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FOR IMMEDIATE RELEASE
October 11, 2013

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Two New Studies Show Alarming Segregation in New Jersey Schools Which May Run Afoul of State Constitution

--LOS ANGELES—The Civil Rights Project at UCLA (CRP) and the Institute on Education Law and Policy at Rutgers University-Newark (IELP) today jointly released two reports finding that the racial and socioeconomic divide in New Jersey public education continues to grow unabated. While the CRP report documents the jump from 1989 to 2010 in quantity of apartheid schools in New Jersey, the IELP study shows that extreme isolation of poor students of color is concentrated in mostly urban areas. Both studies are products of close collaboration between the two research centers and are interrelated, but each develops a distinctive set of issues.

A Status Quo of Segregation: Racial and Economic Imbalance in New Jersey Schools, 1989-2010, by Researcher Gregory Flaxman, the fourth in a special series by the Civil Rights Project on school segregation in Northeastern and Mid-Atlantic states, reports that black and Latino students in New Jersey attend schools with *triple the percentage of low-income students* as the state's schools overall, while more than 25% of black students in New Jersey attend schools with 99%-100% students of color as compared to roughly 16% nationwide. In 1989, 5% of New Jersey schools qualified as apartheid schools (with 99%-100% students of color enrolled). By 2010, the percentage of apartheid schools had increased to 8%. Between 1999 and 2010, the percentage of Latino students enrolled in New Jersey apartheid schools increased from 9% to 13%. Many other students of color attend intensely segregated schools with less than 10% white classmates and few classmates who are not poor.

IELP's report, ***New Jersey's Apartheid and Intensely Segregated Schools: Powerful Evidence of an Inefficient and Unconstitutional State Education System***, finds that a greatly disproportionate number of the state's black and Latino students are isolated in urban school districts that enroll virtually no white students but have a high concentration of poor children. The report finds that often these urban districts are located in close proximity to overwhelmingly white suburban school districts with virtually no poor students. For example, Essex County, a small but densely populated county, has four urban districts comprised mostly of schools with intensely segregated or apartheid enrollments, whereas the county's 12 white suburban districts enroll almost no black, Latino or poor students. This extreme concentration of poor children of color in poor urban districts, the report says, runs afoul of New Jersey's constitutional mandate of racially balanced schools, and undermines the school funding equalization achieved by four decades of litigation culminating in *Abbott v. Burke*.

A Status Quo, based on 1989-2010 data from the National Center for Education Statistics, details the changes in racial and economic class makeup in New Jersey schools from 1989 to 2010 and finds that increasing diversity in the overall population of the state far outpaces school-level diversity by both race and class. Between 1989 and 2010, the proportions of Asian and Latino students in New Jersey schools rose dramatically, from 4% to 9% and 11% to 22%, respectively, while enrollment of white and black students decreased during the same time period, from 66% to 52% and 18% to 16%, respectively.

From 1989-2010 the percentage of white students in urban schools in North and Central Jersey shrunk by half, from roughly 10% to 5% of enrollment. This rate of decline far exceeded the reduced percentage of the white student population throughout this metropolitan area, indicating a “white flight” of students and families from urban schools. Schools in North and Central Jersey have a significantly higher rate of racial isolation for black students than in South Jersey. In 2010, over 30% of black students in North and Central Jersey attended schools with 99%-100% students of color, compared to less than 14% of black students in South Jersey attending such highly segregated schools.

“New Jersey has seen little change in the status quo of segregated schooling over the last 20 years, with an increasingly multiracial population of students entering into racially and socioeconomically isolated schools,” stated Greg Flaxman, Civil Rights Project research associate and lead author of the CRP report.

The CRP report includes a legal analysis and history of New Jersey school segregation by Professor Paul Tractenberg, education law expert at Rutgers University School of Law and author of the new IELP report. Tractenberg highlights proactive New Jersey litigation related to school and residential desegregation, and documents the disconcerting lack of implementation and enforcement on the ground, which ultimately allowed segregated schools to persist. Current evidence of segregation’s educational harms, such as higher dropout rates and less preparation for college, is included in the report.

“These reports zero in on the second of New Jersey’s constitutional mandates regarding the public schools—that the schools have to be racially balanced whenever that is feasible,” says Professor Tractenberg. “The state has defaulted in its responsibility to enforce that constitutional requirement, and, in the process, diminished educational achievement for poor minority students isolated in urban schools, and deprived them and their white student peers of opportunities to get to know and work with one another. Equally important, it undermines the economic viability of New Jersey as it transitions to a majority-minority state in the near future.”

Both reports provide several recommendations for alleviating racial imbalance in New Jersey schools:

- Prioritizing the use of regional magnet schools with goals for ensuring student diversity;
- The adoption of explicit racial and socioeconomic diversity goals and procedures for all existing state-supported choice programs, such as charter schools and NJ’s public school interdistrict choice program;
- A commitment not to build or subsidize low-income housing in areas where neighborhoods and schools already are intensely segregated;
- A requirement that all existing and new state and local legislation, regulations, policies and practices be screened to ensure that they promote, rather than impede, racial and socioeconomic diversity of communities and their schools; and
- The development of a serious and long over-due state policy to consolidate school districts for racial and socioeconomic reasons, as well as economic efficiency, and, to consider adopting the county school district model in place in many states.

“The Supreme Court nearly 60 years ago concluded that segregation was ‘inherently unequal.’ Research since then shows that the Court was right,” says CRP Co-Director Gary Orfield. “It would serve New Jersey well to employ carefully calibrated choice methods with specific racial diversity requirements to reduce segregation, especially as the state becomes predominantly nonwhite.”

To read the reports and fact sheets, go to: <http://tinyurl.com/kuqchno>

To sign up for updates from the Civil Rights Project: <http://civilrightsproject.ucla.edu/news/mailling-list>

About The Civil Rights Project at UCLA

Founded in 1996 by former Harvard professors [Gary Orfield](#) and Christopher Edley, Jr., The Civil Rights Project/Proyecto Derechos Civiles is now co-directed by Orfield and [Patricia Gándara](#), professors at UCLA. Its mission is to create a new generation of research in social science and law on the critical issues of civil rights and equal opportunity for racial and ethnic groups in the United States. It has commissioned more than 400 [studies](#), published more than 15 [books](#) and issued numerous reports from authors at universities and research centers across the country. The U.S. Supreme Court, in its 2003 *Grutter v. Bollinger* decision upholding affirmative action, and in Justice Breyer's dissent (joined by three other Justices) to its 2007 *Parents Involved* decision, cited the Civil Rights Project's research.

About the Institute on Education Law and Policy at Rutgers-Newark

Founded in 2000 by Professor Paul Tractenberg of Rutgers School of Law-Newark, IELP is co-directed by Professors Tractenberg and Alan Sadovnik, former chair of Rutgers-Newark's urban education department and a distinguished sociologist of education. IELP has become New Jersey's and one of the nation's premier centers for interdisciplinary research and innovative thinking on education law and policy, especially as they relate to poor and disadvantaged students of color in urban school districts. Its primary mission is to promote education reform and improvement through research, policy analysis and public discussion.

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