52959         | 24.8%        | 53354         | 14.3%        | 565          | 0.4%        | 84443         | 16.2%        | 14081        | 19.5%        |
| Intensely segregated             | 7825         | 1.3%        | 51914         | 24.4%        | 112529        | 30.2%        | 11190        | 8.2%        | 141537        | 27.1%        | 25795        | 35.7%        |
| White Isolated                   | 39397        | 6.3%        | 537           | 0.3%         | 1727          | 0.5%         | 637          | 0.5%        | 4632          | 0.9%         | 124          | 0.2%         |
| <b>Total Extreme Segregation</b> | <b>47665</b> | <b>7.7%</b> | <b>105409</b> | <b>49.5%</b> | <b>167610</b> | <b>45.0%</b> | <b>12392</b> | <b>9.1%</b> | <b>230611</b> | <b>44.2%</b> | <b>40000</b> | <b>55.4%</b> |

**TABLE 4: STUDENTS EXPERIENCING EXTREME SEGREGATION, 2016-2017**

|                               | #<br>Districts | %<br>Districts | #<br>Students | %<br>Students | %<br>Poverty | %<br>LEP     |
|-------------------------------|----------------|----------------|---------------|---------------|--------------|--------------|
| Apartheid                     | 43             | 6.4%           | 75877         | 5.5%          | 78.7%        | 13.7%        |
| Intensely Segregated          | 57             | 8.5%           | 205997        | 15.0%         | 78.7%        | 14.5%        |
| White Isolated                | 53             | 7.9%           | 33182         | 2.4%          | 10.7%        | 0.3%         |
| <b>Total High Segregation</b> | <b>153</b>     | <b>22.7%</b>   | <b>315055</b> | <b>22.9%</b>  | <b>71.5%</b> | <b>12.8%</b> |

**TABLE 5: DISTRICT-LEVEL SEGREGATION, 2016-2017**

# Measures of Extreme Segregation New Jersey Public Schools and Districts 2016-2017



MAP 1: MEASURES OF EXTREME SEGREGATION

While the proportion of apartheid and intensely segregated schools has risen dramatically since 1990, recent trends indicate a new pattern may be emerging. Figure 1 shows changes in the proportion of schools characterized by the various forms of extreme segregation. Between the 1989-1990 school year and the 2015-2016 school year, the proportion of apartheid or intensely segregated schools rose. However, between the 2015-2016 and 2016-2017 school years, there was a decrease in the proportion of apartheid schools, but, despite that, the combined proportions of intensely segregated and apartheid schools did increase slightly between 2015-2016 and 2016-2017. It is unclear if the recent decrease in apartheid schools is an anomaly or if a shift has occurred. Regardless of the cause of that recent decrease, the reality is that nearly a quarter of New Jersey’s public schools are still characterized by some form of extreme segregation. Strikingly, the proportion of white isolated schools has steadily and consistently decreased since the 1989-1990 school year—in 1990, 32.1% of schools were white isolated, and in 2017, 3.8% of schools were white isolated. As a result, the overall proportion of schools characterized by extreme segregation has declined from 43.5% in 1989-1990 to 24.1% in 2016-2017.

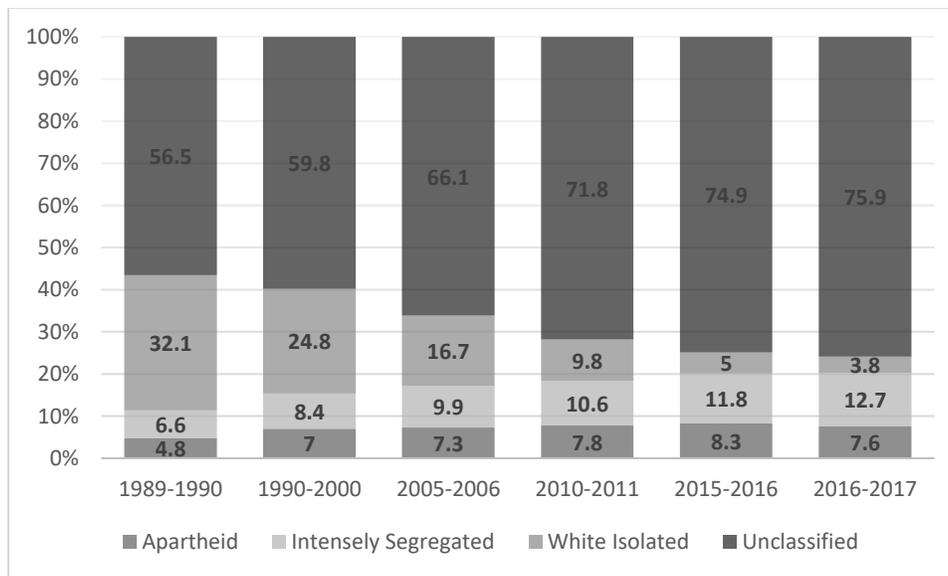


FIGURE 1: TRENDS OF EXTREME LEVELS OF SCHOOL SEGREGATION

Research unequivocally demonstrates far-reaching harm associated with the high levels of segregation that are found in many spaces across New Jersey.<sup>5</sup>

The most readily available measures of this harm can be seen in college matriculation rates, dropout rates, graduation rates and proficiency levels on standardized exams. Admittedly, these outcomes measures are limited in scope, but they highlight some of the serious effects of segregation. Table 6 shows that students attending apartheid and intensely segregated schools matriculate to college at much lower rates than the state average, they drop out at higher rates, they graduate at lower rates, and they are less likely to demonstrate proficiency on standardized exams. By comparison, using these traditional outcomes measures, students in white isolated schools have higher college matriculation rates, lower dropout rates, higher graduation rates, and higher levels of achievement on standardized exams than the statewide averages. While some may try to argue that these seemingly positive outcomes suggest white isolation benefits students, our analysis in subsequent sections of this report demonstrates that students in integrated schools achieve at similar levels as those found in white isolated schools. Additionally, these limited outcomes measures discount the value of learning how to function in diverse communities.

|                        | % College Matriculation | 2-YR College | 4-YR College | Dropout Rate | Graduation Rate | % Proficient ELA | % Proficient Math |
|------------------------|-------------------------|--------------|--------------|--------------|-----------------|------------------|-------------------|
| State Total            | 77.7%                   | 35.6%        | 64.4%        | 1.1%         | 91.1%           | 51.0%            | 41.8%             |
| Apartheid              | 63.6%                   | 47.2%        | 52.8%        | 2.5%         | 79.9%           | 25.4%            | 17.9%             |
| Intensely Segregated   | 69.0%                   | 50.4%        | 49.6%        | 1.7%         | 82.3%           | 35.1%            | 26.6%             |
| White Isolated         | 82.1%                   | 31.9%        | 68.1%        | 0.6%         | 95.8%           | 59.8%            | 49.7%             |
| Total High Segregation | 69.0%                   | NA           | NA           | 1.8%         | 83.2%           | 35.2%            | 26.7%             |

TABLE 6: EDUCATIONAL OUTCOMES BY SCHOOL-LEVEL SEGREGATION, 2016-2017

### ***Economic Segregation***

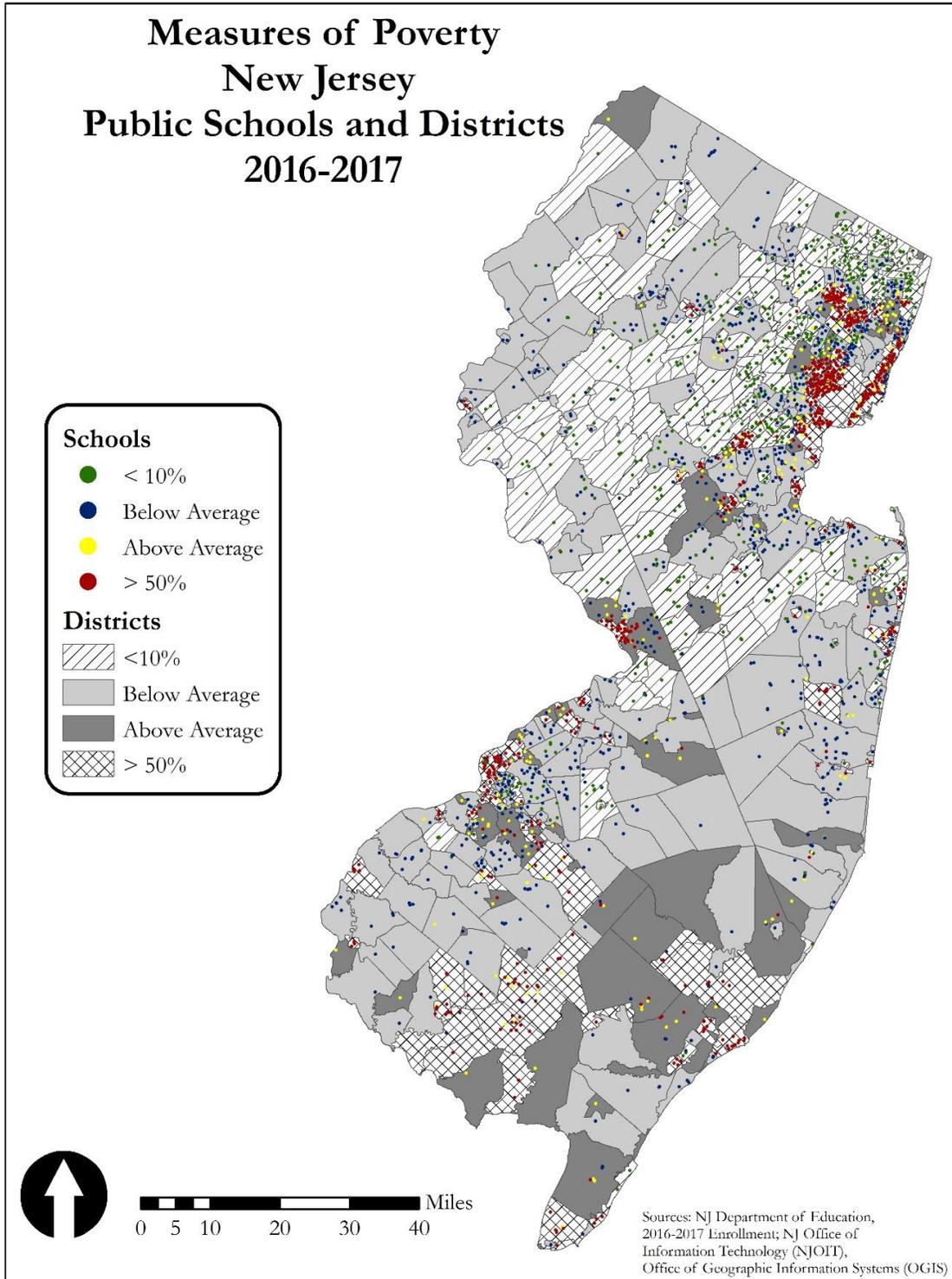
While not the focus of this report, economic segregation cannot be ignored in any conversation about racial segregation. As a result of both historical and ongoing racial discrimination in our society, economic opportunity continues to be intractably linked to race. As noted above, 38% of public school students in New Jersey qualify for free or reduced-price lunch and are classified as living in

poverty. Table 7 highlights the demographic composition of schools where less than 10% of students live in poverty, schools where less than 38% of students live in poverty, schools where more than 38% of students live in poverty, and schools where more than 50% of students live in poverty. While Asian and white students only make up 55.2% of all students in the state, 87.3% of students in low poverty schools are Asian or white. Barely 10% of students in low poverty schools are black or Hispanic. Conversely, four out of five students in high poverty schools are black or Hispanic even though only two out of five students across the state are black or Hispanic. Map 2 shows the locations of schools and districts by poverty-level. One pattern of note is the close proximity of areas with low poverty and high poverty in the northeast corner of the state, abutting New York City.

|               | # Schools | % Schools | # Students | % Students | % White | % Black | % Hispanic | % Asian | % LEP |
|---------------|-----------|-----------|------------|------------|---------|---------|------------|---------|-------|
| State Total   | 2514      | 100.0%    | 1373267    | 100.0%     | 45.3%   | 15.5%   | 27.1%      | 9.9%    | 5.3%  |
| <10%          | 589       | 23.4%     | 312746     | 22.8%      | 70.6%   | 2.8%    | 7.4%       | 16.7%   | 1.3%  |
| Below Average | 1465      | 58.3%     | 780084     | 56.8%      | 65.3%   | 6.6%    | 11.8%      | 13.8%   | 1.8%  |
| Above Average | 1049      | 41.7%     | 593182.5   | 43.2%      | 19.1%   | 27.2%   | 47.3%      | 4.9%    | 9.8%  |
| >50%          | 809       | 32.2%     | 466078.5   | 33.9%      | 14.0%   | 29.0%   | 51.9%      | 4.0%    | 11.4% |

**TABLE 7: DEMOGRAPHIC COMPOSITION OF SCHOOLS BY PROPORTION OF STUDENTS QUALIFYING FOR FREE OR REDUCED-PRICE LUNCH, 2016-2017**

## Measures of Poverty New Jersey Public Schools and Districts 2016-2017



MAP 2: MEASURES OF POVERTY

Table 8 demonstrates the link between poverty and traditional measures of educational outcomes. When compared to the state average, students in low-poverty schools are significantly more likely to attend college (most matriculate to four-year colleges), less likely to drop out, more likely to graduate, and more likely to demonstrate ELA and math proficiency. Conversely, students attending high-poverty schools are significantly less likely to attend college (nearly half of those going to college matriculate to two-year schools), more likely to drop out, less likely to graduate, and less likely to demonstrate ELA and math proficiency. These data underscore the need to pursue a plan to eliminate poverty.

|               | % College Matriculation | 2-YR College | 4-YR College | Dropout Rate | Graduation Rate | % Proficient ELA | % Proficient Math |
|---------------|-------------------------|--------------|--------------|--------------|-----------------|------------------|-------------------|
| State Total   | 77.7%                   | 35.6%        | 64.4%        | 1.1%         | 91.1%           | 51.0%            | 41.8%             |
| <10%          | 87.3%                   | 16.2%        | 83.8%        | 0.4%         | 96.8%           | 69.7%            | 61.6%             |
| Below Average | 82.8%                   | 28.0%        | 72.0%        | 0.6%         | 94.8%           | 61.4%            | 52.4%             |
| Above Average | 69.5%                   | 47.9%        | 52.1%        | 1.6%         | 85.0%           | 37.0%            | 27.6%             |
| >50%          | 67.9%                   | 49.4%        | 50.6%        | 1.7%         | 83.7%           | 34.6%            | 25.7%             |

**TABLE 8: EDUCATIONAL OUTCOMES BY PROPORTION OF STUDENTS QUALIFYING FOR FREE OR REDUCED-PRICE LUNCH, 2016-2017**

## ***Proportionality***

The proportionality score, used to identify educational spaces with varying levels of diversity, indicates the degree to which the demographic composition of a school, district, county or state matches the demographic composition of a larger geographic area. Before looking internally, it is worth noting the state-nation proportionality score for New Jersey. The population of public school students in New Jersey is highly proportional to the total public school population in the United States. Less than 6% of students in New Jersey would need to be exchanged with students of a different race in order to perfectly match the demographic profile of the country. This means that the schools and districts that are proportional to New Jersey’s overall student population are also likely to be proportional to the student population for the country as a whole.<sup>6</sup>

Table 9 summarizes the proportionality of New Jersey’s schools, districts, and counties. 93.2% of schools in New Jersey closely match the demographic

composition of their districts, and only 6.8% are disproportional. Given that a majority of New Jersey's 674 school districts serve less than one thousand students and contain a small number of schools, the high level of school-district proportionality is unsurprising.

|                                  | Schools to Districts |       | Schools to Counties |       | Schools to State |       | Districts to Counties |       | Districts to State |       | Counties to State |       |
|----------------------------------|----------------------|-------|---------------------|-------|------------------|-------|-----------------------|-------|--------------------|-------|-------------------|-------|
|                                  | #                    | %     | #                   | %     | #                | %     | #                     | %     | #                  | %     | #                 | %     |
| Highly Proportional <sup>7</sup> | 1861                 | 74.0% | 336                 | 13.4% | 60               | 2.4%  | 131                   | 19.4% | 14                 | 2.1%  | 2                 | 9.1%  |
| Somewhat Proportional            | 482                  | 19.2% | 886                 | 35.2% | 568              | 22.6% | 252                   | 37.4% | 146                | 21.7% | 11                | 50.0% |
| Somewhat Disproportional         | 163                  | 6.5%  | 964                 | 38.3% | 1404             | 55.8% | 224                   | 33.2% | 414                | 61.4% | 9                 | 40.9% |
| Highly Disproportional           | 8                    | 0.3%  | 328                 | 13.0% | 482              | 19.2% | 67                    | 9.9%  | 100                | 14.8% | 0                 | 0.0%  |
| Total Proportional               | 2343                 | 93.2% | 1222                | 48.6% | 628              | 25.0% | 383                   | 56.8% | 160                | 23.7% | 13                | 59.1% |
| Total Disproportional            | 171                  | 6.8%  | 1292                | 51.4% | 1886             | 75.0% | 291                   | 43.2% | 514                | 76.3% | 9                 | 40.9% |

TABLE 9: PROPORTIONALITY CATEGORIES, 2016-2017

When compared to the statewide demographic composition of public school students, only 2.4% of schools and 2.1% of districts are highly proportional. While only a handful of schools and districts are highly proportional, matching the demographic profile of the state nearly perfectly, a quarter of schools are relatively proportional. All of these proportional schools have a substantial amount of racial diversity.

