
Committee Meeting

of

JOINT COMMITTEE ON THE PUBLIC SCHOOLS

“The Joint Committee on the Public Schools will meet to receive testimony from invited guests on desegregating New Jersey's schools”

LOCATION: Meeting via Zoom

DATE: March 23, 2022
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Mila M. Jasey, Co-Chair
Senator Joseph P. Cryan
Senator Michael L. Testa, Jr.
Senator Samuel D. Thompson
Assemblyman Ralph R. Caputo
Assemblywoman Victoria A. Flynn
Assemblywoman Michele Matsikoudis
Assemblyman Erik K. Simonsen



ALSO PRESENT:

Rebecca Sapp
Executive Director

Ivy Pomper
Executive Assistant

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Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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SENATE

Hon. James Beach
Hon. Joseph P. Cryan
Hon. Declan J. O'Scanlon, Jr.
Hon. Ronald L. Rice
Hon. Michael L. Testa
Hon. Samuel D. Thompson

ASSEMBLY

Hon. Ralph R. Caputo
Hon. Vicky Flynn
Hon. Mila M. Jasey
Hon. Michele Matsikoudis
Hon. Verlina Reynolds-Jackson
Hon. Erik K. Simonsen
Hon. Benjie E. Wimberly



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MEETING NOTICE

TO: Members of the Joint Committee on the Public Schools

**FROM: Senator Ronald Rice, Co-Chair
Assemblywoman Mila Jasey, Co-Chair**

The Joint Committee on the Public Schools will meet on Wednesday, March 22, 2022, at 10:00 a.m., via Zoom, to receive testimony from invited guests on desegregating New Jersey's schools.

The public may address comments and questions to Rebecca Sapp, Executive Director, at 609-847-3365, or by email at Rsapp@njleg.org

Issued March 17, 2022

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ASSEMBLYWOMAN MILA M. JASEY (Co-Chair):

Becky, can you do the roll call please?

MS. SAPP: Yes.

Senator Beach is on his way; Senator Cryan is also on his way. I believe Senator O'Scanlon is also on his way.

Senator Testa I believe is joining us as we speak.

Senator Thompson.

SENATOR THOMPSON: I'm here.

MS. SAPP: Assemblyman Caputo.

ASSEMBLYMAN CAPUTO: Here.

MS. SAPP: Assemblywoman Flynn.

ASSEMBLYWOMAN FLYNN: Here.

MS. SAPP: Assemblywoman Matsikoudis.

ASSEMBLYWOMAN MATSIKOUDIS: Here.

MS. SAPP: Assemblyman Simonsen is not here yet.

And Assemblywoman Jasey.

ASSEMBLYWOMAN JASEY: Present.

MS. SAPP: Thank you.

ASSEMBLYWOMAN JASEY: All right. So I want to thank everybody for taking time out of your schedules to be with us this morning.

And I want you to know that we are well aware that this is not a one-meeting subject. We will be meeting again, and as soon as we have dates we will share them with you.

At the request of our colleague, Senator Joe Cryan -- who will be with us shortly -- today's Hearing will focus on school segregation. It

is one of the most complex, complicated, and daunting issues our State education system faces. We have the best public schools in the nation, side-by-side with some of the most underperforming -- especially for our Black and brown students in underserved urban communities.

New Jersey first addressed school creation, enrollment, and funding in the 1700s and has spent centuries since grappling with how best to accomplish the ends we seek. In other words, the problems did not arise overnight, and there are no quick fixes to segregation.

For this reason, we have convened leading experts who will provide a variety of perspectives. Our goal is to examine the issues, potential solutions, and obstacles to obtaining the equity we seek for all students. David Sciarra, the Executive Director of the Education Law Center, will provide an overview -- not to exceed 10 minutes, please; and each subsequent guest is asked to summarize their main points within a 6 to 8 minute window, without reading your testimony. We have your written testimony and members are encouraged to read it after the meeting.

What we're looking for today is dialogue and understanding of the issues; and we would also ask that members refrain from questioning guests until all presentations have been completed -- at which time you will have the opportunity to direct inquiries generally or to specific individuals. We look forward to having a robust hearing, and are fully anticipating the need to schedule an additional follow-up that we believe this exchange will require.

So, David, thank you for meeting with us.

David Sciarra, Executive Director of the Education Law Center. The floor is yours.

DAVID SCIARRA: Thank you, Assemblywoman Jasey. Thank you for the opportunity for me to kick this Hearing off.

I'm filling in for Sharon Kregel, who had a personal emergency and couldn't make it today. Dr. Farrie is also with me, our Research Director, in case there are any questions about data and research. I hope to take less than 10 minutes and sort of set the table for a discussion about not just the problem, but what we can begin to do about it.

But I want to start out by emphasizing the constitutional dimensions of this problem. I think it's very important to get a handle on the legal requirements that have been well-established in our State, through a number of important Supreme Court decisions interpreting our right to a thorough and efficient education under our State Constitution. But over the course of 50 to 60 years, our court has made it clear that the right to a thorough and efficient education that all students have under our Constitution has two separate, but complimentary, elements. And one is the right to adequate funding and resources to enable students to achieve State academic standards. The second is a right to an education in a diverse learning environment.

In other words, our Constitution obligates the State, as part of its constitutional obligations, to provide a thorough and efficient system of free public schools to ensure two things: One, that every child has the resources to succeed in their schools today, even if they're segregated. And the second is that the State is obligated also to break down the barriers to school segregation and afford students the opportunity to be educated in a diverse student body of their peers. As you know, in the first prong, speaking to all of you, that's really the work that we've been doing around

the Abbott case and the Abbott decisions over the last 30 years. We've made, as a State, probably more progress on the first element than almost any other state. That's due to a historic level of cooperation and interchange between the courts, the Legislature, and the executive branches over decades.

For students in our high-poverty, racially segregated districts, we now provide universal high-quality preschool for every child; we have our weighted student funding formula. We've been rebuilding -- slowly rebuilding our infrastructure. In other words, we've made a lot of progress in ensuring that kids today, no matter where they are -- even if their school is a high-poverty school or a racially isolated school -- have what they need to succeed in school. That's that first constitutional prong that I talked about.

Of course, like anything else, that's still a work in progress, as you all know. Our school funding formula still remains unfunded. And it's interesting that the research we just did shows the connection between underfunding of resources under our formula and its impact -- it's proportionate impact on Black and Latino students; a situation where we now see that Black and Latino students, because of formula underfunding, receive less than what they're entitled to, whereas white and Asian students typically receive more.

But I really want to focus on the second prong, which has really made no progress, which is on diversity. And the truth is, we haven't even started working on this; unlike the other component of the fair and efficient education, which we've been hard at work at, as you all know, for these decades -- working on it today; working on it in the budget today. On the issue of diversity, we've done very little. In fact, I would argue that through successive governors and legislators over the last decades, we've never

really started this work. And the absence of leadership at the State level -- we would argue, as the data starkly shows and as you'll hear from other speakers -- has made our public schools even more segregated today.

I like to use the quote from former Chief Justice Deborah Poritz, in a 2004 decision, to sum up kind of where we are. I think it's important to remind ourselves of this. In 2004 she said, "We have paid lip service to the idea of diversity in our schools, but in the real world we have not succeeded."

