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Joint Committee on the Public Schools, The New Jersey State Legislature

Good morning. Let me start by thanking the Chair, Assemblywoman Mila Jasey for convening this hearing and to all the members of the Joint Committee for your public service and commitment to public education. My name is John C. Brittain: I am the Former professor emeritus at UConn Law School and dean of the Thurgood Marshall Law School, Texas Southern University, chief counsel of the Lawyers' Committee for Civil Rights Under Law. I am currently professor of law at the University of the District of Columbia Law School.

I was one of the original counsel in *Sheff v. O'Neill*, the landmark school desegregation case decided by the Connecticut Supreme Court in 1996.

I have been associated with the excellent lawyers and advocates representing the plaintiffs in the LAN case and am also well acquainted with, and supportive of, the educational advocates and community organizing groups particularly the Education Law Center led by David Sciarra and Building One America led by Pastor Willie D. Francois with the Coalition Against Racial Exclusion (NJ-Care).

I want to start by expressing my full support and agreement with the remarks made by the ELC speaker Sharon Kregel and BOA's Pastor Francois, at the last hearing, who both urged you (the Legislature) to act on this now and not wait for a ruling from the courts. You (and the Governor) do not need to wait, and you should not wait.

Second, I want to emphasize the critical importance of building community, stakeholder, and constituency input and support throughout the process. This needs to be done with a grassroots movement to both apply pressure and to support your efforts in the legislature. You have such a group with Pastor Willie Francois who leads Building One America and the Coalition Against Racial Exclusion. For over 4 years they have been mobilizing and building support across the state with congregations, school districts, parents, NAACP branches and labor unions.

My remarks today are consistent with the recommendations made by Rev. Francois, Professor Orfield, Professor Wilson and other witnesses you heard at the last hearing.

The main principles of a school desegregation legislative remedy:

- It needs to be statewide and involve all districts. Avoid small pilot projects. Avoid county wide approaches. Only statewide will shut off all doors to white flight. You have the power, and you have a constitutional mandate for a statewide remedy.
- The goal should be for all districts and schools to better reflect the demographics of their region and the state. The Department of Education will need to have a clear mandate, the authority, and the tools (and budget) to conduct an analysis and assign goals for each district (an assignment plan). You will need the expertise of experienced practitioners to do this.

- At the last hearing, Pastor Francois offered multiple tools that you have at your disposal to help all districts achieve their integration goals. You should start with those. They include:
 - A stronger school funding formula that rewards districts that are diverse and integrating and incentivizes other districts to become diverse and integrated.
 - State aid can also support school district “best practices” for integrating schools and classrooms.
 - New Jersey’s Intradistrict Sharing Program (currently weak and voluntary) can be amended and made mandatory for affluent districts that need to do more to become integrated by making assigned seats available for students from segregated districts.
 - A magnet school program (including county vocational schools) can be strengthened to help regions meet integration goals.
 - Other legislation should include amending your school consolidation law (passed last year) to forbid any separations or withdrawals and to have an *affirmative* obligation to advance integration in the district and the region.
- These recommendations are consistent with those made by Pastor Francois at the last hearing along with a list of specific legislative changes you can make right now. You should act on them.

Thank you.