Conversely, 19.2% of schools and 14.8% of districts are highly disproportional. Overall, three-quarters of the state's schools are disproportional, and, therefore, lack sufficient diversity as self-contained environments. While the large number of disproportional schools and districts is cause for concern, the fact that there are many schools and districts with some level of proportionality presents an opportunity to harness existing levels of diversity.

One of these opportunities, which will be explored in greater detail in Section 3 of this report, is to tap into the diversity that frequently exists beyond individual district boundaries. As highlighted in Table 9, 59.1% of counties have a

demographic profile that is proportional to the overall racial composition of the state's public schools. The diversity that exists in many parts of New Jersey at the county level presents an opportunity for non-diverse school districts in diverse counties to provide their students with a more diverse educational experience by changing or crossing existing district lines.

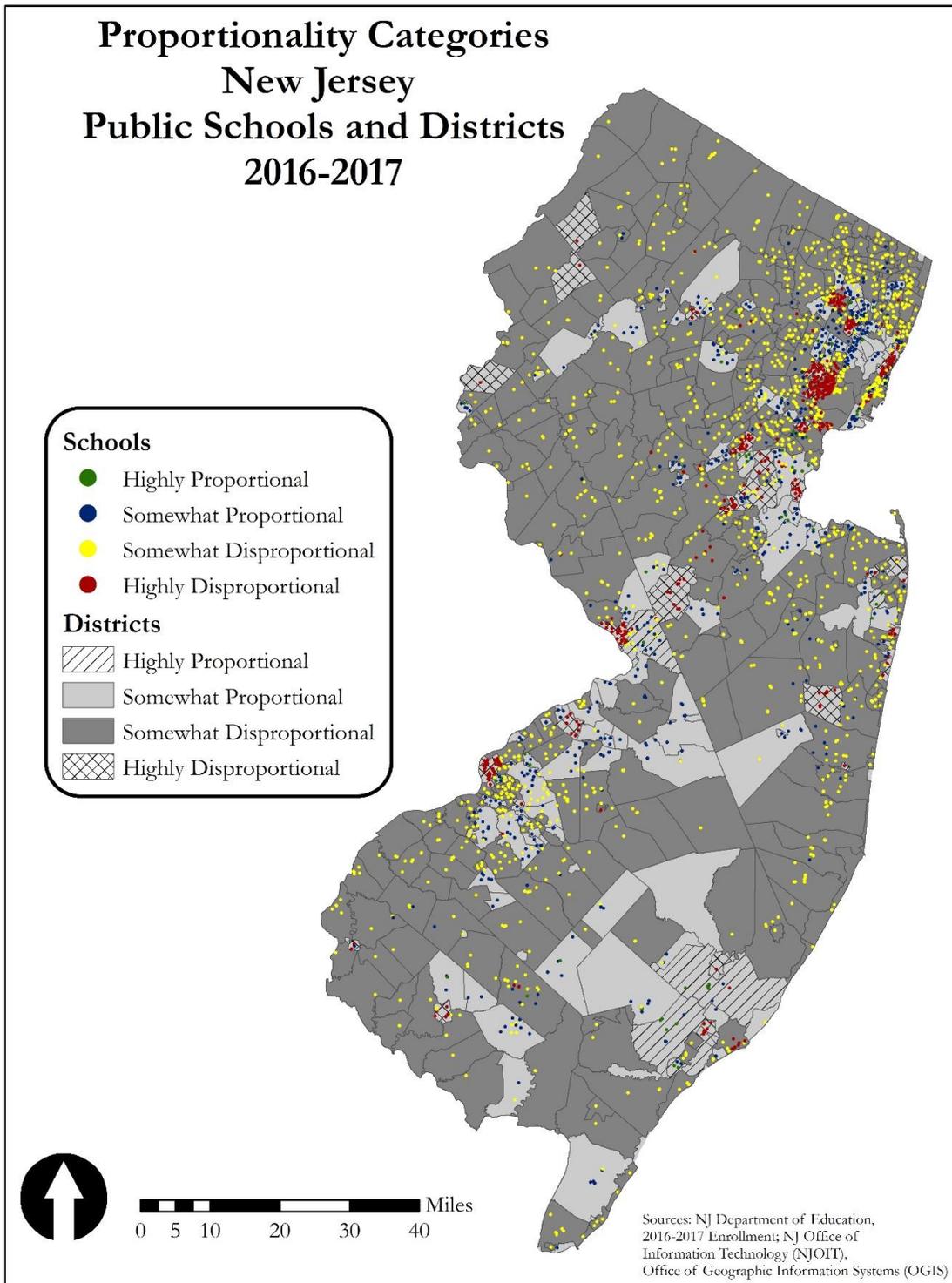
It is important to note that the children who most directly and most commonly experience disproportional educational environments are the same groups that are harshly disadvantaged by the racist and classist structures in our society. As Table 10 highlights, of the 20.3% of New Jersey's public school students trapped in highly disproportional schools, 71.9% live in poverty, an overwhelming majority is black or Hispanic, and many are receiving services for limited English proficiency. Table 11 demonstrates similar patterns for district-level proportionality measures. Additionally, Map 3 highlights a number of geographic patterns in school-level and district-level proportionality. Of particular note is the concentration of highly disproportional schools in urban centers and the location of more proportional schools in many of the suburbs close to these urban areas. Another important geographic pattern to note is the concentration of disproportional districts along the shore and in the less populous northwest and southwest corners of the state.

|                          | # Schools | % Schools | # Students | % Students | % White | % Black | % Hispanic | % Asian | % Poverty          | % LEP |
|--------------------------|-----------|-----------|------------|------------|---------|---------|------------|---------|--------------------|-------|
| State Total              | 2514      | 100.0%    | 1373267    | 100.0%     | 45.3%   | 15.5%   | 27.1%      | 9.9%    | 38.0%              | 5.3%  |
| Highly Proportional      | 60        | 2.4%      | 33018      | 2.4%       | 44.8%   | 14.5%   | 26.1%      | 11.4%   | 40.5%              | 2.8%  |
| Somewhat Proportional    | 568       | 22.6%     | 288341     | 21.0%      | 51.4%   | 13.5%   | 23.6%      | 8.5%    | 34.9%              | 3.4%  |
| Somewhat Disproportional | 1404      | 55.8%     | 772460     | 56.2%      | 57.8%   | 9.8%    | 19.1%      | 11.0%   | 26.8% <sup>s</sup> | 3.3%  |
| Highly Disproportional   | 482       | 19.2%     | 279448     | 20.3%      | 4.6%    | 33.5%   | 53.1%      | 8.2%    | 71.9%              | 13.0% |
| Total Proportional       | 628       | 25.0%     | 321359     | 23.4%      | 50.7%   | 13.6%   | 23.9%      | 8.8%    | 35.5%              | 3.3%  |
| Total Disproportional    | 1886      | 75.0%     | 1051908    | 76.6%      | 43.7%   | 16.1%   | 28.1%      | 10.3%   | 38.7%              | 5.8%  |

**TABLE 10: SCHOOL DEMOGRAPHICS BY SCHOOL-STATE PROPORTIONALITY, 2016-2017**

|                             | #<br>Districts | %<br>Districts | #<br>Students | %<br>Students | %<br>White | %<br>Black | %<br>Hispanic | %<br>Asian | %<br>Poverty | %<br>LEP |
|-----------------------------|----------------|----------------|---------------|---------------|------------|------------|---------------|------------|--------------|----------|
| State Total                 | 674            | 100.0%         | 1373267       | 100.0%        | 45.3%      | 15.5%      | 27.1%         | 9.9%       | 38.0%        | 5.3%     |
| Highly<br>Proportional      | 14             | 2.1%           | 40900         | 3.0%          | 46.6%      | 14.9%      | 25.8%         | 9.5%       | 40.6%        | 2.4%     |
| Somewhat<br>Proportional    | 146            | 21.7%          | 280316        | 20.4%         | 52.0%      | 13.1%      | 22.0%         | 9.9%       | 33.2%        | 3.1%     |
| Somewhat<br>Disproportional | 414            | 61.4%          | 841767.5      | 61.3%         | 53.0%      | 12.2%      | 22.4%         | 10.3%      | 31.5%        | 4.3%     |
| Highly<br>Disproportional   | 100            | 14.8%          | 210284        | 15.3%         | 5.3%       | 32.3%      | 53.1%         | 8.7%       | 70.2%        | 12.5%    |
| Total<br>Proportional       | 160            | 23.7%          | 321216        | 23.4%         | 51.3%      | 13.3%      | 22.5%         | 9.9%       | 34.0%        | 3.0%     |
| Total<br>Disproportional    | 514            | 76.3%          | 1052051       | 76.6%         | 43.5%      | 16.2%      | 28.6%         | 9.9%       | 39.2%        | 5.9%     |

**TABLE 11: DISTRICT DEMOGRAPHICS BY DISTRICT-STATE PROPORTIONALITY, 2016-2017**



MAP 3: PROPORTIONALITY CATEGORIES

The proportionality measure reveals noteworthy relationships between school diversity and educational outcomes. Data in Table 12 show that, on average, students in schools that are highly proportional, somewhat proportional, or somewhat disproportional all achieve at levels that closely resemble the statewide mean. Highly proportional schools have the highest graduation rates and the lowest dropout rates of all categories. Conversely, highly disproportional schools have low graduation rates, high dropout rates, and low proficiency rates in comparison to schools demonstrating some degree of proportionality. These data suggest that racial isolation, in addition to being an unconstitutional means of educating New Jersey's public school students, is also a highly inefficient approach.

When compared to outcomes data for segregated schools in Table 6 (page 30), it is clear that students in proportional schools achieve at higher levels than students in segregated schools. The one exception to this pattern is that students in white isolated schools outperform students in proportional schools. However, students in white isolated schools only achieve at marginally higher rates than students in proportional schools. Given that only 10.7% of students in white isolated schools are living in poverty while the fraction of students in proportional schools who live in poverty is more than three times higher, it seems likely that the higher outcomes measures seen in the data for white isolated schools is primarily a result of low poverty levels.

|                          | % College Matriculation | 2-YR College | 4-YR College | Dropout Rate | Graduation Rate | % Proficient ELA | % Proficient Math |
|--------------------------|-------------------------|--------------|--------------|--------------|-----------------|------------------|-------------------|
| State Total              | 77.7%                   | 35.6%        | 64.4%        | 1.1%         | 91.1%           | 51.0%            | 41.8%             |
| Highly Proportional      | 77.4%                   | 40.7%        | 59.3%        | 0.5%         | 92.9%           | 50.1%            | 40.5%             |
| Somewhat Proportional    | 77.2%                   | 38.2%        | 61.8%        | 0.8%         | 92.1%           | 51.5%            | 41.3%             |
| Somewhat Disproportional | 80.2%                   | 32.3%        | 67.7%        | 0.9%         | 92.9%           | 56.3%            | 47.0%             |
| Highly Disproportional   | 68.3%                   | 44.9%        | 55.1%        | 2.0%         | 82.3%           | 35.2%            | 27.6%             |
| Total Proportional       | 77.2%                   | 38.5%        | 61.5%        | 0.8%         | 92.2%           | 51.4%            | 41.2%             |
| Total Disproportional    | 77.8%                   | 34.8%        | 65.2%        | 1.2%         | 90.7%           | 50.8%            | 41.9%             |

**TABLE 12: SCHOOL-LEVEL EDUCATIONAL OUTCOMES BY DISTRICT-STATE PROPORTIONALITY, 2016-2017**

Pearson correlations were analyzed and regression models were constructed to better understand the relationship between proportionality and educational outcomes. Pearson correlation coefficients<sup>9</sup> demonstrate a significant correlation between proportionality and graduation rates ( $r(404)=-.21, p<.001$ ), college matriculation rates ( $r(405)=-.29, p<.001$ ), ELA proficiency rates ( $r(2,196)=-.24, p<.001$ ), math proficiency rates ( $r(2,191)=-.16, p<.001$ ), and dropout rates ( $r(935)=.26, p<.001$ ). As the proportionality score decreases—indicating that fewer students would need to be exchanged with students of a different racial background to match the demographic profile of the state—graduation rates, college matriculation rates, ELA proficiency rates, and math proficiency rates increase significantly, and dropout rates decrease significantly. In other words, the more a school's demographic profile matches the state's demographic profile, the more likely that school is to have better educational outcomes.

Even after controlling for the proportion of students who qualify for free or reduced-price lunch, regression models<sup>10</sup> show that there is a significant

correlation between proportionality and graduation rates ( $\beta = -.11$ ,  $t(404) = -2.45$ ,  $p = .015$ ), between proportionality and college matriculation rates ( $\beta = -.25$ ,  $t(405) = -4.63$ ,  $p < .001$ ), and between proportionality and dropout rates ( $\beta = .12$ ,  $t(935) = 7.63$ ,  $p < .001$ ). In other words, when holding the proportion of students who qualify for free or reduced price lunch constant, the more proportional a school is to the state's racial demographic profile, the higher the graduation rate, the higher the college matriculation rate, and the lower the dropout rate. These data demonstrate that, overall, the more a school's racial demographic profile matches the state's profile, the more positive the educational outcomes are.

### School District Diversity Categories

As outlined in the introduction to this report, New Jersey's school districts can be divided into three categories based on existing levels of diversity. Category 1 districts have the greatest levels of diversity and most closely match the racial demographic composition of the state as a whole. Less than a quarter of students in these districts would need to be replaced with students of other racial backgrounds to perfectly match the demographic profile of New Jersey's public school student population. 23.7% of the state's districts are part of Category 1 (See Table 13).

|             | #<br>Districts | %<br>Districts | #<br>Students | %<br>Students | %<br>White      | %<br>Black      | %<br>Hispanic   | %<br>Asian      | %<br>Poverty    | %<br>LEP      |
|-------------|----------------|----------------|---------------|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|
| State Total | 674            | 100.0%         | 1373267       | 100.0%        | 45.3%<br>(30.6) | 15.5%<br>(21.3) | 27.1%<br>(20.0) | 9.9%<br>(9.9)   | 38.0%<br>(27.4) | 5.3%<br>(4.7) |
| Category 1  | 160            | 23.7%          | 321216        | 23.4%         | 51.3%<br>(11.9) | 13.3%<br>(8.9)  | 22.5%<br>(10.3) | 9.9%<br>(6.6)   | 34.0%<br>(16.5) | 3.0%<br>(2.7) |
| Category 2  | 330            | 49.0%          | 733237        | 53.4%         | 41.0%<br>(34.6) | 19.2%<br>(27.1) | 25.7%<br>(21.5) | 12.2%<br>(12.1) | 36.4%<br>(32.1) | 5.7%<br>(6.5) |
| Category 3  | 184            | 27.3%          | 318814        | 23.2%         | 49.3%<br>(31.4) | 9.3%<br>(14.1)  | 35.1%<br>(23.2) | 4.9%<br>(6.4)   | 45.6%<br>(25.8) | 6.5%<br>(4.6) |

**TABLE 13: DISTRICT-LEVEL DEMOGRAPHICS BY INTEGRATION CATEGORY, 2016-2017 (STANDARD DEVIATIONS APPEAR IN PARENTHESES)**

Galloway Township in Atlantic County is the most proportional district in New Jersey (43.6% of its students are white, 23.1% are Hispanic, 16.5% are black, 10.7% are Asian, and 6.1% are classified as another race). Only 5.8% of Galloway's students would need to be exchanged with students from different racial backgrounds to achieve perfect proportionality.