You're going to hear from speakers about the indefensible barriers that consign students to segregated schools, and also the work that's underway by a broad array of advocates, school districts, and others to try to begin to disband those barriers. You're also going to hear about this statewide -- the first major legal effort undertaken on a statewide basis to enlist the Judicial branch in remedying this unconstitutional -- this violation of our State Constitution.

But what I really want to say today, to all of you, is let's not wait. The Legislature doesn't need to wait, and frankly should not wait, for a court order to begin serious and sustained work on an issue that is so central to the right that our students have to a fair and efficient education. So I want to use a little bit of my time to lay out some things that we at ELC had been working on with some of you -- sort of initial steps, I would say -- to get us on the road to begin to prevent schools from becoming more segregated; but also to advance opportunities for all students -- Black, white, Latino, Asian -- to enroll in and attend racially and socioeconomically diverse schools.

The first line is a bill that -- an effort that Senator Cryan -
- I don't know if he's on the call yet -- is sponsoring, and I really want to lift
this up. He is sponsoring legislation now to establish a Division of School
Desegregation in the New Jersey Department of Education, expressly tasked
with identifying the levels of racial and socioeconomic segregation in our
districts as a way to begin to advance the conversation about school diversity.
We fully support this Bill, and have offered extensive amendments to Senator
Cryan to strength the mission, responsibilities, and budget of this new
division. These amendments are critical in light of, as you all know, the
research that we've been putting out recently -- that the staff, and capacity,
and resources of our State Department of Education are so thin and have
been so neglected over time that they've now reached a crisis stage.

I just should remind the Committee that back in the '70s,
and '80s, and '90s we did have a DOE unit that worked on this issue. It was
called the Office of Equity, and it performed a crucial leadership role in this
State, working with lawmakers, parents, and communities, looking at the
data; providing best practices; working with school districts, school
administrators -- some of whom are on the call today -- to sort of engage the
roots of the system.

The second thing is school district consolidation, and I'll
just be quick about this. There are three things that we think you can do.
One is to prevent -- to amend the bill on sending/receiving relationships, to
end district mergers that increase segregation. And frankly, we should be
prohibiting that, and only require it allowing mergers of school districts where
they advance diversity. The second is the bill that you passed last year, and
that Governor Murphy signed, on school district consolidation grants that

are going to go out to school districts to study school consolidation. There's some important safeguards in there, but I think that your Committee or another committee of the Legislature needs to look carefully at how the Department of Education is implementing that, to make sure that they staunchly defend against consolidations that exacerbate segregation to any degree; and only support mergers that advance a more diverse student enrollment.

And the last is something that ELC has been proposing for quite some time now. We think it's time to end small district governance. And here I'm talking about K6, K8 districts. These lower grade range school districts are relics of a bygone era; they really don't perform the kind of school governance we need in the era of uniform standards-based reform. And as our research has shown, consolidating these districts would have the added benefit of creating opportunities for more diverse student enrollments.

The last thing I want to mention is retooling existing programs, and I'm going to lift up three. There are three programs that we've identified -- there may be more -- that are already on the books, already in play, that can be redeployed, if you will, or deployed by the Legislature in the service of advancing school diversity. These programs, unfortunately, as the research -- as the data shows, are implemented in a way that actually perpetuate the same patterns of racial and socioeconomic segregation in the districts that they served or that they draw students from. These three programs are inner-district school of choice, the charter school program, and county vocational schools.

So our recommendation is that we begin to take a look at these programs, examine them, and see what legislative changes can be made

to put them in the service of not, sort of, exacerbating or perpetuating existing patterns of school segregation, but actually the service of diversity.

So let me end by just reminding the Committee that 67 years ago, our Supreme Court made it clear that as part of T&E, it's more than just the three R's. Our Court said that our "children must learn to respect and live with one another in multiracial, multicultural communities, and the earlier they do, the better. It is during their formative years that the firm foundations may be laid for good citizenship and broad participation in mainstream affairs."

In 2004, they went on to say that, "students attending racially imbalanced schools are denied the benefits that come from learning and associating with students from different backgrounds, races, and cultures." This challenge is more compelling than ever, given the unprecedented level of polarization, lack of discourse, lack of civil rights, the breakdown of our civil norms, and community isolation. They actually pose a grave threat to our very democracy.

So-- And what we know is that all students benefit from learning in diverse environments. Black, white, brown, and Asian. They benefit from learning together, interacting with one another, and learning core human values of respect and tolerance for our differences. It is part and parcel of, and not separate from, what a thorough and efficient education means in our great state.

So I welcome Assemblywoman Jasey's opening that this is the first of the beginning of an effort that we have to begin together, to pool our collective efforts to fully and effectually -- the full entitlement that students have to a constitutional education in our state. So let's get to work.

ASSEMBLYWOMAN JASEY: Thank you.

MR. SCIARRA: Thank you.

ASSEMBLYWOMAN JASEY: Thank you very much.

That was a very comprehensive and an excellent opening. And as I said in my opening remarks, we will have follow-up meetings because this is a complicated situation and a complicated issue that we have been working on for more time than I could say.

I see Senator Cryan has joined us, it looks like you're in your car. Be safe. Good morning.

SENATOR CRYAN: Thanks, Mila.

ASSEMBLYWOMAN JASEY: Thank you.

Next up-- I let David go on a little longer than I probably should have, but I felt he was covering points that could all get us to the same page to begin. I would like to now ask Reverend Dr. Willie Francois of Mount Zion Baptist Church, who is with the New Jersey Coalition Against Racial Exclusion, to speak to us. I would like for you to try to do it in five to six minutes, so that we can come back with a Q&A period after everyone has spoken. And you will be followed by Kenyon Kummings, Superintendent of the Wildwood City School District.

Good morning, Reverend.

PASTOR WILLIE D. FRANCOIS, III: Let me start by thanking you, Chairwoman Jasey, for your leadership for so many years on issues of education. You're a great champion and we are graced to have you here leading in our state. To the entire Joint Committee for your leadership; and especially to Senator Cryan for initiating this conversation, and for introducing legislation this year that we know can have a significant impact,

with more conversation and more scrutiny -- particularly talking about Senate Bill 820.

Our group, The Coalition Against Racial Exclusion, which is a part of Building One America, has thought a lot about this issue of how to remedy school segregation. And we built expansive support, while also receiving input throughout the state, and nationally, from experts, practitioners, and constituency leaders on these principles and policy recommendations -- that I am going to offer for us today in the time that has been allotted. So I'm going to talk about these recommendations for legislative action that we know must happen now. And this legislative proposal that I'm going to offer has been reinforced by persons who will come after me as witnesses -- particularly our partners and advisors, like Professors Orfield and Wilson, Superintendents Rocco and Kummings, as well as *the* School Board President, Page; and, of course, Attorney Sciarra, who just spoke to us, in the Education Law Center.

I want to really stop right now and just underscore and reinforce what David offered to us today, that the Legislature and the Governor *cannot wait* for a court ruling before tackling this problem, because it is so important and because it is so critical. The unflinching tyranny of time begs that we do something now. In fact, time is really running out. Two years after Dr. King gave his famed speech, *I Have a Dream*, he said, "Anyone who feels that our nation can survive half-segregated and half-integrated is sleeping through a revolution." If we believe New Jersey can remain prosperous and progressive half-segregated and half-integrated, we are asleep on the job, sedated by half-truths or headlines, tightly closed echo chambers, and tragic partisan back-patting that is so disconnected from the people.