The least proportional district in Category 1 is Ridgefield in Bergen County (33.9% of its students are white, 33.6% are Hispanic, 28.5% are Asian, 2.8% are black, and 1.3% are classified as another race). While Ridgefield has a disproportionately high number of Asian students and a disproportionately low number of black students, it still offers its students substantial access to racial diversity. Districts, such as Ridgefield, on the edge of Category 1 must cultivate their overall diversity and seek ways to potentially expand existing levels of diversity. Section 3 of this report offers suggestions for accomplishing this task.

49.0% of the state's districts and a majority of its students fall within Category 2. These districts do not closely match the demographic profile of the state, requiring that more than a quarter of their students be exchanged with students from different racial backgrounds for the district to be proportional to the demographic profile of the state as a whole. While these districts are disproportional, they are all located in proportional, or diverse, counties. Each Category 2 district is situated in a county where less than a quarter of students would need to be exchanged with students from different racial backgrounds for the county to be perfectly proportional with the overall demographic profile of New Jersey's public schools. This suggests that these Category 2 districts are good candidates for enhanced diversity by voluntary or other efforts that change or bridge existing district lines.

One interesting example of a Category 2 district is Linwood City in Atlantic County, a K-8 elementary district. Table 14 shows that it is a highly disproportional district since 81.9% of its students are white, 7.4% are Hispanic, 5.4% are Asian, and only 1.0% are black. Only 6.8% qualify for free or reduced-price lunch. Upon matriculating to the high school level, Linwood students are educated in a significantly more diverse regional district, Mainland Regional, which serves elementary students from Linwood, Northfield and Somers Point.

But Linwood students could experience greater diversity throughout their educational careers if a logical remedy were employed. Just two miles from Linwood City is Pleasantville, an Abbott district with an extremely segregated student body consisting of 1.2% white students, 34.1% black students, 62.4% Hispanic students, 1.3% Asian students, and 91.2% low-income students. If the constituent districts of Mainland Regional and Pleasantville were combined into a single contiguous regional K-12 district, that district would have a truly diverse student population with a proportionality score indicating that only 13.4% of students would need to be replaced to achieve perfect proportionality with the statewide student demographic profile. As indicated in Table 14, 36.3% of its students would be white, 19.6% would be black, 38.1%

would be Hispanic, 3.4% would be Asian and 59.3% would be low-income. The distance between the northern and southern ends of this new district would be less than twelve miles. There are numerous other examples across the state of similarly diverse and proportional spaces that could be formed out of districts that currently lack diversity.

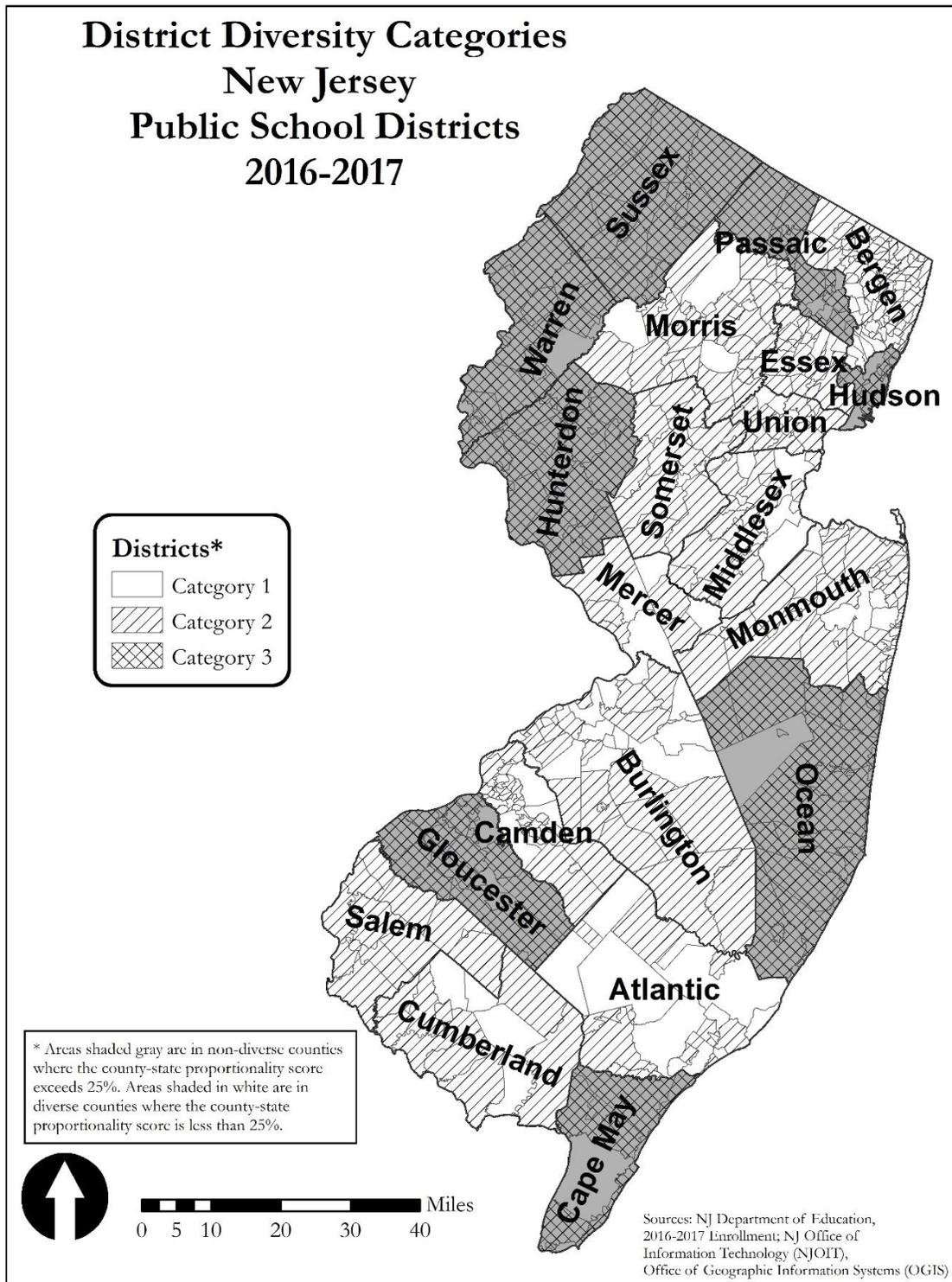
|                   | Enrollment | % White | % Black | % Hispanic | % Asian | % Other | % Poverty | % LEP | District-State Proportionality |
|-------------------|------------|---------|---------|------------|---------|---------|-----------|-------|--------------------------------|
| Pleasantville     | 3562       | 1.2%    | 34.1%   | 62.4%      | 1.3%    | 1.0%    | 91.2%     | 19.6% | 53.9%                          |
| Linwood           | 835        | 81.9%   | 1.0%    | 7.4%       | 5.4%    | 4.3%    | 6.8%      | 0.1%  | 38.8%                          |
| Northfield        | 919        | 77.3%   | 2.0%    | 12.4%      | 6.5%    | 1.8%    | 22.7%     | 1.2%  | 31.9%                          |
| Somers Point      | 945        | 42.6%   | 16.7%   | 31.1%      | 3.2%    | 6.3%    | 66.6%     | 5.4%  | 9.4%                           |
| Mainland Regional | 1302       | 69.4%   | 6.3%    | 14.3%      | 5.7%    | 4.3%    | 26.0%     | 0.6%  | 26.3%                          |
| Proposed District | 7563       | 36.3%   | 19.6%   | 38.1%      | 3.4%    | 2.7%    | 59.3%     | 10.2% | 13.4%                          |

**TABLE 14: DISTRICT CONSOLIDATION EXAMPLE**

27.3% of districts and 23.2% of students are part of Category 3. Similar to Category 2, Category 3 includes non-diverse districts where more than 25% of students would need to be exchanged with students from different racial backgrounds to match the state's demographic profile. However, unlike Category 2 districts, Category 3 districts are situated in non-diverse counties.

There is a large amount of variation among Category 3 districts. At one extreme is Island Heights in Ocean County, a white isolated district with 96.8% white students and only 1.6% black students, 0.8% Hispanic students, 0.0% Asian students and 7.9% low-income students. At the other extreme of Category 3 is the Passaic district in Passaic County, an apartheid district with only 0.9% white students, 4.6% black students, 92.5% Hispanic students, 1.8% Asian students and 99.8% low-income students.<sup>11</sup> Since both Island Heights and Passaic are situated in counties that lack diversity, even changing or crossing district lines is no guarantee of significantly increased student diversity. In essence, this is the nub of New Jersey's greatest challenge to diversifying all of its schools. Only creative and far-reaching steps can extend any significant benefits of diversity to these students.

Map 4 shows the distribution of districts by category. Areas shaded in grey are non-diverse counties with county-state proportionality scores that exceed 25%. While a few districts in these non-diverse counties are classified as Category 1 districts, most are Category 3 districts. As the map illustrates, the non-diverse counties are largely concentrated in the northwest corner of the state.



MAP 4: DISTRICT DIVERSITY CATEGORIES

Table 13 provides an overview of the demographic composition of the students in each category. As a whole, the demographic composition of each category closely mirrors the statewide demographic profile and, although this seems at odds with what we suggested earlier, it is a powerful example of the averaging phenomenon at work. While the average demographic profile for each category resembles the statewide profile, the demographic profiles of the constituent districts in categories 2 and 3 do not. This reality is captured by the standard deviations. The standard deviations for the proportions of students from different backgrounds are quite large in Categories 2 and 3 as well as for the state total. The comparatively small standard deviations in Category 1 are a reflection of the fact that each district in this category closely mirrors the overall demographic composition of New Jersey’s public schools, as is dictated by the very definition of Category 1.

Similarly, the educational outcomes for each category closely mirror the statewide averages (see Table 15), another example of the averaging phenomenon at work. Because districts in Category 2 and Category 3, by definition, have demographic profiles that differ greatly from the statewide average, analyzing average educational outcomes for these categories is not particularly informative. Despite the fact that the meaning of data in Table 15 is relatively clouded by the effects of averaging, one notable trend is that average graduation rates are highest and average dropout rates are lowest in Category 1. These data support prior research, as well as additional findings throughout this report, that diverse educational environments not only do not depress traditional measures of educational achievement, but they also frequently lead to improved outcomes.

|             | %<br>Proficient<br>Grade 3<br>ELA | %<br>Proficient<br>Grade 3<br>Math | %<br>Proficient<br>Grade 8<br>ELA | %<br>Proficient<br>Grade 8<br>Math | %<br>Proficient<br>Grade 10<br>ELA | %<br>Proficient<br>ALG 1 | Graduation<br>Rate | Dropout<br>Rate |
|-------------|-----------------------------------|------------------------------------|-----------------------------------|------------------------------------|------------------------------------|--------------------------|--------------------|-----------------|
| State Total | 50.2%<br>(19.0)                   | 52.5%<br>(19.3)                    | 57.3%<br>(18.4)                   | 26.0%<br>(18.3)                    | 44.0%<br>(17.4)                    | 44.1%<br>(29.9)          | 88.8%<br>(7.3)     | 0.7%<br>(0.7)   |
| Category 1  | 52.0%<br>(14.4)                   | 52.8%<br>(15.5)                    | 57.7%<br>(15.4)                   | 25.6%<br>(14.7)                    | 45.3%<br>(16.4)                    | 46.5%<br>(27.3)          | 91.7%<br>(5.4)     | 0.4%<br>(0.6)   |
| Category 2  | 52.2%<br>(21.8)                   | 54.9%<br>(21.8)                    | 58.7%<br>(20.1)                   | 26.3%<br>(19.4)                    | 45.6%<br>(18.6)                    | 46.6%<br>(30.7)          | 88.5%<br>(8.5)     | 0.7%<br>(0.8)   |
| Category 3  | 43.5%<br>(15.8)                   | 46.2%<br>(15.9)                    | 46.1%<br>(16.5)                   | 25.8%<br>(18.4)                    | 39.1%<br>(15.2)                    | 37.4%<br>(30.2)          | 86.5%<br>(6.5)     | 0.9%<br>(0.8)   |

**TABLE 15: DISTRICT-LEVEL EDUCATIONAL OUTCOMES BY INTEGRATION CATEGORY, 2016-2017**

## ***Charter Schools vs. Traditional Districts and Schools***

Before turning to our recommendations, we must provide a brief discussion of the ways in which charter schools are shaping the landscape of school segregation in New Jersey. As of the 2016-2017 school year, 3.4% of public school students in New Jersey attended a charter school. An overwhelming majority of charter school students are black or Hispanic and qualify for free or reduced-price lunch because most charter schools are located in deeply segregated urban districts. As illustrated in Table 16, 81.5% of charter school students are in schools characterized by an extreme level of segregation (apartheid schools, intensely segregated schools, and white isolated schools<sup>12</sup>). While 9.5% of charter students attend schools that are proportional to the demographic profile of the state, 90.5% of charter students attend schools that are disproportional. 75.4% of charter students are in highly disproportional schools where more than half of the students would need to be exchanged with students from different racial backgrounds to match the demographic composition of the total public school population in New Jersey. These data add to existing research that demonstrates charter schools in New Jersey are currently part of the state's segregation crisis.<sup>13</sup>

Given the fact that charter school enrollment is not bounded by municipal borders, these educational spaces could easily adopt policies that require them to admit students from diverse backgrounds. Indeed, if charter schools took advantage of their authority to be multi-district schools, they would then be under a statutory obligation to seek to have their student bodies reflect the racial makeup of the school-age residents of their constituent communities. If those constituent districts were diverse, so would their charter schools be.

|                             | #<br>Districts | %<br>Districts | #<br>Students | %<br>Students | %<br>White | %<br>Black | %<br>Hispanic | %<br>Asian | %<br>Poverty | %<br>LEP |
|-----------------------------|----------------|----------------|---------------|---------------|------------|------------|---------------|------------|--------------|----------|
| State Total                 | 674            | 100.0%         | 1373267       | 100.0%        | 45.3%      | 15.5%      | 27.1%         | 9.9%       | 38.0%        | 5.3%     |
| Total Charters              | 88             | 13.1%          | 46651         | 3.4%          | 7.8%       | 53.4%      | 32.6%         | 4.9%       | 69.8%        | 2.7%     |
| <10%<br>Poverty             | 7              | 8.0%           | 2880          | 6.2%          | 30.1%      | 26.5%      | 33.7%         | 7.9%       | 5.5%         | 2.2%     |
| Below Average<br>Poverty    | 19             | 21.6%          | 7580          | 16.2%         | 26.9%      | 29.9%      | 25.8%         | 14.5%      | 17.2%        | 1.2%     |
| Above Average<br>Poverty    | 69             | 78.4%          | 39071         | 83.8%         | 4.1%       | 58.0%      | 34.0%         | 3.0%       | 80.0%        | 3.0%     |
| >50%<br>Poverty             | 61             | 69.3%          | 35659         | 76.4%         | 2.4%       | 61.0%      | 33.4%         | 2.4%       | 83.3%        | 2.8%     |
| Apartheid                   | 36             | 40.9%          | 22038.5       | 47.2%         | 0.4%       | 66.0%      | 32.8%         | 0.4%       | 77.8%        | 2.6%     |
| Intensely<br>Segregated     | 28             | 31.8%          | 15845.5       | 34.0%         | 3.1%       | 55.7%      | 35.4%         | 4.9%       | 78.6%        | 2.9%     |
| White Isolated              | 1              | 1.1%           | 126           | 0.3%          | 94.4%      | 0.8%       | 1.6%          | 0.8%       | 0.0%         | 0.0%     |
| Total High<br>Segregation   | 65             | 73.9%          | 38010         | 81.5%         | 1.8%       | 61.5%      | 33.8%         | 2.3%       | 77.9%        | 2.7%     |
| Highly<br>Proportional      | 1              | 1.1%           | 298           | 0.6%          | 45.0%      | 13.8%      | 28.9%         | 5.4%       | 28.9%        | 0.0%     |
| Somewhat<br>Proportional    | 11             | 12.5%          | 4152          | 8.9%          | 38.9%      | 15.6%      | 30.6%         | 11.1%      | 34.7%        | 1.9%     |
| Somewhat<br>Disproportional | 20             | 22.7%          | 7031          | 15.1%         | 20.6%      | 28.2%      | 31.9%         | 16.6%      | 47.2%        | 2.1%     |
| Highly<br>Disproportional   | 56             | 63.6%          | 35170         | 75.4%         | 1.3%       | 63.3%      | 33.1%         | 1.8%       | 78.8%        | 2.9%     |
| Total<br>Proportional       | 12             | 13.6%          | 4450          | 9.5%          | 39.3%      | 15.5%      | 30.5%         | 10.7%      | 34.3%        | 1.8%     |
| Total<br>Disproportional    | 76             | 86.4%          | 42201         | 90.5%         | 4.5%       | 57.4%      | 32.9%         | 4.2%       | 73.6%        | 2.8%     |

**TABLE 16: CHARTER SCHOOL DEMOGRAPHICS BY ALL SEGREGATION/INTEGRATION MEASURES, 2016-2017**

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<sup>1</sup> See Appendix C for a full description of data sources used in this report.