The motivation and opportunities to do this now are three-fold, the way I see it. One, we don't want -- *you* don't want the courts to impose a remedy. It's not their job; they interpret the law, but you all make the law, right? And I'm pretty sure that because their branch of government is not about legislation, they're going to get it wrong. So we have to do something now, and we need the Legislature to do it.

Another issue that I know all of us are aware of, some of us probably too intimately, is the catastrophe of post-pandemic learning loss. The data is not surprising, but it is showing us that children who are in segregated schools are falling further behind. In so many cases, before the pandemic you have students who were a year behind. Now that data is showing that that has been exaggerated. So we have to do something *now* because of pandemic learning loss that is really preying upon students who are in segregated schools.

And, thirdly, the political opportunity is now. While intense segregation along race and class is getting worse, diversity is spreading throughout our suburbs. I want to say that segregation is neither exclusively an urban problem nor a non-white problem. In fact, half of all New Jersey residents, including millions of white, and most working-class families, live in school districts that are racially diverse, but experiencing destabilizing and wealth-destroying resegregation. We have to do something now because this is impacting Black children, brown children, children in urban areas, children in suburban areas. And it's in the self-interest of middle-class suburban communities to combat segregation. And I think that is where -- our opportunity for a broad-based, multiracial, even bipartisan support and opportunity for a lasting legislative approach.

Let me say a word about our framework and about the principles that we think of in terms of a policy remedy. And then I'll be done, Chairwoman. A school integration plan must include everyone. It must be statewide and it must involve the entire region so that it shuts off white flight and middle-class flight. It must use demographic and opportunity analyses to set achievable and fair goals -- that, yes, this is about diversity, but this is also about access to opportunity. And another piece I think is important is that we must aim to incentivize and push all districts, schools, classrooms, and even faculty to better reflect the diversity across the regions and across our state.

Here are nine things, nine legislative tools, that we can work on immediately. One, we have to reform and strengthen the Department of Education. We are grateful for Senator Cryan, for his Bill, and we believe we can amend and pass S820 by Senator Cryan to get this done. A civil rights -- having civil rights capacity in the Department of Education can help us develop a desegregation plan; and it can also -- it must -- ensure that the DOE has the power, the funds, the mandate, and the expertise to enforce it.

Secondly, we have to end secessions today. We're going to hear from our Pleasantville Board President, who intimately knows the problem of secession and the problem of school segregation that is happening under the current administration -- worsening under the current administration. We have to ban any opportunities to terminate regional send/receive agreements or the dissolution of unified districts. We can do that by amending the new school consolidation bill to prohibit secessions, while requiring an affirmative obligation to promote integration. Currently,

the Bill -- it is designed to save the State money. I think everybody loves saving money, but there is a constitutional mandate to end segregation, not to save money. But I do want to be clear about this, that we can look at the numbers and see that segregation is costly and that integration actually would save the State a significant amount of money.

Third, we have to expand and strengthen the State school funding formula to award and incentivize diverse and integrated schools.

Fourth, there must be a direct-- We have to direct and increase school aid to support and incentivize school integration and desegregation best practices where diversity already exists, especially in our diverse suburbs. We think of places like South Orange and Maplewood, Woodbridge, Hamilton, Galloway -- where I am -- and we figure out that we have to place the carrot before these districts so that they can ensure that diversity becomes an article of faith -- to use language from my world -- but also that we can create new supporters for integration. S354 -- that bill, which establishes the School Funding Formula Evaluation Task Force, can help do the work of setting integration goals in school funding formula. I'm also finished here.

Five, a desegregation plan must be based on a thorough analysis of racial as well as economic factors, including districts' property tax capacity.

Six, reform the Interdistrict Public School Choice Program to be a mandatory tool to help districts achieve integration goals across district boundaries, within regions.

Seven, we have to require charter schools to be fully integrated and to meet integration goals based on regional demographics, not just district and neighborhood demographics.

Eight, we have to designate and support pro-integration magnet schools, and require county schools to meet regional economic and racial integration goals.

And nine, that we have to strengthen our Fair Housing Act to increase Mount Laurel obligations for those far-flung communities that maintain exclusionary schools, and make sure that affordable housing obligations are being enforced there.

I want to say just a couple of a caveats about what I've said, and then I'm done, Chairwoman. We have to avoid short-term quick fixes -- especially costly expenditures in place of true inclusion. Separate is never equal; history has told us that. Secondly, we cannot blame the victim. New Jersey's high-poverty districts, they did not create themselves, they did not create segregation, and those students did not choose to be there; therefore we cannot put the burden on them to fix it. Not all suburban and urban districts are the same, therefore we must consider the relative diversity and fiscal capacity of all districts. And finally, we have to *do no harm*. Even the best practices, even the best intentions, can often have unintended harmful consequences.

And so county consolidation-- Most New Jersey counties will not capture a diverse enough area to stop white flight. Simply removing district boundaries would only accelerate flight and deepen segregation. And lastly, magnet and vocational schools -- or charters -- should not be allowed to create new layers of exclusion. They must be a part of the meaningful

solution and the meaningful goals that will make sure that desegregation is lasting.

Thank you so much, Chairwoman, for this time to speak; and to the Committee for setting this forum.

ASSEMBLYWOMAN JASEY: Thank you. You certainly woke everybody up, I'm sure, and you certainly covered the topics well.

So what I'm going to ask is -- I'm assuming you have given us your testimony as well? Because they will be distributed to all of the members if they haven't been already.

Kenyon Kummings, Superintendent Kummings, we'd like to hear from you. And I'm going to try to hold people to the five to six minutes. I have a timer next to me, but it's hard to interrupt people when they're speaking passionately, but also productively, on the subject.

And Kenyon will be followed by Myron Orfield.

Kenyon.

K E N Y O N K U M M I N G S: Hi, good morning.

ASSEMBLYWOMAN JASEY: Good morning.

MR. KUMMING: Thank you again for the opportunity to testify.

My testimony does intersect a little bit with David Sciarra's, as well as Reverend Francois'. As shared, I am the Superintendent for Wildwood Public Schools. I've been here for 8 years in this capacity, 15 years with the district, total, as an administrator. I'm also the President for Great Schools New Jersey, which is a partner committee between NJASA and Ed Law Center, so we have colleagues from both groups on this testimony today. We represent districts that are high-poverty and high-need

throughout the State of New Jersey, so a lot of our issues that stem from what we're talking about today are common; we share that in common.

We are also -- when I say we, I'm speaking about Wildwood Public Schools, my district -- we are a plaintiff-intervenor in the *Latino Action Network v. The State of New Jersey* case. And part of that is to stem off of what David shared earlier. With some of the choices that are available in the State of New Jersey, our concern is that any remedy that includes the Interdistrict Public Choice Program, charters, magnet schools, and vo-tech schools needs to consider the fact that our experience locally, and in speaking with our colleagues, is that these systems are perpetuating the issue.