<sup>2</sup> These data only include students who took the exams; they exclude students who did not take the exam for any reason.

<sup>3</sup> See Appendix E for district-by-district demographic data as well as information about the various classifications attached to each district. Appendix E includes each district's extreme segregation category, poverty level category, proportionality category, and district diversity category. Appendix E also includes district-by-district educational outcomes data—graduation rates, dropout rates, ELA proficiency rates, and Math proficiency rates. Additionally, the accompanying interactive map includes all of this demographic data as well as educational outcomes data by district. The map also includes all of this data at the school-level.

<http://www.centerfordiversityandequalityineducation.com/related-links/>

<sup>4</sup> Throughout this study, we use data about the number of students who qualify for free and reduced-price lunch as a proxy for poverty.

<sup>5</sup> For a summary of research on the educational effects of segregation, see Mickelson, 2016. While a good deal of research shows a causal relationship between segregation and educational outcomes, a portion of the effects of school segregation are bundled with the impact of poverty. Given the persistent bond between race and economic status that plagues our society as a result of both historical and persistent discrimination, the effects of segregation and of poverty are often challenging to disentangle. For the purposes of this report, we acknowledge the statistical relationship between race and economic status and specifically discuss instances where the data may conflate race and economics.

<sup>6</sup> Only one state, Illinois, is more proportional than New Jersey (See Appendix D for the full list of state-nation proportionality scores). Across the nation, four states are highly proportional, 27 are somewhat proportional, 18 are somewhat disproportional, and one is highly disproportional. Perhaps counter-intuitively, the four highly proportional states—Illinois, New Jersey, New York, and Connecticut—are usually ranked among the five or six most segregated states in the nation by the UCLA Civil Rights Project. The fact that New Jersey is highly proportional to the nation indicates that many of the findings and suggested remedies outlined in this report hold significance for the country as a whole. At the very least, the methods used in this study and many of the recommendations outlined in the report are transferable to the 31 states that are also proportional to the nation as a whole.

<sup>7</sup> See Section 1 and Appendix B for a technical description of these proportionality categories.

<sup>8</sup> The Somewhat Disproportional grouping, and to a lesser extent the Somewhat Proportional grouping, have poverty levels below the statewide average because they contain many of the state's predominantly white schools and districts. By contrast, the Highly Disproportional grouping has a poverty level of almost twice the state average and many of New Jersey's predominantly black and Hispanic schools and districts. As the report indicates, this reflects the high correlation between race and poverty.

<sup>9</sup> Pearson correlation coefficients indicate whether or not there is a statistical relationship between two variables. A positive correlation indicates that two variables either increase or decrease together. A negative correlation indicates that as one variable increases, the other decreases. In this report, we also include p-values with our Pearson correlation coefficients. These p-values indicate whether the relationship between two variables is statistically significant. A p-value that is less than .001 indicates that we expect the reported correlation to remain true more than 99.9% of the time. If a p-value is more than .05, we conclude that there is no statistically significant correlation between the two variables.

<sup>10</sup> Regression models allow us to consider how multiple variables interact with one another. Because we know that there is a persistent relationship between race and poverty status in our society, we use regression models to control for poverty status to investigate whether differences in educational outcomes are simply an effect of poverty or if school diversity also matters.

<sup>11</sup> As noted in Section 1 of the report, using averages requires some care. Table 13 shows that on average, Category 3's demographic profile includes 49.3% white students, 9.3% black students, 35.1% Hispanic students, 4.9% Asian students, 45.6% free or reduced-price lunch students, and 6.5% limited English proficiency students. While this average is quite similar to the statewide demographic profile, this average represents districts—such as Island Heights and Passaic—that cluster at two extremes far from the average. In order to highlight the impact of averaging data, we have included standard deviations in Table 13. Standard deviations are a statistical construct that help illustrate the distribution of data. By definition, 68% of all data points fall within one standard deviation of an average, and 95% of all data points fall within two standard deviations of an average. Using data from Table 13, this means that 68% of Category 3 districts have a population of white students that ranges from 17.9% to 80.7%. This also means that 32% of Category 3 districts have a white population that is either less than 17.9% or more than 80.7%. This large range is due to the fact that Category 3 is defined by having a demographic profile that is markedly different from the statewide student demographic profile.

<sup>12</sup> Although almost 73% (64 of 88) of all charter schools are apartheid or intensely segregated, among the rest are some predominantly white, or white and Asian, schools, including one white isolated school with more than 94% white students. Several other charter schools are themselves quite diverse—one is even in the Highly Proportional grouping, but charter schools in Hoboken and Red Bank actually are confronting legal challenges for allegedly being “white flight academies” creaming white students from school districts struggling to be diverse. See *Board of Education of the City of Hoboken v. New Jersey State Department of Education and Board of Trustees of the Hoboken Dual Language Charter School*, \_\_\_ N.J. Super. \_\_\_ (App. Div. 2017); *In re Red Bank Charter School*, 367 N.J. Super, 462 (App. Div. 2004). See Appendix E for complete demographic data for each charter district.

<sup>13</sup> See Weber & Rubin, 2014 for a more complete discussion of the segregating effects of charter schools.

## Section 3

# Policy and Legal Strategies Linked to the Three Diversity Categories

In this section, we pair each category of districts with a set of remedies targeted to improve, or, where appropriate, stabilize, their diversity at four levels—the district level, the school level, the classroom, course or program level, and the curricular, pedagogical and human interactional level. We also factor into the discussion what actions are to be taken with regard to each category and at each level by different governmental entities.

In the final section of this report, we integrate the remedies proposed in this section into a broader and more comprehensive state action plan designed to actually achieve what our state constitution, statutes and court decisions have promised for so long. The ultimate goal for all children in the state is what we have called “true integration,” which contemplates the achievement of diversity at the first three levels and responsiveness to that diversity at the human person-to-person level.

As we have indicated, New Jersey has a number of major strengths when it comes to finally achieving the educational and social benefits of widespread school diversity. To reiterate:

- It continues to have the nation’s strongest legal mandates for the realization of “racial balance” in the schools “wherever feasible.”<sup>1</sup>
- It has a new progressive governor and a solidly Democratic state senate and assembly.
- It has a state judiciary that has a long and impressive record of taking on important and controversial public issues and working steadfastly to help resolve them, including issues regarding residential and school segregation, and educational equity.<sup>2</sup>
- It has a growing number of influential civic and religious organizations that support, and are willing to work for, residential and educational diversity.
- It has media voices, in New Jersey and nearby, that have created growing public awareness of the educational importance of having all children educated in diverse settings.

- And, most recently, it has a changing demographic profile that, without much public awareness, has produced a surprising number of school districts with diverse student demographic profiles that relatively closely mirror those of the state as a whole.

These strengths and potentials, however, cannot obscure the fact that New Jersey also has many districts with profound, in some cases even worsening, racial, ethnic and socioeconomic segregation. The story is clearly “a tale of two states.”

Our research, as reported in the prior sections of this report, documents the variety of circumstances that currently exist in New Jersey, from the districts whose demographic profiles almost perfectly match the state's to those whose profiles could not be further removed from the state's, from the white isolated districts with fewer than 10% students of color to the apartheid districts with fewer than 1% white students. This research makes absolutely clear that no single solution can advance the cause of school diversity. Rather, different approaches are required at the state, regional and county, and local levels.

Whatever the particular remedial approach, though, it is likely that the school district and its municipality or constituent municipalities, operating within state policies and oversight, will have important roles to play in determining whether the schools will be diverse. Those local entities can shape the climate in ways that foster or impede residential diversity. The real or perceived quality of the local schools will greatly influence how desirable the community is as a place to live. It also will play a powerful role in determining how many residents might choose private school or other educational alternatives, such as elite magnet schools, charter schools or even home schools, for their children.

To sustain or increase their schools' educational success, reputation and diversity, local school districts have to provide educational opportunities and services to fully meet the needs of all students. This includes offering sufficient advanced educational opportunities and challenges to appeal to parents and students who aspire to educational excellence and pathways to competitive colleges and universities. It also includes providing educational support and resources to students who are less academically advanced. And, as will be discussed below, these districts have to do all of that in a setting where all students are offered reasonable access to the full range of available courses and programs.

In the prior sections, we identified three broad categories of school districts that share some relevant characteristics, but also have important differences especially in the second and third categories. Put simply, Category 1 districts are themselves diverse whether or not their counties are; Category 2 districts are not diverse, but their counties are; and Category 3 districts are not diverse and neither are their counties.

**Category 1** districts have one big advantage over Category 2 and 3 districts—because they start with district-wide diversity they can focus their most substantial efforts on the other three remedial levels. For Category 2 and 3 districts, achieving district-wide diversity can be a major threshold challenge, made more difficult for Category 3 districts because they are located in counties that are not diverse.

**Category 2** is distinctive in its own significant ways. It is the largest of the three categories with almost 49% of New Jersey districts and 53% of the state's students. Although its average proportionality score is quite comparable to Category 3's, when charter school districts are excluded, Category 2 actually has substantially more apartheid and intensely segregated urban districts than Category 3 does—six apartheid districts and 19 intensely segregated districts as compared to only one apartheid district and eight intensely segregated districts. By comparison, Category 2 has somewhat fewer white isolated districts than Category 3—29 to 24—even though Category 2 has significantly more districts—330 to 184. Finally, Category 2 has more than twice as many relatively large urban districts with deep segregation problems as Category 3, even though the Category 2 districts are in more diverse counties, a point of significance for this report.

**Category 3** school districts, because they are located in relatively non-diverse counties, present the greatest challenges and offer the fewest obvious paths to substantial and timely improvements in diversity. This is where out-of-the-box thinking will be required not only to address the issue of school diversity, but also the broader issues of educational opportunity, equality, equity and achievement. For those students denied the benefits of diversity in their education, the state may have to find ways to compensate for that loss, as *Abbott v. Burke* in effect has sought to do for decades.<sup>3</sup>

Not only are Category 3 districts lacking in substantial diversity within their own borders and located in counties of limited diversity, but, especially as to some white isolated districts, they are located in even larger multi-county regions that lack substantial diversity. Thus, for a good number of Category 3 districts

the prospects of being able to achieve meaningful day-to-day, student-to-student school diversity in the relatively near term are, frankly, not promising. They may be the kind of districts and schools the New Jersey Supreme Court had in mind when it issued the constitutional mandate of racial balance wherever **“reasonably feasible.”**<sup>4</sup>

Nonetheless, we should not abandon the effort to make progress even though we need to be realistic about the prospects for achieving diversity. We should, therefore, consider what else can be done to assure these students the personal benefits of a “thorough and efficient” education, and to assure our state and nation the collective benefits of a well-educated population capable of being effective and productive citizens and meaningful contributors to our economy and general well-being.

### ***Four remedial levels***

To some extent, these remedial levels are self-evident. They proceed from larger to smaller spaces and, to a considerable degree, they build incrementally from one to the next. For example, the best starting point for achieving integrated schools is to have integrated districts.

As previously indicated, the remedial levels are:

1. The school district;
2. The school;
3. The classroom, course and program; and
4. The curricular, pedagogical and human interactions within each classroom, course and program.

### ***Achieving Integration Across Levels and Categories***

To fully achieve residential and educational diversity in New Jersey goes beyond the scope of this report. The challenges implicate housing, employment, transportation and other policies of the state and its regions, counties and localities. Nothing less than a comprehensive holistic approach will do if we really intend to succeed at long last in meeting this essential challenge. One way to accomplish that may be for the state itself and every other governmental entity to develop and implement a diversity action plan. State funding and technical support, as well as state oversight, should be integral parts of that approach.

As the introduction to this section suggests, there are two broad sets of remedial techniques that are relevant to this report—those that focus on residential integration and those that focus on educational integration. This report deals only briefly with the former, but emphasizes the latter.

Residential integration. In an integrationist's ideal world, all of us might already be living in residentially integrated neighborhoods, which could happen only if our state, counties and municipalities were integrated. In that event, our school districts and schools would likely follow suit and we would not have to develop an elaborate set of categories for grouping districts and schools, as we did in Section 2, and an elaborate matrix of remedies for each category based on their particular demographic circumstances, as we do in this section.

Perhaps someday we will approximate the integrationist's dream—indeed, as we describe in this report, we have made some substantial progress in that direction in recent years. The result is that about 25% of our school districts have achieved a surprising level of diversity in comparison to the statewide demographic profile.

But we are hardly there yet. Some of our 21 counties are relatively diverse residentially; others are not. 75% of our school districts are not diverse either, including many in diverse counties. Even within diverse school districts, many schools are not diverse because neighborhoods are segregated.<sup>5</sup>

Despite the differences among the three district diversity categories, they share an important commonality that affects our remedial recommendations. The reality in New Jersey and many other states is that school integration and residential integration are closely linked. By far the most common state law pattern is that students are entitled to attend the public schools of the district in which they reside without charge, but not the public schools of other districts without special dispensation or the payment of tuition.<sup>6</sup> Therefore, for a district's public schools to be populated by diverse students usually its resident population must be diverse. And, at least if a district's attendance policies focus on neighborhood schools, its schools are diverse only if its neighborhoods are as well.

Thus, the most direct and sure way to achieve integration at the district and school levels is by residential integration of communities and neighborhoods. Even in diverse communities and school districts, such as Category 1, however, neighborhood integration is not the norm. That means integration at the school

level is going to require thoughtful and effective district attendance policies and practices even in a Category 1 district.

Efforts to promote residential integration require a comprehensive, multi-faceted and carefully constructed program operating at multiple levels. After all, as Richard Rothstein's new book, *The Color of Law: A Forgotten History of How Our Government Segregated America*, powerfully demonstrates, it took a comprehensive, multi-faceted and carefully constructed program operating at many levels to create the residential segregation we now confront.

To rectify the situation will require state and federal laws, regulations and policies that promote residential integration by various means including targeted funding and that prohibit discrimination in housing. In New Jersey, the Mount Laurel litigation and judicial enforcement of its affordable housing mandates throughout the state provide a state constitutional, as well as statutory, basis.

Local municipalities also have an important role to play. After all, it was their restrictive large-lot zoning and other ordinances that led to Mount Laurel. Local ordinances can spur integrated housing instead of undermining it.

Finally the private sector, especially in the person of realtors and real estate developers, plays a powerful role in shaping local communities for better or worse in terms of their diversity. That's a lot of moving parts to align properly, but it can be done if we want it enough. And the necessary public support has to be carefully and strategically built, not just willed into existence. That is where effective public outreach and mobilization must be brought to bear by enlightened politicians and by citizen activists functioning on their own or, better still, through their religious and civic organizations. If need be, the courts may have to be pressed into service as they were in Mount Laurel and many other cases.

After all, there are formidable obstacles to the achievement of community or neighborhood diversity, which relate to factors such as racially identifiable income inequality, differences in the cost of available housing by municipality or neighborhood, and the reality that some people simply prefer what they perceive as the comfort of living in communities or neighborhoods populated by people who are like them in terms of country of origin, culture and native language.

In considering the challenges and opportunities that residential integration holds in store for the three district diversity categories, there are some

overarching similarities, but more significant distinctions. For example, in **Category 1** districts, which already are residentially diverse, the challenge is to maintain or even improve their existing district-wide diversity and to extend it to their neighborhoods. An important way to do that is for these communities to consciously cultivate a collective sense of livability and commitment to diversity. In short, these communities have to be places where residents want to continue living because they offer something special and valuable. It is no accident that communities like Montclair and Morristown, especially, have made themselves into “happening” places in terms of cultural, recreational, social and culinary opportunities.

For **Category 2** districts, which have less residential diversity within their borders but are in relatively diverse counties, the initial challenge is to do better at integrating their housing not only at the district level, but also, ideally, at the neighborhood level. That can happen by the sorts of unbidden demographic shifts that many New Jersey communities have witnessed or it can be more intentional. One way to expedite that process is by changing municipal or school district lines, as discussed below, with at least one purpose being to increase residential diversity. In that connection, the relative diversity of their counties is a help.

For **Category 3** districts, which are in relatively non-diverse counties, changing municipal or school district lines may be less available as a means of achieving residential diversity. As a consequence, the main burden of improving residential diversity will fall on integrating the existing housing stock, or augmenting that stock, perhaps courtesy of Mount Laurel.