So, to date, we have not found any mechanism for a publicly available dataset that shows what enrollment in those schools is doing to the demographics of the enrollment of the sending district, nor the new receiving district. I can tell you that we have to submit copious amounts of data throughout the year to the DOE, so I believe that that information is there if there were to be an analysis. And I think that also intersects with what we discussed earlier, with both my colleagues talking about capacity issues in the DOE because they're under-resourced, and that there isn't a focus in that area. Because I think if it's even going to be looked at, there could be a retroactive inquiry about these types of schools to see what is happening there currently; and if they're going to be considered as part of a remedy going forward, what needs to be retooled, as well as what measures of assessment and monitoring need to go in place to make sure that it isn't continuing to perpetuate the problem or to create new problems.

Locally, I can tell you that in our district -- we are in Cape May County -- we were looking at the effects of S2 on our funding and different components that are happening with enrollment. And we did this inquiry to look at what was happening with these choices, with our own district and our enrollment. And that's part of my testimony, so I'm not going to bore everyone with that; but we basically did a nine-page white paper on the impact of the choice program on our school district. And we had to back into that data, looking at performance report data and working with our colleagues, to see how many students were not coming to our school, as well as where they were going and what their demographics were; and we found that we were losing a very large portion of our enrollment, and that it was overwhelmingly white.

So we had put that together; and this is where it intersects with a need for legislation and a department within the DOE, as well as resources there. We requested-- During the lockdown of 2020, we attached that paper that I explained to you, citing the issues with diversity, funding, equity, and opportunity -- citing that Wildwood High School is the only comprehensive high school in the county that does not have a choice program, and that -- the four choice programs that are in the county, plus the fourth would be the vocational school. So there's four other options to not go to Wildwood High School, no other options to replenish its enrollment. So we put a request to the DOE, sharing that information, citing what the issues are, citing the equity issues, asking for our own choice seats to replenish our enrollment. That request was denied. We did it exactly a year later under a new commissioner; it was denied again.

So that's our local experience, that's how we found it, that's how it's actually been highlighted to a department within the State of New Jersey that should be tasked with this. When we highlighted it, nothing was done.

So I'm available-- I'll stop there to create some time, but I think it's something that continues to need to be discussed, and we do need some sort of a remedy.

ASSEMBLYWOMAN JASEY: Thank you, Superintendent.

I'm very disappointed to hear about the lack of response from the DOE. That's another topic, but I have noted it, and I'm sure Senator Cryan has as well.

Thank you.

We'd like to hear from Myron Orfield, Executive Director of the Institute on Metropolitan Opportunity at the University of Minnesota Law School, and someone who I have worked with over the years.

It's good to see you Myron.

MYRON W. ORFIELD, Jr.: Thank you very much, Chairwoman; and Senator Cryan, I thank you for your leadership on this issue. This is a very important period in history, and it's difficult -- it's a difficult issue. But it's the chance when leaders like you can really make a difference.

I think-- You know, I was a member of a legislature of Minnesota for 12 years. I'm a Civil Rights Lawyer, but I was also a member of the legislature. And I think too often -- civil rights lawyers with magnificent cases and legislatures with great opportunities don't have a chance to connect with each other. These types of litigation often create

opportunities in legislatures to achieve substantial reforms in many areas, like finance, that they haven't been able to do, and I think it's very important that there be a strong connection between the litigation and the legislative strategy.

I have a lot of testimony and PowerPoints I handed out, but one of the large points that I would make is that many of the suburbs are diverse already. It's a good issue, because many of the greatest opportunities for white and Black students exist in those districts. But because of discrimination, because of the creation constantly of different districts, newer whiter districts and other choices, the integrated districts don't always stay integrated. And I have maps I could show you, looking at every school district in the metropolitan area, showing where they are on that stage of integration. Magnificent schools, but if we don't do anything, a lot of them won't stay integrated.

Another thing is, New Jersey's funding formula for schools needs to be readdressed. Governor Corzine made moves in this direction, trying to strengthen the school finance formula and recognize the racially diverse suburbs. I think that the school funding formula for New Jersey needs to be reformed to reward all of the suburban districts that are integrated already, and to help these districts that are integrated already to stay integrated. This is a great opportunity for very positive change; it's not easy. But legislative leadership can take this opportunity. When courts declare systems unconstitutional, there's a great opportunity for change. If it's sacrificed, it's lost for a generation. In Kentucky, the litigation there for school financing had a powerful legislative strategy that followed through. Debbie Stabenow, a State Senator in Michigan, created a popular legislative

strategy for equalizing the Michigan schools that made her a United States Senator.

You think of the great moments in American history, and I think that we have, in Representative Mila Jasey -- Assemblywoman -- and Senator Joe Cryan the kind of leadership and the kind of a vehicle for a bill to make history. And it won't be a polarized bill, but it will be a bill that rewards the suburbs for integration; that tries to help them stay integrated because of a funding formula that supports that. I think there's a great opportunity, and my presentation, if I could talk longer, would go into it.

But doing nothing is bad. It creates political polarization. It's pretending the suit doesn't exist, pretending the claims of the plaintiffs in these deeply segregated districts don't exist. The kind of responses the Governor is giving to this suit, as if it doesn't matter, as if it isn't a real issue -- this is a problem, and it can lead to great harm. You have great opportunities if you embrace this, to fix the funding formula and strengthen the older suburbs that are already diverse; to create some magnet schools in the cities and the older suburbs. There's all sorts of claims about justice, and many of the other speakers have done this. Willie Francois gave a magnificent statement about the social justice issues.

Everything that David and Willie has said, I would endorse. But I think that you have a great opportunity here, not only to respond to the monumental segregation of New Jersey, but in so doing create a pattern for the rest of the country, reward the diverse districts that are already there. I have maps that could show you how places in the Trenton area, like the Burlington school district and many of the inner-ring suburbs around Trenton, are becoming resegregated. If you look at Hamilton and

Lawrence Township, and in Trenton, these places are integrated at a statewide level and they're excellent schools, and should be rewarded for that. If you were to look at Atlantic City, if you look at Greater Egg Harbor and Egg Harbor Township, these schools are integrated at a statewide level and they're doing a great job, and they should be rewarded for this. If you take a look in the Camden area, if you look at the Black Horse Pike and Cherry Hill Township schools, these schools are integrated at a statewide level, and they should be rewarded and stabilized. If you look at schools in North Jersey -- if you look at Montclair, South Orange, Maplewood, Woodbridge Township, South Plainfield; these are schools that are integrated at a statewide level and they should be rewarded.

There's a win-win here, but it requires leadership, like the masterful leadership of Senator Cryan and Assemblywoman Jasey, to anticipate what could be the consequences of this suit. This suit could be a monumental -- it could lead to a monumental legislative strategy, to a victory for civil rights that hasn't been seen in this country for many years. These kinds of issues are very difficult, but the lawyers in the Legislature need to talk together; there needs to be a strategy. I've worked in many different states in the country, and when the litigators have a legislative strategy, the victories in court turn into transformations of the law that everyone is proud of, that everyone can accept. If you don't have a strategy, you will have one imposed on you. The law is very strong in New Jersey, the courts are very clear in New Jersey. They *will* impose a solution on you. You have a chance to get out in front of it and create something that strengthens your funding formula or gives you a chance to respond to an increasingly polarized debate.