Paradoxically, white isolated districts in Category 3 may be good candidates for residential diversification. As this report has documented, the statewide trend has been for a steadily declining white student population with a precipitous decline in the number of white isolated districts, and that may well continue. Contributing to the likelihood of that occurring is the fact that many of the remaining white isolated districts tend to have relatively small populations so that a modest infusion of non-white residents could effect a significant change in the demographic profile. And, if that were to happen, “white flight” from those districts could still be a factor in further reshaping the profile.

The larger urban districts in both Categories 2 and 3 present a special integration challenge because of their size,<sup>7</sup> extreme segregation and less than exemplary reputations, whether deserved or not. To achieve meaningful

residential integration in those and other larger Category 2 and 3 districts will almost certainly require a serious and sustained state effort of the kind we have not seen to date. Such an effort could include, or be aided by, the kind of urban gentrification that has occurred in many places, including some New Jersey cities such as Jersey City, Hoboken and even Morristown. There are some signs it is beginning in Newark. Gentrification has to be treated carefully, however, since it can wind up displacing local black and Hispanic residents, or creating the potential of new residents sending their children to private or charter schools unrepresentative of the entire population.

There is another important cautionary word to re-emphasize. All too often, when districts change relatively fast because of demographic shifts, rather than conscious choices, diversity can be a temporary way station between different forms of segregation. Districts, such as Dover in Morris County, exemplify the problem. Within a relatively brief period of time, Dover went from being a district with significant white and black student populations to an overwhelmingly Hispanic district.<sup>8</sup> In districts such as this, although there is usually an identifiable time at which the district is diverse, that point in time may be fleeting. We need to find ways to avoid radical racial transformations like that by implementing timely, concerted and effective mechanisms to stabilize diversity that may be thrust upon districts rather than sought by them.

A central message of this report is that we have to deal with the world as it is, not as we might wish it to be. Residential integration at every geographic level would greatly facilitate school integration and we should increase our efforts to achieve it, but it is not likely to happen in the near future. In the interim, we need to consider other remedial approaches and how they apply to the broad array of New Jersey school districts.

Educational integration at the district level. School districts that are not yet sufficiently diverse, as is true by definition of Category 2 and 3 districts, can become diverse, not just by residential integration, but also by what we call educational integration. That can occur by changing or bridging district lines so that the schools become more diverse.

The two remedial approaches are quite different, though. If district lines are **changed**, with diversity added as a goal to augment educational and fiscal efficiency and educational quality, the resulting districts actually will become more residentially integrated as a vehicle for their becoming educationally integrated. If, by contrast, district lines are **bridged** by students moving from their district of residence to another district to attend a school there, the

residential composition of the districts is unchanged, but the student population is. Actually, the bridging remedies may wind up diversifying particular schools within a district, but not necessarily the entire district's student population.

Both forms of educational integration are likely to be more difficult to accomplish for Category 3 districts than for Category 2 districts, however, because the former are located in less diverse counties. But that limitation should not be overstated since some segregated Category 3 districts are located in reasonable proximity to other districts that could offer the students of both access to diversity. And perhaps we should move beyond the rigidity of county lines to facilitate cross-county school district consolidations and cross-county inter-district student transfers.<sup>9</sup>

By contrast, if a Category 1 district, by definition, relatively diverse at the district level, is successful at stabilizing its diversity, it might be tempting to exempt it from consideration at this remedial level. However, there are other reasons to consider some Category 1 districts as candidates for consolidation either because their pupil population is very small or because they offer less than a K-12 educational program to their students. An example of the latter is the most proportional district in New Jersey—Galloway Township in Atlantic County. Galloway has 3,269 students, a relatively large enrollment for New Jersey school districts, but it offers them only an elementary education. Important educational interests other than diversity might argue strongly for its consolidation. Indeed, a thrust of the CORE Act speaks precisely to that situation in its strong preference for K-12 districts.

Below are some specific techniques for achieving both types of educational integration at the district level. A surprising number of these techniques are already provided for by New Jersey statutes, regulations and judicial decisions, but not always with a focus on improving racial diversity:

### **Techniques: changing district lines**

1. Voluntary consolidation by constituent districts;<sup>10</sup>
2. Consolidation by action of the commissioner of education pursuant to his broad statutory and constitutional power and duty;<sup>11</sup> and
3. Consolidation by action of the executive county superintendents and commissioner of education pursuant to the CORE Act;<sup>12</sup> and

4. Creation of a new statutory mechanism that might change the entire educational delivery structure (e.g., move away from districts based primarily on municipalities to county or other regional school districts, or authorize a pilot project to test such an approach).<sup>13</sup>

### **Techniques: bridging district lines**

1. Existing or expanded school district authority to accept non-resident students with or without tuition;<sup>14</sup>
2. Ability of districts to send students to or receive students from other districts pursuant to agreements between the districts;<sup>15</sup>
3. Interdistrict Public School Choice program;<sup>16</sup>
4. County vocational district schools;<sup>17</sup>
5. Multi-district charter schools;<sup>18</sup>
6. Multi-district magnet programs;<sup>19</sup> and
7. Cross-district transfer programs.<sup>20</sup>

### **Pros and cons of changing district lines vs. bridging them**

Changing district lines by some form of consolidation is likely to have both a more substantial and more immediate impact on school diversity than having students cross district lines to attend schools in districts other than the one in which they reside. Indeed, most of the techniques listed above for bridging district lines are likely to have more impact at the school level than at the district level since all but the first two options involve some students from one school district choosing to attend a school operated by another district or consortium of districts.<sup>21</sup>

Changing district lines also is likely to have greater educational efficiency and cost benefits than bridging existing district lines. There are three problems with it, however: (i) the political challenge of overcoming New Jersey's special love affair with local control of both schools and municipalities; (ii) the logistical challenge, at least in some parts of the state, of being able to consolidate adjacent or nearby districts in ways that will significantly diversify their student populations;<sup>22</sup> and (iii) the complexities of determining what fiscal burdens each constituent municipality will bear given New Jersey's excessive reliance on local property tax capacity for funding K-12 schools.

The four consolidation techniques listed above are of two kinds—the first and second contemplate individual district consolidations either by local choice or state mandate; the third and fourth contemplate large-scale or even statewide restructuring of the educational system.

There is much to commend a thoughtful state policy in favor of school district consolidation. Factors other than diversity could be considered, including logistical feasibility, educational efficiency and cost-effectiveness.<sup>23</sup> Since New Jersey school districts are very numerous—674 at latest count—and, therefore, tend to be undersized, a succession of state blue ribbon commission reports since 1968 has regularly recommended district and municipal consolidation for these other reasons rather than for diversity. Also, as indicated, the 2007 CORE Act required executive county superintendents to develop consolidation plans for their respective counties with all the proposed new districts offering a full K-12 educational program.<sup>24</sup> That statutory mandate was largely ignored, however, and currently about 40% of the state's school districts still offer less than a K-12 program.

Cluster consolidation. As indicated, under existing state law, consolidation could happen by voluntary action of the constituent districts. Because, by definition, Category 2 districts are located in relatively diverse counties, individual district consolidations have the clear potential to increase diversity in logistically feasible ways. There is also a strong precedent under existing state law for consolidation among several adjacent districts to occur by state executive action to enforce a constitutional mandate. This happened in 1971 as a result of a New Jersey Supreme Court decision in the *Jenkins* case that assured the commissioner of education he had ample authority to order a merger to vindicate the constitutional right of students to attend racially balanced schools. The result was the creation of the Morris School District, out of Morristown and Morris Township. Almost fifty years later, Morris is still a flourishing and diverse district that can serve in many ways as a model for other districts.<sup>25</sup>

Broader-scale consolidation. The legislature could reiterate or extend its 2007 mandate to the executive county superintendents to develop a plan for consolidating all the districts in their respective counties not only to eliminate districts with less than a K-12 educational program, but also to require that the new consolidated districts promote diversity. Another even more far-reaching and politically controversial approach would be to abandon an educational structure primarily based on municipalities (of which New Jersey has 567) in favor of a structure based on counties (of which New Jersey has only 21). The

change would be massive and would require an enormous re-ordering of the public's mindset about local school governance. New Jersey, more than almost any other state, has had an ardent and longstanding love affair with localism. But moving to a county system has a good deal to commend it.

There already are quite well established, if sometimes criticized, county governmental structures in place. During the past 12-15 years, longstanding county vocational school districts have launched a hugely successful educational innovation in the form of highly selective high-tech magnet high schools. Many of these schools have vaulted to the top of lists of New Jersey's best high schools, and, in some cases, high on the lists of the nation's best high schools.<sup>26</sup>

County-based educational systems have long been the norm in many states, especially those in the nation's southeastern and southwestern tiers. Some of those state systems are held in high regard for their educational achievement successes and their cost-effectiveness. Maryland is probably the most frequently cited exemplar, and it is worth careful consideration. A two-part series published recently by the New Jersey Education Aid website took an in-depth look at how Maryland compares with New Jersey in terms of school spending and educational achievement, and it may be a good, if controversial, starting point for just such a consideration.<sup>27</sup>

Indeed, in our 2013 report and elsewhere, we floated the idea of using Essex County as a pilot of how the construct might work in New Jersey.<sup>28</sup> It goes without saying that the idea would be highly controversial and politically volatile, but, especially with regard to many of our deeply segregated urban districts, the solutions to the deep, still-worsening and seemingly linked problems of segregation and low educational achievement may require a willingness to seriously consider fundamental and even painful changes.

Educational integration at the school level. If a school district is already diverse<sup>29</sup> at the district level, as Category 1 districts are, and manages to remain so, its first serious diversity challenge is at the school level, and for many New Jersey districts that means the elementary school. Because the state is characterized by a large number of districts with relatively small pupil populations, more than a quarter of them are elementary districts. Additionally, a substantial number of unified K-12 districts have small enough student populations so that they have only a single middle school or high school, which will be as diverse as the district enrollment is.<sup>30</sup>

Assuming that a district's neighborhoods are not residentially diverse, as is true of most districts, to assure that its elementary schools are diverse requires attendance policies that depart from a strict neighborhood school approach. To some extent, federal constitutional requirements have limited district flexibility in that regard, but there are still approaches that will work if carefully constructed.<sup>31</sup> Districts such as Morris and Montclair have had impressive success over many years at extending diversity to the school level by their attendance policies and can be considered as models for other districts.

Districts in Categories 2 and 3 will have a harder time creating diverse schools, especially as their proportionality scores diverge from the statewide demographic profile. At the extremes are districts with deep segregation—apartheid, intensely segregated and white isolated districts—which have virtually no chance of creating even a single diverse school, as measured by the state or even county demographic profile, from their resident enrollments. Their only chance to afford resident students with educational diversity in the district is by attracting students from other districts with different racial profiles. Of course, they may be able to provide some of their resident students with an opportunity to be educated in a diverse setting by facilitating cross-district programs pursuant to which their students attend either schools operated by other districts or multi-district magnet schools. However, that may worsen the educational opportunities, or even the diversity picture, for resident students who remain in-district.

Some Category 2 and 3 districts whose proportionality scores fall closer to the statewide profile could provide some, but not all, of their resident students with a diverse education within the district without having to enroll students from other districts, but that would require especially creative attendance policies. It also would leave a significant portion of their students in quite segregated schools—actually made more segregated by the district's effort to provide some students with more diverse schools. That is a persistent and troublesome dilemma for districts that lack a relatively high-level of district-wide diversity.

This discussion of school-level diversity would not be complete without a somewhat more detailed description of the two most common ways to advance diversity by inter-district student enrollment programs. One is cross-district student transfer programs, which ideally work in both directions—suburban to urban as well as urban to suburban. The other is multi-district magnet programs.

Both have been employed for years by nearby states, such as Connecticut pursuant to court orders in the *Sheff* case and Massachusetts, with impressive if incomplete success, according to most reports.

Thousands of urban students who live in segregated districts, such as Hartford, Bridgeport and New Haven in Connecticut, and Boston, Lowell, Springfield and Worcester in Massachusetts, and would otherwise be attending segregated schools are enjoying the benefits of educational diversity. Similarly, thousands of white and Asian suburban students who live in predominantly white or white and Asian districts are choosing to attend diverse schools. In both cases, many students are willingly riding busses for long distances because of the strength of the educational programs involved. This encouraging phenomenon is being carefully studied and evaluated, and the results will be instructive for New Jersey. In particular, the willingness of Connecticut students from both urban and suburban districts to travel considerable distances to take advantage of strong and diverse educational programs suggests this may be a workable approach even for Category 3 districts in counties that have only limited diversity.

New Jersey already has legislative and administrative vehicles in place for both types of programs that could easily be adapted to promote school diversity. As to cross-district transfers, there is the Interdistrict Public School Choice program, which is increasingly widely used for educational and fiscal, but not diversity, reasons. Less frequently used is a statutory provision authorizing school districts to accept non-resident students, with or without charge. Finally, there is the very widely used sending-receiving legislation pursuant to which elementary districts agree to send their high school age students to other districts. It is possible that this legislation, too, could be adapted to affirmatively promote school diversity. Currently, diversity is an explicit statutory factor to be considered in the termination of a sending-receiving relationship, but not in the creation of one.

As to multi-district magnet programs, there are two well-established mechanisms. One is the county vocational school systems, whose relatively recent forays into selective high-tech academies suggest that there could be county-wide approaches to promoting diversity as well as, or in tandem with, academic excellence. The other is the charter school legislation, whose regulations explicitly authorize the creation of multi-district charters. This possibility has been little utilized, but nothing prevents it from becoming a vehicle for multi-district diversity.<sup>32</sup>

Educational integration at the classroom, course or program level. In those Category 1 districts that have achieved reasonable diversity both at the district and school level, their most obvious challenge is likely to be at the classroom, course and program level. As we have indicated previously in this report, an essential step toward achieving “true integration” is to assure that, as much as possible, all of a school’s classrooms, courses and programs, including honors, AP and other high-level courses, are physically integrated. Nothing is more obvious to students and parents, and more demoralizing to many, than to have a district’s most elite and high-status enterprises dominated by a racial or economic segment of the district’s student population.

Even beyond that challenge, however, is the expectation that the district will carefully evaluate its disciplinary actions, special education classifications and extra-curricular participation to assure that they are free of explicit and implicit bias.

The challenge of true integration is one that few school districts have fully met, but that a small number of New Jersey districts are seriously tackling, including a special focus of our work—the Morris School District. There are two main aspects of this challenge. The first relates to physical integration—how districts should not only eliminate policies and practices that result in racially and economically disproportionate classrooms, courses, curricular and extra-curricular programs, disciplinary actions and special education classifications, but also act affirmatively to assure diversity and proportionality in all those domains.

The second, which will be addressed in the next subsection, reaches even further into the classroom by creating an expectation that districts should adopt curricula that privilege all their students, assure that textbooks and other course material are reflective of and sensitive to all their students, and that hiring and professional development policies and practices are designed to assure that all their students have an opportunity to learn from a diverse array of adults who have been trained to recognize and deal with implicit and explicit biases.

There are four dimensions to dealing with the first aspect—the “tracking” or “ability grouping”<sup>33</sup> problem: (1) what are a district’s policies and practices regarding the tracking or ability grouping of students and, to the extent it has some form of tracking or ability grouping, what are its policies and practices regarding how students are placed in those tracks or groups; (2) what is the district doing to train administrators and teachers to fairly apply these policies

and practices; (3) what is the district doing to alert all its students and their parents and guardians about the availability of the full array of curricular and co-curricular options; and (4) what is the district doing to provide all its students with a meaningful opportunity to prepare for participation in the full range of courses and programs.

To the extent that meaningfully integrating classrooms, courses and programs means ending, or substantially changing, tracking or ability grouping, in many diverse districts that may require the district's board, superintendent and other administrators to walk a fine line between, on the one hand, reassuring parents, often of upper-income, mostly white and Asian, students, that their children's pursuit of admission to highly competitive colleges will not be compromised by advanced courses that are watered down to accommodate a broader diversity of students. The concern of those parents may not be rooted in fact, but it is likely to be genuinely felt nonetheless.

On the other hand, the district's leadership has to persuade the parents and guardians of other students that their children are not having their opportunities constricted by bias. One of the ways in which some districts, including the Morris School District, have sought to walk this line is by giving a broader array of students the opportunity to demonstrate that they are capable of performing well in the highest level courses and programs rather than to prescreen students primarily based on standardized test scores, prior grades and teacher recommendations.

Educational integration at the pedagogical and person-to-person level. Although this level is in many respects the culmination of "true integration," it need not await the achievement of physical integration at the district, school, and classroom, course and program levels. Indeed, even the most intensely and persistently segregated districts, where meaningful physical integration may not be achieved in the near term, can and should proceed immediately with integration within the meaning of this level.