If the response in the court is any indication of where that's going, it's not going in a good place; it's not going to strengthen New Jersey or its leadership. It's going to create divisions that shouldn't exist, when the multiracial party that is the Democratic Party, the multiracial state that is the State of New Jersey, should use this case as an opportunity to fix the funding formula, to strength and stabilize the racially integrated schools, and to provide magnet schools -- publicly run magnet schools that can give more opportunity.

So I'm a law professor who used to be a legislature; they talk too long. I thank you for the opportunity. I'd be proud to be able to work with your great leadership.

ASSEMBLYWOMAN JASEY: Thank you.

I've been making notes furiously, so we're going to definitely get back to you.

Thank you, Myron.

Next up we have Reverend Jerome Page, President of the Pleasantville School Board and Spokesperson for the NAACP of Pleasantville.

REVEREND JEROME M. PAGE: Yes, good morning, good morning, and I hope that everything is well with everyone today. My prayers are going out to this Committee that we hear what we have to hear, and we continue to move forward to make the best out of our kids and out of our school system.

I am not going to read my statement -- you have my statement -- because David Sciarra and Pastor Willie Francois have already commented on all of my statements. But what I will share with you is my testimony.

I am a 17-year board member for Pleasantville School District. I am a graduate of Pleasantville High School in 1979, and my twin brother; we came up in the system and it was desegregated. We have best friends who come from Absecon. Absecon has put in a petition to the commissioner to -- want to pull out of the sending agreement. Well, I want to tell you that it was the best time of my life to learn and to understand people of color, especially white children. They became my friends; on the football team, on wrestling, we got to know each other.

With this segregation, there's no chance that we as a community of educators can ever touch the racism or the systemic racism that's going through without teaching it in the classroom. And it's always good to have all different types of kids in the classroom, hearing from a teacher to show us what has happened in the past and what does not need to continue in the future. So I applaud David Sciarra. He is a friend of mine, he has always been there for me with Pleasantville School District. I've been serving as President over 7 years, in the 17-year period. And I welcome him back to our district, and we have to educate the board members, we have to educate our staff in understanding what segregation really means.

Yes, we are a school district that is trying to survive, we understand we have many, many problems -- which all school districts do -- it's just that ours come out more in the paper, in the media. But we're willing to continue -- with this new Board that we have, with me being President -- to continue to fight with Absecon. We want Absecon to come to the table. We want them to bring out what they feel are the changes that we need to make. We have no reason not to hear what they have to say. We just don't want them to abandon us. We are a poor district; our budget -- less than \$10

million comes from our taxpayers, of a \$110 million budget. So we understand that the funding has to be changed; I agree with David Sciarra. We have to get that refunding, we are a special needs district -- always have been. We've always been abbott. I don't care how they change it, how they take the word out, we're still a special needs district.

So there are certain things that we have to demonstrate to the Department of Education. That needs to be reformed -- the Department of Education needs to be reformed, because they don't have the whereabouts to understand what segregation and desegregation really does -- what happens when that happens.

So I am going to yield my time. I do speak on behalf of the NAACP, our chapter in Pleasantville, Mainland branch; and I speak on behalf of the Building One America, and also the Education Law Center with David Sciarra.

I am going to rest. Thank you for allowing me to be a part of this. And Senator Cryan, I commend you on this Bill, this Bill that you have, of 820. And I ask that whatever we need to do -- let's continue to talk, but let's show action.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you, Reverend, and I appreciate your comments and I hear you loudly and clearly.

Next up we'd like to hear from Scott Rocco, Superintendent of the Hamilton Township School District. With Patrick Carrigg.

S C O T T R O C C O: Thank you. Thank you, Chairwoman Jasey and the Committee for the opportunity.

And Patrick Carrigg, our Board Attorney, is with me today. So I'm going to highlight the testimony that I've submitted.

I speak to you today not only as a Superintendent of Hamilton Township schools and as a past President of New Jersey Association of School Administrators, but also as a parent of two children who have graduated from Hamilton Township School District, and one that is still in school with us here, the district that I am Superintendent. So I'm not only professionally vested in this, but I am personally vested in this; and I want Hamilton Township to be the best possible school district it can be.

We joined the Latino Action Network lawsuit as a friend of the court, and the reason why we did this was because we're rather large in the State of New Jersey -- we have 11,600 students. We are culturally diverse: 41.03 percent of our students are low income; 6.4 percent English language learners; 41.8 percent white; 44.1 percent Hispanic; 16.8 Black; 3.8 percent Asian; and 3.3 percent two or more races. And all of our students are educated in what we would consider a traditional kindergarten through 12th grade school district, with 17 elementary schools, 3 middle schools, and 3 high schools.

As a community, Hamilton is bordered by suburban and urban school districts. Prior to the pandemic, we went through a strategic plan, and that strategic plan was approved in February of 2020. Our motto was *One Hamilton*, which signifies our embrace of our diverse community that unites our schools. *One Hamilton*, I want to be clear, is an aspiration; it's an effort. And ultimately, it's our direction. As our community continues to grow, so does our diversity; and our school district sees this as a positive, and we've acknowledged that in our motto and our strategic plan, with goals

associated with diversity. Also, as our school district and numbers grow, and our diversity grows, we've made a concerted effort to provide programming and resources for all of our students in our schools that represent our diverse communities.

But there are still struggles in promoting interdistrict diversity. Some of those include geography, transportation requests, our older buildings that aren't built for modern day learning or present-day technology, and a lot of other factors that make it an obstacle to maintain and promote interdistrict diversity. But we're not unlike other suburban districts that encounter similar problems. We address these programs and offerings, but our resources are limited like many in our communities. We would stand to benefit from a legislative remedy that empowers the Department of Education to guide these districts towards implementing creative and effective desegregation solutions.

The lawsuit by LAN, and this Hearing, demonstrate a motivation by the State to commit to action that fosters diverse schools and enhances those that are diverse. Hamilton Township School District and others like us need that support from the Legislature and the New Jersey Department of Education to continue our efforts. That support should come in the form of guidance, policy, expertise, and funding. The Department of Education should be on the forefront of ingenuity, and guiding this district and others like us towards reasonable and effective local solutions, interdistrict partnerships, and reform, where appropriate.

Our hope is that this Committee looks to Hamilton and sees us as a high-functioning diverse school district that can be a model for a diverse educational setting. We want to impress upon you that being

successful and operating a diverse school district is not merely coincidence, but requires dedication and careful sheparding that celebrates our differences, while simultaneously nurturing our sense of oneness with shared experiences.

These efforts need investment and support. We shouldn't be focusing on geographic boundaries, carte blanche options for interdistricts school choice, or compulsory desegregation. That's unlikely to work, and it will be met with resistance. We all know this. There are 600 school districts in New Jersey, and they all have their own personalities. We're all from New Jersey, and we know in New Jersey nobody likes to be told what to do. But with the right incentives, New Jerseyans are more than capable of doing the right thing -- especially with a commitment from Trenton, and recognizing a diverse school reaps its own rewards academically, socially, and empirically. It's time to incentivize those communities that are doing the right thing by infusing robust and inclusive curriculums, programs, and offerings, and encouraging those that have not to get on the bandwagon.