All students, even those still laboring under the disadvantage of being taught in segregated settings, can benefit from curricular approaches, textbooks and other instructional materials, and teachers that are sensitive to them, and that value and validate who they are. All districts, whatever their level of student diversity, also can present important educational and life lessons to their students by seeking to hire teachers and administrators who reflect racial diversity, and who are trained to perceive and address implicit and explicit biases, thereby modeling for their students how diversity can work in practice.<sup>34</sup>

Beyond these essential measures, which should be embraced by all school districts, regardless of the degree of their diversity and the category within which they fall, there are some more innovative and, frankly, far-out remedial techniques that might provide out-of-the-box ways for even students attending the most deeply segregated schools to get some of the benefits of student-to-student diversity.

The common wisdom is that classrooms and programs cannot be diverse unless districts or at least schools are diverse, and usually that is the case. That is so long as we mean diversity in day-to-day, student-by-student physical terms—the extent to which students actually attend schools with other students whose race, ethnicity or economic status differs from their own. But, if such physical diversity is not “feasible,” at least in the near term, must we just consign those students to being educated in isolation from others who are different from them?

At the risk of sounding like a Trekkie, technology may offer a promising, if limited, hope. The hope may lie in the use of immersive educational technology—in Star Trek terms, Holodeck classrooms. These classrooms hold out the prospect of students physically located in separate school districts and classrooms having a shared and meaningful educational experience. Is it fully the equivalent of sharing the same physical classroom? Certainly not! Is it preferable to being educated in total isolation from students who bring different characteristics, values and ideas to the classroom? Certainly yes!

And the interactive technological connection can be augmented by periodic real physical contacts through means such as joint course-related field trips,<sup>35</sup> cross-cultural experiences and a variety of extra-curricular programs between students at the paired districts.

There is a fascinating and successful model available in New Jersey at Rutgers Law School. As a result of the recent merger of Rutgers Law School-Newark and Rutgers Law School-Camden, there is a single law school with two campuses located 83 miles apart. Having students or faculty travel regularly from one to the other for courses or other activities simply isn't feasible. But to leave them in splendid isolation from one another would give the lie to the existence of a single unified law school.

One answer that emerged three years ago was the construction of a Holodeck classroom at each campus and joint courses utilizing those classrooms with

students and a faculty member at each end. Has it worked? The testimony of students and faculty at both campuses is a resounding yes.

In the words of some students: “The Holodeck has added breadth and diversity to my legal education;” “Classmates, physically beside you or virtually in front of you, all become part of the same conversation and what’s being said can be connected to an actual person. The quality of the experience has been much better than we expected. It really feels like both Camden and Newark students are in the same room together;” “Not so much just the voices, but the actual image and personality of each student come[s] through. The experience is more like a discussion with students looking at each other rather than just a lecture by the professor. It is interesting to hear comments from students at either school that might have taken the same class but with a different focus or emphasis;” “Hearing and seeing the students from the other school definitely generates a sense that we all attend the same institution [and can relate to one another].”<sup>36</sup>

There certainly are questions about how such an approach might be implemented in elementary and high schools, mostly in deeply segregated urban districts paired with more diverse or predominantly white suburban districts. There seems little reason to believe, however, that younger students would have more difficulty relating to the use of immersive educational technology. Indeed, it might be easier and more natural for them.

Creating, maintaining and operating the necessary technology in enough deeply segregated school districts and their paired school districts to make a major difference is undeniably costly,<sup>37</sup> and requires substantial in-house technical expertise or ready access to those who can provide it. But, if ever there were a project that might attract the support of high-tech billionaires and their foundations that have demonstrated a commitment to improving educational opportunities, this should be the one. In that connection, the names Bill Gates and Mark Zuckerberg immediately come to mind. Each already has invested \$100 million or more in pursuit of a promising educational idea and Zuckerberg did so in Newark.<sup>38</sup>

An even more serious question—and the last one this report will raise—is whether virtual integration through immersive technology might prove so tempting that districts, capable of working toward real physical integration in the relatively near term, might opt for the virtual kind. This is where, if need be, state policy should draw a line in the sand. The constitutional mandate that

real diversity in the schools must be offered to students “wherever feasible” has to be the guidepost for New Jersey.

***The role of the state in ensuring that integration really occurs in New Jersey “wherever feasible,” to the maximum extent feasible and as soon as feasible***

Although the multi-faceted challenges confronting New Jersey with regard to the achievement of residential and educational integration might seem to be predominantly aimed at local municipalities and school districts, that is more a function of how prominently and for how long we have exalted local control as if it is the be all and end all of how we govern our state. In point of fact, ultimate power and duty over many of the things that really matter, such as education and housing, are vested in the state. Local governmental units generally only have the powers delegated to them by state legislation, regulations and policy.

The most powerful example of that legal and policy reality in education is state takeover of districts that fail to operate their schools effectively. In fact, New Jersey was both the first state in the nation to adopt a state takeover law and the first to actually take over a district—Jersey City in 1989. Since then, the state has taken over three other prominent urban districts—Paterson in 1991, Newark in 1995 and Camden in 2013. Although state operation of those districts has hardly been short-lived,<sup>39</sup> the state has utterly failed to address the extreme segregation in those districts for which it has been directly responsible. No less than 59 schools in those four districts are apartheid schools, the most extreme form of segregation, and they enroll 26,607 students. Surely the state must do far better in the future.

For us to finally end the long period—by some measures almost 50 years—during which all three branches of our state government have paid lip service to our constitutional commitment to integrate our schools, but have not acted on that commitment, our new governor and his administration must take the lead and the legislature must meet its own important responsibilities. That is the gist of this long and detailed report. In the final section, we present a detailed action plan for how we recommend that happen. Only if the governor and the legislature fail to discharge their responsibilities need the third branch—the judiciary—engage these issues.<sup>40</sup>

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<sup>1</sup> Jenkins v. Twp. of Morris School District, 58 N.J. 483, 506-08 (1971).

<sup>2</sup> See Paul L. Tractenberg (ed.), *Courting Justice: 10 New Jersey Cases That Shook the Nation* (2013).

<sup>3</sup> *Abbott* was an educational funding and programmatic response to the extreme racial and economic isolation in which most of New Jersey's urban students exist. It did not directly challenge that isolation, but sought to assure that its consequences would be addressed by funding and support services. See *Abbott v. Burke*, 119 N.J. 287, 393 (1990), where the concluding sentence of Chief Justice Wilentz's opinion striking down the Public School Education Act, read as follows: "They [students in poor urban school districts] face, through no fault of their own, a life of poverty and isolation that most of us cannot begin to understand or appreciate."

<sup>4</sup> See *Jenkins*, 58 N.J. at 506.

<sup>5</sup> As we discuss elsewhere, even in the very small number of diverse school districts with diverse schools, too few classrooms, courses and programs mirror the district-wide and school-wide diversity, let alone provide the kind of responsive, supportive and nurturing educational environments that students need and deserve.

<sup>6</sup> Some states, most notably Minnesota, have statutes under which any resident of the state, at least in theory, can attend any of the state's public schools. See 2017 Minn. Statutes 124D.03.

<sup>7</sup> New Jersey's urban districts are actually small by national benchmarks with Newark, the largest at 35,714 students for 2017-18 according to the NJDOE website, ranking at about 165<sup>th</sup> in the U.S.

<sup>8</sup> In the 1999-2000 school year, 21.6% of students in Dover were white, 9.6% were black, 65.0% were Hispanic, and 3.0% were Asian. In 2016-2017, only 6.3% of students in Dover were white, 4.7% were black, 86.6% were Hispanic, and 2.3% were Asian.

<sup>9</sup> Logistical realities may dictate that, as the non-diverse district's student population gets more segregated or larger, or as the district's location is further from other districts whose students could both assure and benefit from heightened diversity, the diversity remedy would have to extend to a larger geographic area.

<sup>10</sup> N.J.S.A. 18A:13-34.

<sup>11</sup> *Jenkins*, 58 N.J. at 508. This decision by the court led to the commissioner ordering the consolidation of the Morristown and Morris Township districts into the Morris School District in 1971. For a description of how that consolidation worked, see Tractenberg et al., *Remedying School Segregation: How New Jersey's Morris School District Chose To Make Diversity Work*, The

Century Foundation (2016), <https://assets.documentcloud.org/documents/3235104/Remedying-School-Segregation.pdf>; Kyle Spencer, *As Other Districts Grapple with Segregation, This One Makes Integration Work*, NY Times (Dec. 12, 2016), <https://www.nytimes.com/2016/12/12/nyregion/as-other-districts-grapple-with-segregation-this-one-makes-integration-work.html>.

<sup>12</sup> N.J.S.A. 18A:7-8 (required each executive county superintendent to: recommend to the commissioner, within three years of the statute's effective date, a school district consolidation plan to eliminate all districts in the county that were not K-12; and eliminate any non-operating districts in the county).

<sup>13</sup> See, e.g., Md. Code Ann., Educ. sec. 3-102 and sec. 3-103 (establishing in one sentence each county-wide school districts and county boards of education for each district); see, e.g., Ulrich Boser, *Size Matters: A Look at School-District Consolidation*, Center for American Progress (Aug. 2013); Tim Evans, *Consolidating county's school districts would yield benefits beyond cost savings*, Hunterdon Democrat (Feb. 9, 2012).

<sup>14</sup> N.J.S.A. 18A: 38-3 (a) (non-resident students can be admitted to a district's schools "with the consent of the board of education upon such terms, and with or without the payment of tuition, as the board may prescribe").

<sup>15</sup> N.J.S.A. 18A: 38-8et seq.

<sup>16</sup> N.J.S.A. 18A: 36B-14 et seq.

<sup>17</sup> N.J.S.A. 18A: 54 et seq. (county vocational schools have provided free public education to county residents for many decades; more recently, they established very selective and highly ranked high-tech magnet programs with specialized curricula, which enroll students from throughout the county).

<sup>18</sup> N.J.S.A. 18A: 36A-8 (authorizes a single-district charter school to accept students from other districts); N.J.A.C. 6A: 22-2.2 (authorizes multi-district or regional charter schools); In Re Greater Brunswick Charter School, 332 N.J. Super. 409, 422-5 (App. Div. 1999) (validates the regulation authorizing regional charter schools, with one of the state board of education's rationales being that "regional charter schools can increase the diversity of enrollment, as they can draw from both urban and suburban districts and from districts with different racial, ethnic, and economic characteristics").

<sup>19</sup> See, e.g., *Sheff v. O'Neill*, 238 Conn. 1 (1996); for updates, see [www.naacpldf.org/case-issue/sheff-v-oneill](http://www.naacpldf.org/case-issue/sheff-v-oneill) and <https://sheffmovement.org>; for possible application to New Jersey, see n. 15 *supra*.

<sup>20</sup> Formal cross-district student transfer programs have been implemented in other states for school integration purposes. This includes in Connecticut pursuant to the *Sheff* decision (see n. 17 *supra*) and in Massachusetts (see <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/losing-ground-school-segregation-in-massachusetts>). The

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UCLA Civil Rights Project, our collaborator on three prior reports about New Jersey school segregation, is an important source of information and expertise. For a significant historical document, see U.S. Commission on Civil Rights, *Statement on Metropolitan School Desegregation* (Feb. 1977), <https://www.law.umaryland.edu/marshall/usccr/documents/cr12sch622.pdf>.

<sup>21</sup> The authority of districts to accept non-resident students could apply to their entire educational span, but generally has been employed only in a very limited and selective manner. One notable exception was the large private tuition program conducted by the Tenafly school district pursuant to which it accepted more than 100 mostly white high school students from Englewood Cliffs and Englewood, whose regular public high school was Dwight Morrow in Englewood. The program's operation was enjoined by the New Jersey courts because of its segregatory intent and effect. See *Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood v. Board of Education of the Borough of Tenafly*, 257 N.J. Super. 413, 475-6 (App. Div. 1992) (court enjoined operation of the private tuition program, but did not order regionalization of the districts at the high school level). Sending-receiving arrangements, by contrast, do extend to all of a sending district's students, but only at grade levels not provided by the sending district.

<sup>22</sup> Category 3 districts that are located in the state's northwest corner or a stretch of its shore area where the white population predominates in large, sometimes even multi-county, geographic areas, exemplify this logistical challenge.

<sup>23</sup> The cost savings should not be overstated, however. Although they may be significant after the new school district has been fully established, start-up costs may reduce or even eliminate savings for some years. See Ernest C. Reock, Jr., *A Plan for School District Consolidation in New Jersey* (2002-03 Update) (Dec. 2003), [http://www.njleg.state.nj.us/PropertyTaxSession/OPI/reock\\_update.pdf](http://www.njleg.state.nj.us/PropertyTaxSession/OPI/reock_update.pdf).

<sup>24</sup> N.J.S.A. 18A: 7-8.

<sup>25</sup> See n. 10 *supra*.

<sup>26</sup> Kelly Heyboer, *N.J.'s hardest-to-get-into public high schools, explained*, NJ.COM (May 30, 2017), [http://www.nj.com/education/2017/05/njs\\_elite\\_public\\_private\\_high\\_schools\\_explained.html](http://www.nj.com/education/2017/05/njs_elite_public_private_high_schools_explained.html); Laura Waters, *What You Need to Know About Magnet Schools in NJ*, NJFAMILY (April 4, 2016) <http://www.njfamilly.com/What-You-Need-to-Know-About-Magnet-Schools-in-NJ/>.

<sup>27</sup> New Jersey Education Aid, *How Maryland Does It: How Another Deep-Blue State Has Much Lower Property Taxes than New Jersey*, BLOGSPOT (Dec. 2, 2017) <http://njeducationaid.blogspot.com/2018/03/maryland-state-aid.html>; New Jersey Education Aid, *Maryland State Aid*, BLOGSPOT (Mar. 6, 2018) <http://njeducationaid.blogspot.com/2018/03/maryland-state-aid.html>.

<sup>28</sup> Although Essex is a relatively diverse county by overall population, its school districts reflect the extremes on the state's demographic continuum. Of the county's 21 regular school districts, the four urban districts include three apartheid districts—East Orange, Irvington and Orange—and one intensely segregated district—Newark. By contrast, the county also has one white isolated district—North Caldwell—and 10 other districts that are close to that status (eight have at least 75% white students and all have between 80 and 90% white and Asian students combined). The other six districts are between these extremes with three in Category 1 as relatively “integrated” and the other three nearly so. Montclair and South Orange-Maplewood are on everyone's short list of New Jersey school districts diverse by choice of the local communities. Since Essex is a geographically compact county and most of the predominantly white districts have small to moderate student populations, in an ideal world district lines could be changed or bridged to afford far more Essex County students an integrated education.

<sup>29</sup> Throughout this section, diversity refers to proportionality to the statewide demographic profile, not to the district or county profile.

<sup>30</sup> A concern that might have to be addressed in some districts is the possibility that students at the middle or high school level may be withdrawn from the local district in favor of private, charter or out-of-district magnet schools at a greater rate than at the elementary school level, thereby reducing the middle or high school diversity.

<sup>31</sup> See *Parents Involved in Community Schools v. Seattle School District No. 1 et al. v. Jefferson County Board of Education*, et al., 551 U.S. 701 (2007); U.S. Department of Justice and U.S. Department of Education, *Guidance on the voluntary use of race to achieve diversity and avoid racial isolation in elementary and secondary schools* (2011).

<sup>32</sup> Under the charter school law, charter schools “shall, to the maximum extent practicable, seek the enrollment of a cross section of the community's school-age population including racial and academic factors.” N.J.S.A. 18A: 36A-8 (e).

<sup>33</sup> When the focus is on the proportionality or representativeness of such practices as disciplinary action or special education classifications, as compared to placement in Honors or AP courses, the terminology and form differ, but the underlying concepts remain similar if not the same.

<sup>34</sup> An interesting model is CJPRIDE (Central Jersey Program for the Recruitment of Diverse Educators), a consortium of 17 school districts from Mercer, Middlesex, Ocean and Somerset counties that have been collaborating in recruitment and beyond. Their focus, in addition to hiring diverse educators, is on “excellence in education for which we are well known,” “cutting-edge educational programs, innovative classroom strategies, and unparalleled professional growth and development.” See About, CJPRIDE.COM, <https://cjpride.com/about/>.

<sup>35</sup> One of the courses taught via the Rutgers Law Holodock program described below—a seminar on immigration law issues—involves a week-long spring break field trip to a Central American country for law students and faculty members from Newark and Camden.

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<sup>36</sup> Janet Donohue, *Modern Legal Classroom: New Technology Expands Course Options, Connects Campuses*, Rutgers University-Newark website, <https://www.newark.rutgers.edu/news/modern-legal-classroom-new-technology-expands-course-options-connects-campuses>.

<sup>37</sup> The two Holodeck classrooms at Rutgers Law School cost about \$1 million to create and it costs about \$20,000 per year for operating costs. Rutgers Law School computer and technology staff decided to maintain the system themselves rather than commit to a multi-year maintenance contract with the technology company that would have cost about \$100,000 for each Holodeck room.

<sup>38</sup> See, e.g., Dale Russakoff, *The Prize: Who's in Charge of America's Schools* (2015); Alex Kotlowitz, "The Prize" by Dale Russakoff, *NY Times Sunday Book Review* (Aug. 19, 2015).

<sup>39</sup> After 29 years, Jersey City is still under partial state operation; after 23 years, Newark is transitioning back to local control this year; and after 27 and five years, respectively, Paterson and Camden are under total, or virtually total, state control. See John Mooney, *Explainer: State Control of Local School Districts Comes Under Fire in Third Decade*, *NJ Spotlight* (May 13, 2014), <http://www.njspotlight.com/stories/14/05/12/explainer-state-control-of-local-school-districts-comes-under-fire-in-third-decade/>

<sup>40</sup> Our experience in addressing other important and controversial constitutional and policy issues may suggest, though, that the state courts will have to require the other branches to exercise their powers and duties, or at least alter the action agenda of those branches. See, e.g., *Abbott v. Burke*, 119 N.J. 287 (1990), 206 N.J. 332 (2011); and *Southern Burlington County NAACP v. Township of Mount Laurel*, 67 N.J. 151 (1975), *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 215 N.J. 578 (2013).

## Section 4

# A State Action Plan for Integrating New Jersey Public Schools

This concluding section of the report has been designed to be relatively self-contained. Consequently, it recapitulates some material from the rest of the report to assure that the reader can understand and relate to the state action plan for integrating New Jersey's schools. It also serves as a concluding summary.

As we have indicated, New Jersey is a paradox. For many decades, it has had the strongest laws in the nation barring segregation in the public schools, indeed affirmatively requiring racial balance wherever feasible. Yet, its public schools have been continuously among the country's most segregated.

It is long past time for New Jersey to make good on its constitutional commitments and that should be a top priority for the state's new governor. This is not just a technical legal matter of bringing our practices into conformity with our laws, however. The overwhelming weight of evidence demonstrates that all children, and the state as a whole, will be the beneficiaries of schools that educate our students in racially and economically diverse settings.

In terms of academic achievement, low-income students of color will be the biggest beneficiaries, but white and Asian upper-income students can also be helped academically by being pressed to confront different ideas and points of view.

In terms of social learning, all students will benefit substantially as they are educated more effectively for the diverse world they will face in life and in the workplace.

In terms of efficiency, the state as a whole will benefit from the reshaping of large urban school districts in which low-income students of color live and attend schools in virtually complete isolation from the rest of the state's students. In addition, having hundreds of undersized suburban and rural districts often populated by white and Asian upper-income students has its own inefficiencies. Sequestering students, who are among the most difficult and expensive to educate, in separate districts from the state's most advantaged

students, often in close proximity to one another, seems the antithesis of the constitutionally required “efficient system of free public schools.”

Of course, moving from a world of substantially segregated schools to one of diverse schools will require changes in long-established patterns, attitudes, customs and mindsets. A wide array of structural and fiscal details also will need to be addressed. Frankly, viewed in a broader societal context, this may be a challenging time to create broad public support for enhanced school diversity and openness. We live in a time of increasing insecurity, waning support in some quarters for free speech—even democracy itself, and the legitimation and growth of far-right, even white supremacist, ideology. That makes this effort more critical, if more challenging.

School segregation, after all, is closely linked to many other conditions of contemporary life in New Jersey, including residential segregation, dysfunctional aspects of urban life relating to safety in the streets, health care, jobs, housing and family circumstances, inefficiencies in the way we structure local governments and school districts, and unusually heavy reliance in funding schools on unequally situated local taxable properties contributing both to great pressure on state aid for equalizing purposes and to the nation’s highest local property taxes.

Finding a way to confront these challenges is an inevitable aspect of actually honoring New Jersey’s longtime constitutional commitment, not just giving it lip service. Because all of these problems can’t be solved at once, however, an emphasis on finally ending school segregation may be the best way to break the vicious circle.

### ***An action plan for diversifying New Jersey’s school***

In formulating this action plan, it is tempting to be brief and to the point; to make a limited number of clear recommendations without providing much context and explication; to make it approachable for readers and policy makers who may have limited attention spans; and to avoid some of the thorniest issues. Ultimately, we found that approach insufficient,

Our effort is to be clear and persuasive, but not to be simpler than possible. Given the inherently complicated and controversial questions that must be addressed in developing this action plan for New Jersey we start with a number of threshold details:

- What goals should the plan seek to achieve and how do we build a critical mass of support for them?
- How comprehensive should the action plan be?
- How bold should it be?
- How immediate should its implementation be?
- To what extent should it be mandatory?

The action plan's goals and building support for their achievement.

Mindful of the truism about the perfect being the enemy of the good, the plan should include some goals that are realistically achievable in the near term, but also some goals that address the bigger and more politically controversial issues necessary to bring New Jersey into reasonable compliance with its longstanding constitutional obligation—that its schools be “racially balanced” to the extent feasible rather than “segregated.” The goals should not only be sequential, but also varied to respond to different circumstances within the state and to take advantage of different available opportunities and precedents.

And these goals have to be updated to reflect both changing demographics and changing perceptions of the role of socioeconomic status in education. As to racial and ethnic demographics, today's situation in New Jersey is much more complex than the one in the 1960s and 1970s when the state's constitutional diversity mandates were established. Then the population was primarily white and black with few Hispanics or Asians. Now the Hispanic and Asian populations are growing rapidly and the white and black populations are declining, whites more rapidly than blacks. Already the Hispanic student population substantially outstrips the black student population and the Asian student population is catching up. But the state's changing demographics also present important opportunities. For example, as this report documents in detail, in recent years a surprising number of New Jersey school districts—about 160 or almost 25%—have become quite diverse and even more districts have at least some measure of diversity. Less than 25% remain deeply segregated.

As to socioeconomic diversity, it was not part of the original constitutional mandate. As a policy and research matter, however, such diversity should be

incorporated because we have learned how important it is to successful schools.<sup>1</sup>

A threshold question as to the plan's goals is where the line should be drawn between adequate racial or socioeconomic "balance" and "segregation." In implementing the *Sheff* decision, our neighbor Connecticut is using a rough benchmark—a school is deemed segregated if more than 75% of its students are black and Hispanic—and the state is arguing it should be 80%. That seems modest as an ultimate objective, however, since New Jersey's current statewide black and Hispanic student population is just above 41%. Still, that benchmark would result in a large number of New Jersey schools being deemed segregated; it's just that most of those would be in the state's predominantly black and Hispanic urban districts.<sup>2</sup> However, this approach would leave untouched many districts in New Jersey's suburban areas, and in many of its rural areas, since they continue to have substantial numbers of white and Asian students, who frequently are upper-income as well. Such districts hardly meet any reasonable standard of racial or socioeconomic balance or diversity, however.

An alternative approach, which may be preferable, is to use the proportionality benchmark we rely on in this report. That approach compares each school's demographic profile with that of its school district, its county and the state as a whole. This is like an approach used years ago by the New Jersey Department of Education's ill-fated equal opportunity office. It compared the student population of every school in the state with its district demographic profile and used as the benchmark for determining if the school was "out of balance" whether its profile varied by more than 10% from the district's. That approach essentially made it the school district's responsibility to assure that each of its schools mirrored the demographic profile of the district as a whole. Since the district had the authority to determine its school attendance zones, and since many of the state's districts were small geographically and in student enrollment, it seemed a feasible burden to be imposed on districts.

There were two major problems with the old NJDOE approach, however. First, most of the state's schools were deemed to be out of balance or segregated,

and, although some districts were required to develop and implement corrective action plans, not much actually changed on the ground. Second, using the district, rather than the state as a whole or a multi-district region such as a county, as a diversity benchmark, had its own problems in a state composed of a large number of non-diverse districts. Take the obvious examples—a hypothetical district whose student population is 100% black, or one whose student population is 100% white. By definition, all of the schools in those districts would be perfectly “balanced,” but not at all diverse. Because such a result would be antithetical to a state constitutional mandate and policy of assuring diverse schools wherever feasible, a benchmark other than the district demographic profile would need to be used.

This example raises a second threshold issue regarding the application of the state’s constitutional mandate and the achievement of this action plan’s goal—the “wherever feasible” condition. Since a substantial number of New Jersey school districts are grossly segregated—either because they are overwhelmingly populated by students who are black and Hispanic, and often from low-income families, or because their student populations are dominated by white students, often from high-income families—it is not feasible to achieve balanced or diverse schools by re-shuffling the students within such districts. To diversify schools in such districts in the near term, it is essential either to change or to bridge district lines.

As indicated above, however, a significant number of districts have become diverse in recent years largely because of demographic shifts. In those districts, the focus can be on assuring that diversity extends to the school and classroom, course and program level. In the longer-term, residential diversification could change the nature of the resident student population in other districts, but that is both too uncertain and too far in the future to rely on as a focal point of the educational aspects of an **action** plan. It should certainly be part of the action plan, however, to have the state do what it can to foster residential integration,

The problem is broader than individual districts, however. There are substantial, even multi-county, areas of New Jersey, such as the northwest corner, that simply do not have a very diverse population. In such cases, crossing or

changing district lines will not produce diverse schools unless students are transported for long distances. At a certain point, this clearly would strain the meaning of feasibility.

Consequently, in such portions of the state physical day-to-day school diversity may not be feasible, but other measures can be taken to afford students in those areas with some measure of a diverse experience. A detailed, and regularly updated, demographic study should identify those areas, and strategies should be devised for affording students with opportunities for diversity through a variety of means, including curricula, educational materials and teaching approaches that recognize and are sensitive to diversity, pairing of diverse districts and schools for participatory action research and other forms of community-based learning activities, substantial extra-curricular and co-curricular activities that give priority to diversity and other out-of-the-box approaches. One of those strategies is described in some detail in Section 3 of this report—the use of Holodeck classrooms and immersive learning technology, combined with periodic field trips or other opportunities to bring the diverse student groups together physically. In the longer term, residential desegregation may make a difference if seriously pursued.

Determining what level of diversity would satisfy New Jersey's constitutional mandate and what remedial approaches to achieve that level are "feasible" raise complex and controversial issues. It is unlikely that they can be dealt with by legislative, executive or judicial action alone. A systematic program of public education and mobilization is crucial. There must be a critical mass of informed public support for the ultimate action plan with religious and civic organizations at the heart of the effort. Lest we dismiss this as fanciful and unrealistic, remember the remarkably rapid and enormous changes in public attitudes toward interracial and same sex marriages during recent years.

How comprehensive should the action plan be? For the plan to make a meaningful, fair and lasting difference in achieving school diversity, it should be statewide and long-term. It should be carefully calibrated to apply different approaches to different parts of the state and to different school districts. New Jersey surely is not a one-size-fits-all state in this regard. Although that is

manifestly the case, and although there are no magic bullets to cure our longstanding problem of unconstitutional school segregation, no portion of the state should be exempt from the obligation to provide its students with the most diverse educational and social experience feasible. The new governor, his education commissioner, the rest of the new administration, and the other branches of state government should embrace that as a top priority. Maximum grassroots support should be systematically developed and every available avenue for diversifying New Jersey schools should be employed, including legislation, regulations, judicial orders and the bully pulpit.

How bold should the action plan be? Ultimately, public acceptance is crucial to successful implementation of this action plan, but that does not mean the plan should consist entirely of modest changes that might be readily acceptable to a broad cross-section of the public (assuming there are such). The problem of school segregation is too big, complicated and important to be cured by the application of a few painless non-stick Band-Aids.

Emphasizing the educational efficiency and limited but real cost savings associated with rationalizing the structure of New Jersey's education "system" could help to mobilize and broaden public support. Tying it to a modification of the state's tax structure that took substantial pressure off the overused local property tax could provide even more traction. This may well be a situation where a variety of comprehensive reform proposals could fare better than a single-minded focus on the issue of race and socioeconomic diversity.

For this plan to lead to meaningful changes there will have to be a serious and sustained effort to change some long-held public attitudes, including New Jersey's uniquely strong commitment to local control of schools and municipal government. A new sense of enlightened self-interest, responsive to current not past circumstances, will have to be cultivated. This will not be easy to accomplish, but to consider ourselves to be totally hedged in by longstanding political third rails will damn our state and all its residents to difficult times ahead. We have to find ways to speak to our better selves and to act accordingly.

So, the action plan has to be carefully and thoughtfully constructed and implemented, but it has to be sufficient to meet and overcome the multiple, if related, challenges our state faces.

How immediate should the plan's implementation be? We need to start implementing the action plan immediately, but in a strategic manner. The time is long past for kicking this can down the road or seizing, yet again, on untried magic bullets, but we need to understand that really curing the fundamental problems with our education system, let alone the broader societal issues that are implicated, will take time and sustained effort. The creation of a blue ribbon commission, which is one of the action plan's recommendations, is intended to be part of that long-term effort, not an excuse for deferring any action until after the commission has done its study and issued its report.

We actually know more already than we might think about how to extend and further develop our diversity, and we have some successful models we can draw upon. The extraordinary success of the Morris School District over almost 50 years is one of those models. This may be “mission challenging,” but not “mission impossible.”

To what extent should the action plan be mandatory? Arriving at a voluntary solution through means such as residential integration, school district consolidation, shared services, inter-district choice or magnet schools is obviously preferable, but, given our history and established patterns of behavior and belief, it is highly unlikely we can fully solve the problem without some degree of state-level compulsion. Indeed, we already have in place a number of essential, if perhaps insufficient, pieces. We have a longstanding state constitutional prohibition against school segregation, and an even longer-standing requirement of “thorough and efficient” schools, which has been construed to include racial balance where feasible. We have strong judicial rulings in support of those constitutional provisions. We have statutes and regulations:

- Requiring an equalized school funding system adequate to provide every student with an educational opportunity to achieve state prescribed curriculum and achievement standards;
- Barring discrimination in many sectors of state life;
- Requiring affordable housing units throughout the state;
- Providing for the transition to a system of K-12 school districts; and
- Giving the state commissioner of education and his or her staff broad power and responsibility to assure that the state's constitutional and statutory provisions regarding educational opportunities for all students are fulfilled.

What the state needs to add now is a renewed commitment to these principles and additional mechanisms to assure that they are fully satisfied. That is the thrust of the action plan that follows. The plan offers an outline of the numerous steps the state can and should take. Some of them have been elaborated on in this report; all should be the focus of open and informed public discussion leading to state implementation. The full details of those actions go beyond the scope of this report, however.

### ***An Action Plan to Diversify New Jersey's Schools***

1. **A clear, definitive and strong policy statement from the governor** making it a state priority to:
  - a. Actually achieve residential and educational diversity wherever feasible and as soon as possible;
  - b. Define educational diversity in a manner that comports to the state's current demography and establish the state's diversity goals based on that definition;
  - c. Develop and implement an operational plan for achieving diversity that recognizes the state's varied circumstances;
  - d. In those definitions and that plan, emphasize that the required educational diversity does not stop at the district or even school level, but applies to classrooms, courses and programs and the achievement of "true integration," thereby necessitating that educators throughout the state and at every level evaluate and improve all relevant policies and practices, including those that

- relate to tracking and ability grouping, student discipline, special education classification, curricular development and pedagogy;
- e. Require all districts to develop and implement plans to diversify their teaching, administrative and support staffs with CJ PRIDE (Central Jersey Program for the Recruitment of Diverse Educators), a program being implemented by 17 school districts, as a possible model;
  - f. Rationalize the structure of the education system (bringing it into harmony with the state constitutional mandate of an “efficient system of free public schools”) and ensure that it gives priority to promoting diversity;
  - g. Develop and fully fund a school financing law that assures adequate resources to every district, that is adjusted regularly to reflect changing enrollments and demographics, that provides incentives for districts to maintain or increase their diversity, and that reduces reliance on disparate local property tax rates; and
  - h. Charge relevant state agencies and officials with responsibility for: implementing the elements of this Action Plan; reviewing all existing statutes, regulations, policies and practices that potentially impact housing and educational diversity and proposing changes that would enhance the prospect of their promoting diversity; and proposing new statutes, regulations and policies for that purpose.
2. **A new blue-ribbon commission, with a broad but specific mandate and a relatively short time-line**, to study and recommend the best means of achieving and sustaining educational diversity over the long-term, including by studying linkages between educational diversity and:
- a. school district and municipal structures;
  - b. the state and local tax structure;
  - c. residential segregation;
  - d. the availability of jobs; and
  - e. real and perceived issues regarding community safety.
3. **A re-established highly visible and well-staffed office in the state department of education** to monitor the status of educational diversity and

to require districts to take actions to promote educational diversity, including to extend district-wide diversity to the school and classroom, course and program levels.