Lastly, I want to actually borrow a phrase from the medical field, and echo Pastor Francois, with a statement of "do no harm." And I'm glad he said that. Snap decisions with sweeping impacts that are not based on real-world evidence of success might be a Band-Aid in one community, and a stomach punch in the next. It's important that the path forward for more diverse schools be intrinsic. New Jersey's school districts must self-reflect, recognize that diverse districts are better performing districts, and be encouraged and incentivized to bring about diverse schools through homegrown ideas and actions.

And finally, this body has the power to make that happen. I'd ask it to legislate carefully and pave a path for school districts to follow,

knowing that it will be supported so that our aspirations of *One Hamilton* can continue its progress as a positive example for what will ultimately be *One New Jersey*.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you very much, Superintendent.

Would your colleague Patrick Carrigg like to add to your testimony?

PATRICK CARRIGG: Thank you very much.

Just briefly, I'm the Board Attorney in the Hamilton Township School District, and I also serve as the Labor Counsel for South Orange-Maplewood Board of Education.

In those two districts, I am aware of their specific efforts to diversify. In South Orange-Maplewood, there is an intentional integration plan that they have been implementing over the last two school years. In Hamilton, there are our own programs and offerings within the district to promote interdistrict desegregation. And these are things that at times, for our local communities, can be somewhat difficult to get on the bandwagon with. But when you have district leadership that presents a plan that is competent, that is thoughtful, and ultimately shows how it benefits the school district as a whole -- and I know we've heard prior speakers speaking to the empirical evidence demonstrating that diverse schools are overall better in what they provide for the students academically and socially, that getting the community to buy into those things becomes that much easier.

But ultimately, and a big reason why we're here now is because the Legislature, I think, has a role in promoting that and facilitating

it, and making it -- and showing these districts that they will be supported when they make the conscious effort to do the right thing and actively desegregate.

And so I thank the Committee for its time today, and we hope to be back as well.

ASSEMBLYWOMAN JASEY: Thank you very much, and it's nice to meet you.

Leslie Wilson, Dean Wilson, from Montclair State, College of Humanities and Social Sciences. You're up.

LESLIE WILSON: Thank you very much, it's a pleasure. Thank you Chairman Jasey, and also thank you Senator Cryan.

So I would like to thank you, and I would like to focus on what David Sciarra and Myron Orfield has raised this morning about true diversity. And I'm going to come back to that. I think it's really important to focus on this idea of true diversity, because we need to think about true diversity in terms of creating citizens, engaged citizens, at a critical time in this period in American history. I would also like to highlight the points that were made by Pastor Francois, the nine points that the Building One America coalition has raised.

But I would also like to highlight some of the points that were made by the other people as well. As a professor, I think that what we have to consider is the fact that New Jersey has -- and I'm going to deviate from what I've sent to you -- but we need to focus on the fact that New Jersey has 600 school districts. Those school districts feed into various universities, create people-- As a person who teaches college students and then works with teachers, or people who become teachers, it is very critical to understand what

happens when you develop future teachers and send them back into the public schools of New Jersey. There is a problem if you are developing teachers who have unique identities and then go back into the public schools.

We have to consider this from a different way. We have seen the State Legislature of New Jersey pass various things -- the Amistad Provision, an Asian American provision, a Native American provision, an LGBTQ provision. How are they being taught? And they should be taught the same way. They are not being taught equally in each school district because the school districts are making choices. And if you had diversity -- if you had true diversity -- they would be taught in a more favorable way. And what we have to recognize is that they're not being taught in the schools because -- they are not being taught, because the students are not learning them in the schools and they're not learning them in college.

When we see students getting to college, it is the first time that they are experiencing diversity in the State of New Jersey. That's important to me. I think that if we realize that our state is so segregated that the first time students from different background are meeting each other is college, we have an important role to take. We have to create true diversity at the elementary school level, and we have to work on that level and make sure that when our students get to college, it's not the first time that they have a person of color teaching in front of them, a person who is different teaching in front of them -- a person of a different ethnicity, a different race, a different religion. They need to see diversity in different backgrounds.

And so I would go back and say that, if you look at all these different provisions, what we're suggesting is that if you create true diversity,

we will create a stronger state and we will create a better education system from K to 20.

And I'll stop there.

ASSEMBLYWOMAN JASEY: Thank you, Dean Wilson.

I could not agree with you more. I hear what you're saying. Having visited many of the colleges -- almost all of the colleges in New Jersey over the past several years -- I am struck by the fact that some, like Montclair State, do reflect the true diversity of the state, and others -- and I won't name them -- do not. And I hear you loud and clear. This is something that we have an opportunity to effectively address.

I understand Justice Gary Stein is on now, and we would like to hear from Justice Stein, who is our last scheduled speaker. And then we have the rest of the time for members to ask questions and weigh in.

MS. SAPP: Assemblywoman, he's in the waiting room. They're letting him in as we speak.

ASSEMBLYWOMAN JASEY: Excellent; great. Thank you.

And I want to thank all of our speakers so far. This is a truly complicated issue, but I am of the firm belief that when good people get together around the table, we can come up with solutions, and I think this is an opportunity for us.

Justice Stein.

Perhaps we can start dialogue until Justice Stein gets on. Sometimes technology is easy, and other times it's not.

J U S T I C E G A R Y S T E I N: Rebecca, I'm on. I am on the phone, if you can hear me.

ASSEMBLYWOMAN JASEY: We can hear you. We can hear you, Justice Stein.

JUSTICE STEIN: Good.

ASSEMBLYWOMAN JASEY: You have the floor.

JUSTICE STEIN: Thank you very much.

Forgive me, I don't know -- because I wasn't on when you started -- what the focus of the Joint Committee's attention is today. But I'm going to take for granted that one of the things the Committee members may be interested in is what the remedies might be for segregation of our public schools, in the event that the judge who heard -- Judge Lougy, who heard the motion for summary judgement, were to decide that the current system of assigning students to schools is unconstitutional. Of course, we would anticipate that in the event of such a decision there might be an appeal that probably would go directly to the Supreme Court.

But the subject of remedy is, I think, on a lot of peoples' minds today, because it implicates some very complicated questions about what the alternatives are to the present system of assigning children to public schools. So I thought it would be helpful to the legislators who were attending this meeting, if I talked a little bit about the options that have been tried successfully in other jurisdictions.

And let me start by telling you very briefly about the METCO program -- M-E-T-C-O -- that's been operating up in Boston and in the surrounding suburbs of Boston for about 50 years. It's a choice program. And the way it works is that students from Boston public schools are permitted to attend schools in surrounding suburbs. There are about 35 participating suburban communities. And I visited the METCO offices and

got a personal interview with the Executive Director, and learned about the program. It's been highly successful. It's actually the subject of a book by a professor at Brandeis named Susan Eaton, and the name of the book, if I recall, is *The Other Boston Busing Story*. And Professor Eaton, in that book, reviews the experiences of literally dozens and dozens of students from the city of Boston, usually students who are African American or Latino, who took advantage of the METCO Program and graduated from schools in surrounding suburbs, and talked about the impact of the program on their lives.

The program currently serves about 3,000 students a year, which is regrettable, because given its success one would think that the Massachusetts Legislature would have expanded it. Because only 3,000 students are permitted to enroll -- that's all the financial resources that the Massachusetts Legislature has provided to METCO -- it winds up with only two or three students of color in a given classroom, which is not an ideal situation. But, given that, the way the program works is that students sign up for METCO, and if they're selected based on a, as I understand it, first-come-first-serve signup practice, students are permitted to attend schools in suburban communities that have capacity for them. And they usually start in the lower grades. It requires the Boston students who participate to get up early in the morning, according to the book, around 5:00 a.m., in order to catch a bus to get to this urban community.

When they arrive there and they are assigned to a class, they are also assigned a host family who volunteers to assist them during their time in this suburban community. And most of the children who go through METCO attend school in this suburban community through grade school and

high school. They participate in athletics, extracurricular activities; sometimes if they have to stay late at school because of an athletic event or some other event, they stay with the host family. But the result of the METCO program, that is still operating today, based on Professor Eaton's research, is that the vast majority of students who have gone through the program, despite the difficulties, despite this isolation, despite the separation from friends in their own neighborhood, have been consistently positive -- the results have been positive. The students who have graduated METCO told Professor Eaton that they felt their lives were changed, that they had opportunities they would not have had, and that it had a long-term effect on their lives, and careers, and education.

The success of that program, even though the numbers of students who take advantage of it has been limited -- the success of that program suggests to me, and to the plaintiffs in the segregation suit that's now pending, that New Jersey could think about expansion of our current choice programs -- significant expansion -- to make a program along the lines of METCO available in New Jersey, and to provide the resources to make it available to a larger, far larger number of students than is the case in Boston.

So the METCO program involves students moving from urban districts to suburban districts. The Hartford Magnet School Program -- that was introduced after the Connecticut Supreme Court held that the Hartford Schools were unconstitutionally segregated in the Sheff case -- it's a different kind of program, because it contemplates students moving from suburban schools into the city or into communities immediately surrounding Hartford. In response to the court's decision in the Sheff case, a system of magnet schools was created -- I think the last count was 39 of them -- and 20

of them were in the city of Hartford, if I recall, and 19 of the magnet schools were in communities surrounding the city of Hartford. And the way those magnet schools were designed was that each magnet school had a theme. The school that I recall most vividly was a music and art, and motion picture and television magnet school in the city of Hartford.

And while I visited that school, I had the opportunity to speak with literally dozens of students. The student population was divided -- 50 percent allocated to students from the Hartford Public Schools, and 50 percent the students from suburban communities surrounding Hartford. And I met and spoke with students who were riding the bus 30, 45 minutes each way from suburban communities into Hartford, because they valued the opportunity to attend a magnet school that offered a concentration of studies that wasn't available in their own districts. And I asked student after student after student, "Why are you doing this? Why are you riding a bus to come to school here?" And the answers I got were revealing; some students said, "My school at home is all white, I thought I would be happier in a school that was diverse." Other students emphasized the value of the educational opportunities they were getting in Hartford.

By the way, this magnet school was located in a building that used to be a gun factory in the city of Hartford. The factory was converted to a very modern and impressive high school building--

ASSEMBLYWOMAN JASEY: Can you wrap it up? Because we'd like to have time for the members to interact with the speakers, including you.

JUSTICE STEIN: Yes.

ASSEMBLYWOMAN JASEY: Thank you.

JUSTICE STEIN: Okay.

So the themed magnet schools have worked in Hartford. We have theme magnet schools in New Jersey: For example, in Teterboro, the Bergen County Vocational School has a magnet school with multiple themes. But the point I want to make is that those schools work if they're well-designed and publicized properly. You can be assured that students will attend them even though it requires students to travel by bus.

The last thing I want to say before I conclude is that the choice option involves students traveling from city schools to suburban schools. The magnet school option involves students traveling from suburban schools to city schools. They're both voluntary, but in my view -- and in the view of many of the members of the board of the nonprofit that sponsored this litigation -- the critical thing that has to be done in order for both those programs to work is for New Jersey to focus on its existing urban schools. Because the last thing we want to do is implement programs that are designed to prevent continued segregation, if the result of those programs is going to weaken the urban school district.

So I think a primary focus of all of us, when we get to the remediation stage, is to make sure we do no harm to the existing urban schools; and that, in fact, we strengthen the existing urban schools by providing more resources, better resources; and make sure that the implementation of a choice option or a magnet school option does not weaken the ability of the urban schools to provide a thorough and efficient education for the children who continue to be educated there.

I'll stop there. I'll be happy to answer any questions.

ASSEMBLYWOMAN JASEY: Thank you.

Thank you, Judge Stein, and I hear your comments loud and clear.

I would like to recognize the following members who are present on the call: Senator Cryan, Senator Testa, Senator Thompson, Assemblyman Caputo, Assemblywoman Flynn, Assemblywoman Matsikoudis, and Assemblyman Simonsen. We are missing Assemblyman Wimberly and Assemblywoman Reynolds-Jackson, because they are at the Budget Committee meetings that were scheduled after we scheduled this meeting. So I apologize for that conflict.

I would now like to open up for a discussion, comments, follow-up. We've heard a lot today, and I want to remind members that you will get everything in writing, if you have not already received it. And also that, I believe, Senator Cryan and I feel very strongly that we will need a follow-up meeting, following this one.

Senator Cryan, thanks for being here; thank you for your legislation. Would you like to say a few words?

SENATOR CRYAN: First off, Mila -- Assemblywoman Jasey, I'm sorry.

ASSEMBLYWOMAN JASEY: Mila is fine. (laughter)

SENATOR CRYAN: Thank you for leading not only just this hearing, but with the style and grace that's your trademark. But thanks for being a partner here. Tough issue for everybody, and you've led this with, I think, a way that gets us forward that few can do. So I appreciate it very, very much.

I would just like to ask a couple questions. The folks from Hamilton -- I was struck at the diversity numbers and how it's in the 41

percent, the 16 percent of color. Did the district transition over to that in your time there, or was it, for lack of a better way to put it, like that when you arrived? And what challenges did you initially face for that?

And then, secondly, a number of folks spoke about choice options; for example, Reverend Francois provided nine different potential options or tools to gain the goal where we want to be. Did anyone have a goal that they didn't bring up, or a tool that they thought was important or we didn't discuss? I'm surprised at the amount of discussion on magnets -- Justice Stein talked about that and interdistrict choice, and some other things that have been illuminating for me in this process. I just wanted to make sure anybody that had a proposal, that talked about something for the better had an opportunity to do so.

So just those two questions. Hamilton, did you transition that way; and then, did anyone have a proposal that wasn't discussed?

And thank you to everyone who spoke -- thank you.

MR. ROCCO: Chairwoman, is it okay to respond?

ASSEMBLYWOMAN JASEY: Absolutely.

MR. ROCCO: Senator, thank you for the question.

So Hamilton has been transitioning or becoming more diverse over the years. It is continuing while I've been Superintendent, specifically in two categories: Our Hispanic community and our English-language learners. And that's the fastest-growing segment of our community right now. And it's growing in sections of our town, not evenly distributed around our town.

That has led to challenges of overcrowding in some schools, addressing needs of facilities, transportation, resources, those types

of things. We estimate that that growth is going to continue. We have seen growth beyond what a demographer had done -- in a study in, I think it was, 2016. We should have almost 600 to 700 less kids right now, according to the demographer, but we are up 600 to 700 students, and we are seeing that trend continuing with our enrollment in our kindergartens.