4. **Support for districts that already are diverse** by choice or by demographic happenstance, or are seeking to reach that status, to enable them to maintain or extend their diversity. This could include financial support for student transportation necessary to diversify all of the districts' schools, and financial support and technical assistance for training district and school staff to deal effectively with an increasingly diverse student population.<sup>3</sup>
  
5. **Increase the number of diverse school districts** by:
  - a. Supporting judicial efforts under Mount Laurel to assure the construction of more affordable housing units and promoting other measures to integrate housing throughout the state;<sup>4</sup>
  - b. Enforcing the 2007 statutory mandate of the CORE Act to require all districts to move to K-12 status, but with a specific requirement that this be done in a manner that increases educational diversity to the maximum extent feasible;
  - c. Identifying clusters of districts whose consolidation can feasibly enhance educational diversity and inducing them to consolidate (or, if need be, requiring them to do so); and
  - d. Establishing pilot projects to test the effectiveness of county-wide or other regional school districts as a vehicle for increased educational diversity, as well as greater efficiency and overall student achievement.
  
6. **Promote diverse schools in districts not yet diverse** by:
  - a. Supporting and promoting residential integration efforts, including neighborhood integration efforts;
  - b. Modifying the Interdistrict Public School Choice law to require that increasing student diversity be a priority purpose;
  - c. Establishing inter-district magnet schools modeled after the *Sheff* magnet schools in Connecticut or the longstanding magnet programs in Massachusetts; and

- d. Modifying the charter school law to encourage or require more multi-district charter schools with a specific mandate to enhance diversity.
7. **Encourage districts where day-to-day diversity is not a realistic prospect in the near term to develop other ways to provide their students with an exposure to diversity and its benefits** through extra-curricular or co-curricular means, periodic cross-district programming with districts different in pupil population than theirs (as, for example, by using immersive educational technology and Holodeck classrooms).
8. **Establish high-quality professional development programs** for teachers and administrators to enhance their ability to effectively educate diverse student bodies.
9. **Require that, as a condition of New Jersey school districts purchasing textbooks, other instructional materials and educational technology, those items must be sensitive and responsive to the racial, ethnic, cultural and economic diversity of the state's students.**
10. **Foster or support citizen coalitions** to promote greater educational and residential diversity by all appropriate means including political action, legislative lobbying, policy development and, if necessary, litigation.

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<sup>1</sup> See, e.g., Richard D. Kahlenberg, *The Future of School Integration: Socioeconomic Diversity as an Education Reform Strategy* (Century Foundation Books 2012).

<sup>2</sup> If New Jersey were to apply a rule similar to the current Sheff standard and deem schools where 75% of students are nonwhite as racially imbalanced, this would affect 66.0% of black students (140,679 students in all) and 61.9% of Hispanic students (230,564 students in all). Even if New Jersey eased this rule to schools where 80% of students are nonwhite, it would still affect 61.7% of black students (131,419 students in all) and 58.6% of Hispanic students (218,194 students in all). Relatedly, 42.8% of white students (266,251 students in all) attend schools that are 75% or more white, and 31.4% of white students (194,961 students in all) attends schools that are 80% or more white.

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<sup>3</sup> See n. 6 Executive Summary *supra*.

<sup>4</sup> See n. 7 Executive Summary *supra*.

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## About the Authors

**Paul Tractenberg** was the Board of Governors Distinguished Service Professor and the Alfred C. Clapp, Jr. Distinguished Public Service Professor of Law at Rutgers Law School in Newark until his retirement from full-time law teaching on January 1, 2016. Since then, he has assumed emeritus status, and has established and is heading a new non-profit organization, the Center for Diversity and Equality in Education (CDEE).

In 1973, Professor Tractenberg established the Education Law Center and was its first director for three years. In that capacity, he was instrumentally involved in *Robinson v. Cahill*, the predecessor case to *Abbott v. Burke*, New Jersey's long-running school funding equalization and educational reform case. In 2000, Professor Tractenberg established the Rutgers-Newark Institute on Education Law and Policy, and he directed or co-directed it until his 2016 retirement.

Professor Tractenberg is the author of *Courting Justice: Ten New Jersey Cases that Shook the Nation* (Rutgers University Press, 2013). He has authored or edited five other books, and has written many dozens of articles for law, education and public policy journals, book chapters, book reviews and op-eds mainly on education law and policy topics. He also has authored or co-authored many research reports, including a December 2016 report published by The Century Foundation about the Morris School District's ongoing school integration efforts, and two reports in 2013 on New Jersey's extreme educational segregation published in collaboration with the UCLA Civil Rights Project. One of those reports has recently been released in updated form (<https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/new-jerseys-segregated-schools-trends-and-paths-forward/New-Jersey-report-final-110917.pdf>), and this report updates the second 2013 report.

**Ryan W. Coughlan** is an Assistant Professor of Sociology at Guttman Community College, CUNY and Senior Quantitative Researcher at the Center for Diversity and Equality in Education. He studies the social context of schooling. Dr. Coughlan's research uses geospatial statistical methods to analyze school zoning practices, patterns of school segregation, educational outcomes, and social bonds between neighborhoods and schools. Along with his research on the social context of schooling and his related publications in academic journals, Dr. Coughlan has edited and authored four books on the history of

progressive education, the social foundations of education, and the sociology of education. His research has been featured in *The New York Times*, *The Philadelphia Inquirer*, and on NPR's *All Things Considered*.

Recently, Dr. Coughlan co-authored a report published by The Century Foundation on the Morris School District's efforts to remedy school segregation and a separate report published by the UCLA Civil Rights Project on general trends in school segregation across New Jersey.

Dr. Coughlan earned his Ph.D. in Urban Systems with a concentration in Urban Education from Rutgers University, Newark and holds a M.A. from the City College of New York and an A.B. with honors from Harvard University.

## Appendices

### ***Appendix A: Interactive Map***

The *New Jersey School and District Diversity* interactive map allows users to access district-level and school-level data pertinent to the Center for Diversity and Equality in Education's 2018 report, "The New Promise of School Integration and the Old Problem of Extreme Segregation."

The map features school proportionality categories and school district diversity categories. See Section 1 of the report for a full description of these data.

In addition to the visible data, users can click on individual districts and schools to access demographic data, educational outcomes data, proportionality scores, and other measures of diversity. Interested parties can locate specific schools and districts using the search bar at the top of the map.

The interactive map can be accessed at:

<http://www.centerfordiversityandequalityineducation.com/related-links/>

## ***Appendix B: Proportionality Score***

There are a number of challenges to quantifying segregation levels. Most significantly, it is difficult to construct a measure that is both easy to interpret and inclusive of all racial and ethnic subgroups. Another issue in constructing segregation measures is identifying a measure that is aspirational—directing us towards an ideal. This report presents a measure of proportionality that attempts to address these challenges. The measure highlights the proportionality of a student population in one organizational unit in comparison to the demographic composition of the student population in a larger organizational unit. In practice, the measure identifies the proportion of a student population in a given space that needs to be exchanged in order to achieve proportionality across all racial and ethnic subgroups in a larger geographic area under investigation. The formula for calculating the proportionality score is:

$$\frac{\sum_{r=1}^r |(\Pi_r \times T_i) - T_{ir}|}{2T_i}$$

where:

$r$  = a racial/ethnic subgroup

$i$  = a subarea (school/district/county/region)

$\Pi_r$  = the proportion of subgroup  $r$  in the full geographic region being studied

$T_{ir}$  = the population of subgroup  $r$  in subregion  $i$

$T_i$  = the total population of all subgroups in subregion  $i$

(This measure was introduced and detailed in the 2017 UCLA Civil Rights Project report co-authored by Professor Coughlan.)

## ***Appendix C: Data Sources***

This report relies on publicly available data from the New Jersey Department of Education. All data files can be found at <http://www.nj.gov/education/data/>. In particular the report uses:

- Enrollment files, 1989-1990 through 2016-2017. All files were downloaded on 2/1/18 from <http://www.nj.gov/education/data/enr/>
- New Jersey Statewide Assessment Reports, Spring 2017 Testing (Grade 3 English Language Arts, Grade 8 English Language Arts, Grade 10 English Language Arts, Grade 3 Mathematics, Grade 8 Mathematics, and Algebra I). All files were downloaded on 2/1/18 from <http://www.nj.gov/education/schools/achievement/17/parcc/spring/excel.htm>
- NJ School Performance Reports, 2016-2017. All files were downloaded on 2/1/18 from <https://rc.doe.state.nj.us/ReportsDatabase.aspx>

Data was analyzed in ArcGIS mapping software and Stata statistical software. Graphics were prepared in ArcGIS and Microsoft Excel. The interactive map was generated in Carto.

## Appendix D: State-Nation Proportionality

| State          | Total    | Proportionality | Asian | Hispanic | Black | White | Other |
|----------------|----------|-----------------|-------|----------|-------|-------|-------|
| United States  | 50327015 |                 | 5.0%  | 25.9%    | 15.5% | 48.9% | 4.8%  |
| Illinois       | 2041779  | 1.9%            | 4.7%  | 25.5%    | 17.3% | 48.8% | 3.6%  |
| New Jersey     | 1408845  | 6.0%            | 9.5%  | 26.7%    | 16.1% | 45.8% | 1.9%  |
| New York       | 2711626  | 6.3%            | 9.1%  | 25.9%    | 17.7% | 44.7% | 2.6%  |
| Connecticut    | 537933   | 7.1%            | 5.0%  | 23.1%    | 12.8% | 56.0% | 3.1%  |
| Rhode Island   | 142014   | 10.9%           | 3.2%  | 24.2%    | 8.2%  | 59.7% | 4.7%  |
| Virginia       | 1283590  | 11.5%           | 6.6%  | 14.4%    | 22.9% | 50.5% | 5.6%  |
| North Carolina | 1544934  | 11.7%           | 3.0%  | 16.2%    | 25.8% | 49.8% | 5.3%  |
| Florida        | 2792234  | 12.7%           | 2.6%  | 31.5%    | 22.5% | 39.5% | 3.8%  |
| Colorado       | 899112   | 12.7%           | 3.1%  | 33.4%    | 4.6%  | 54.1% | 4.8%  |
| Washington     | 1087030  | 14.5%           | 7.3%  | 22.4%    | 4.4%  | 56.2% | 9.7%  |
| Delaware       | 134847   | 15.2%           | 3.7%  | 16.0%    | 30.6% | 46.0% | 3.7%  |
| Massachusetts  | 964026   | 15.3%           | 6.4%  | 18.5%    | 8.8%  | 62.8% | 3.6%  |
| Kansas         | 495884   | 17.3%           | 2.7%  | 19.3%    | 7.0%  | 64.9% | 6.0%  |
| Oregon         | 576407   | 17.6%           | 3.9%  | 22.5%    | 2.4%  | 63.4% | 7.8%  |
| Arkansas       | 492132   | 18.3%           | 1.6%  | 12.3%    | 20.8% | 61.8% | 3.5%  |
| Pennsylvania   | 1717414  | 18.6%           | 3.7%  | 10.4%    | 14.8% | 67.5% | 3.6%  |
| Nebraska       | 316014   | 19.0%           | 2.5%  | 18.1%    | 6.7%  | 67.7% | 5.0%  |
| Oklahoma       | 692878   | 19.3%           | 1.9%  | 16.2%    | 8.9%  | 50.0% | 23.0% |
| Nevada         | 467527   | 19.9%           | 5.5%  | 41.7%    | 10.5% | 34.0% | 8.4%  |
| Maryland       | 879601   | 20.2%           | 6.3%  | 15.5%    | 34.4% | 39.1% | 4.8%  |
| Indiana        | 1046757  | 20.6%           | 2.2%  | 11.1%    | 12.4% | 69.3% | 5.0%  |
| Michigan       | 1536231  | 21.0%           | 3.1%  | 7.4%     | 18.2% | 67.1% | 4.2%  |
| Georgia        | 1757237  | 21.5%           | 3.8%  | 14.6%    | 36.9% | 41.0% | 3.7%  |
| South Carolina | 763533   | 21.7%           | 1.5%  | 8.5%     | 34.4% | 51.7% | 4.0%  |
| Arizona        | 1109040  | 21.8%           | 2.8%  | 44.9%    | 5.3%  | 39.5% | 7.5%  |
| Tennessee      | 1001235  | 22.2%           | 1.9%  | 9.0%     | 22.5% | 64.0% | 2.6%  |
| Minnesota      | 864384   | 22.3%           | 6.5%  | 8.8%     | 10.3% | 68.6% | 5.8%  |
| Wisconsin      | 867800   | 22.3%           | 3.8%  | 11.3%    | 9.5%  | 71.2% | 4.3%  |

| State                | Total   | Proportionality | Asian | Hispanic | Black | White | Other |
|----------------------|---------|-----------------|-------|----------|-------|-------|-------|
| Ohio                 | 1716585 | 23.6%           | 2.1%  | 5.1%     | 16.4% | 71.3% | 5.0%  |
| Missouri             | 919234  | 24.0%           | 1.9%  | 5.9%     | 16.1% | 72.2% | 3.9%  |
| Alabama              | 743789  | 24.5%           | 1.4%  | 6.8%     | 33.2% | 55.6% | 2.9%  |
| Texas                | 5301477 | 26.3%           | 4.0%  | 52.2%    | 12.6% | 28.5% | 2.6%  |
| Utah                 | 647870  | 26.7%           | 1.7%  | 16.6%    | 1.4%  | 75.3% | 5.0%  |
| Idaho                | 292277  | 27.1%           | 1.2%  | 17.7%    | 1.0%  | 76.0% | 4.1%  |
| Iowa                 | 508014  | 28.7%           | 2.4%  | 10.3%    | 5.6%  | 77.6% | 4.2%  |
| Louisiana            | 718711  | 28.8%           | 1.5%  | 5.9%     | 44.2% | 45.5% | 2.8%  |
| Kentucky             | 686598  | 29.3%           | 1.6%  | 6.0%     | 10.6% | 78.2% | 3.6%  |
| Wyoming              | 94717   | 30.3%           | 0.8%  | 14.1%    | 1.1%  | 78.1% | 5.8%  |
| Alaska               | 132477  | 32.3%           | 5.9%  | 6.7%     | 3.2%  | 48.1% | 36.1% |
| Mississippi          | 487200  | 33.8%           | 1.0%  | 3.4%     | 49.2% | 44.8% | 1.6%  |
| California           | 6226737 | 34.5%           | 11.4% | 54.0%    | 5.8%  | 24.1% | 4.8%  |
| North Dakota         | 108644  | 36.0%           | 1.5%  | 4.6%     | 4.2%  | 78.8% | 10.9% |
| South Dakota         | 134253  | 36.5%           | 1.7%  | 5.2%     | 2.9%  | 75.4% | 14.8% |
| New Hampshire        | 182425  | 37.9%           | 3.2%  | 5.0%     | 1.9%  | 86.8% | 3.2%  |
| Montana              | 145319  | 40.2%           | 0.8%  | 4.5%     | 0.9%  | 79.2% | 14.7% |
| Maine                | 181613  | 41.3%           | 1.5%  | 2.0%     | 3.3%  | 90.2% | 3.0%  |
| West Virginia        | 277452  | 41.7%           | 0.7%  | 1.6%     | 4.5%  | 90.5% | 2.8%  |
| Vermont              | 87866   | 42.1%           | 2.0%  | 1.8%     | 2.0%  | 91.0% | 3.3%  |
| New Mexico           | 335694  | 42.6%           | 1.1%  | 61.3%    | 1.9%  | 23.6% | 12.0% |
| District of Columbia | 84024   | 55.4%           | 1.4%  | 15.4%    | 70.9% | 10.2% | 2.1%  |
| Hawaii               | 181995  | 63.5%           | 30.3% | 12.0%    | 1.9%  | 12.8% | 43.0% |

This table relies on 2015-2016 data from the National Center for Educational Statistics Common Core of Data. This is the most recent state-level demographic data.

## ***Appendix E: District-Level Data***

(Appendix E is a separate file that prints on legal paper)