SENATOR CRYAN: Okay.

And do you think ESL should be, for lack of a better way to put it in this process, a factor in the definition of how we get there?

MR. ROCCO: ESL?

SENATOR CRYAN: Yes.

MR. ROCCO: I think it's part of our community. The students and the families are part of our community, so I believe it could be a factor and should be a factor.

SENATOR CRYAN: Firstly, the point isn't brought up a lot, so I appreciate it.

And my other question, if I may, to the Chair, is just did anyone have a tool or solution that we didn't discuss or bring up? We do have the written testimony. I'm looking at Reverend Francois' now.

No? I don't want to dominate, Mila, I just wanted to ask. But I appreciate it so very much.

ASSEMBLYWOMAN JASEY: You're not dominating. I think all of us realize that this is a really difficult subject. There are no easy answers here. And the only way that we're going to achieve integration is intentionally, it's not going to just happen.

SENATOR CRYAN: Sure.

ASSEMBLYWOMAN JASEY: It takes a lot of work.

Are there other members who would like to comment?

ASSEMBLYMAN CAPUTO: First of all, I find all the testimony very informative, and you know it comes with many years of experience.

But I'm very interested in the choice program. It sounds good on paper -- in other words, how is this going to work? Does the district have to have open seats? Is the tuition going to be covered by the local district that receives the child? There's a lot of details involved that would have to follow. The choice program is a great idea, but how do we implement it?

In other words, if a district -- if a suburban district says, "we're full," then there's no choice; there has to be space for the child that's going to be transferred over. And of course the resources, how do we provide the resources? And does our local district lose enrollment? And of course the enrollment counts in the S2 formula. So in other words, if they lose kids, they lose money.

So all those details have to be worked out. "Do no harm," right? So I don't know who can answer that, it's something that needs to be considered.

ASSEMBLYWOMAN JASEY: If anybody would like to chime in, please unmute yourself and do so.

Okay, I see Myron and--

SENATOR THOMPSON: Hello, Chair, Senator Thompson.

My apologies, I'm going to have to leave. I have to take my wife for a doctor's appointment.

ASSEMBLYWOMAN JASEY: Okay, you have the floor, Senator.

SENATOR THOMPSON: Thank you-- No, I'm just saying, I have to leave. So my apologies.

ASSEMBLYWOMAN JASEY: Okay. Thank you for being on.

ASSEMBLYMAN CAPUTO: Maybe Justice Stein has the answer for that, I'm not sure, on the choice program.

JUSTICE STEIN: Well, we discussed the issue, and you're absolutely right -- there are financial concerns about what happens to the money that would have gone to the urban district from which the child transfers to a suburban district, and how that's handled; and there's the cost of transportation. We've begun to discuss them, we've consulted experts in the field.

But there are answers to them. The METCO program-- I can't speak specifically about how the state of Massachusetts has addressed those. But my instinct is that the questions that arise, because you transferred children from one district to another, are answerable. They simply have to be the subject of attention from the legislature and from the participating districts.

But I don't believe that those problems are an obstacle to making the system work. I'm much more concerned with the impact of a choice program -- and a magnet school program -- on the ability of the urban districts to continue to do the job that they are required to do under our Constitution. So I quite agree.

I would note, by the way, that both of those programs -- the magnet school and the choice program -- are voluntary programs. I didn't talk about other options. People had talked about county-wide school districts as an option; that's a significantly more complicated change. But in general, what we've said to the court and what we said to the representatives of the state on the occasions that we've been able to talk to them about remediation, is that it's going to be a collaborative effort requiring the best advice we can get from experts from all over the country. And, by the way, early on in this litigation, back in 2018, we brought down to meetings, with the Attorney General's Office and the Department of Education, some of the renowned experts in the country on remediating segregated schools, and shared with the representatives in the State the knowledge that we had acquired about how best to do it. Not that we had clear and definitive answers, but we made available to the State the resources that we had found that could help us here.

And so when the time comes to move in the direction of a remediation solution, those experts will be made available to the State. And we expect that with collaboration and dedicated efforts from people of goodwill on both sides, and certainly the strong and significant participation of the Legislature, we will be able to find solutions that will work in New Jersey.

ASSEMBLYWOMAN JASEY: Thank you.

ASSEMBLYMAN CAPUTO: I appreciate that answer. It seems that once the decision is made, we're going to have to diagnose what legislation would be necessary to comply with these programs, whatever the court decides. So there's going to be a lot of thinking and analyzation of

what the court mandates, and how we can accommodate and not do harm to districts, but to help kids.

And these two voluntary programs are very promising. It's a matter of filling the gaps resource-wise. I think that's where we basically-- That would make things a lot better; we can firm up the resources that are necessary to implement.

ASSEMBLYWOMAN JASEY: I agree, Assemblyman, and I think that we need to be proactive so that we don't have solutions mandated and forced upon us without the input of our school districts, our residents, and our experts as well.

I'd like to ask--

SENATOR CRYAN: Chairlady, can we ask Justice Stein -
- because it falls to your comment right now.

ASSEMBLYWOMAN JASEY: Okay.

SENATOR CRYAN: Given the courts, the brief, and the work that the Justice did, and so many others, does he have an anticipated time of when he thinks the court may rule? It might give us some context.

JUSTICE STEIN: Well, you know, I think you can expect--
- Having written hundreds of opinions during my tenure as a judge, sometimes opinions can take longer, some opinions take longer than others.

This is a significant issue, and I suspect that Judge Lougy is going to take two or three months to decide it, I can't anticipate -- maybe more.

SENATOR CRYAN: Okay.

JUSTICE STEIN: But I'm sure he's going to want-- We've given him hundreds of pages of briefing. So you can expect that it's going to

be several months before he's done. Maybe he'll be done sooner than that. But it's a formidable piece of work, because I'm sure he's aware that the attention of the State is going to be on his opinion and he's going to want to do the very best job he can.

SENATOR CRYAN: Thank you, Justice.

Sorry, Chairlady. Thank you.

ASSEMBLYWOMAN JASEY: No, don't apologize. We're co-chairing this one.

SENATOR CRYAN: (laughter)

ASSEMBLYWOMAN JASEY: I would like to ask Julie Borst to comment on community schools, and whether or not you think they have a role to play here as well.

JULIE L. BORST: Thank you, Assemblywoman Jasey; and thank you, Senator Cryan, for facilitating this today.

So I think that the ideas that Justice Stein is suggesting are actually great ideas, and we very much share the concerns about what happens to the districts -- I don't want to say -- left behind. But the urban districts still have a role to play, obviously; and how do you secure and uplift the students who possibly choose not to be participating in this, or for whatever reason are not chosen to do this? And I think community school frameworks absolutely have a role to play here.

And for those of you who are unfamiliar, I am the Executive Director of Save Our Schools New Jersey Community Organizing, and I am the Board President the New Jersey Community Schools Coalition. And actually two superintendents here today -- so Kenyon and Scott --

actually we work very closely with, and they're about to start beta testing a self-assessment tool that's been developed by communities in schools.

But the point here is that community schools create a framework in which students can be supported. It is a concerted effort to use your local school building as the center of a neighborhood, providing students and their families, and ultimately the entire community, with services that they need to be able to continue to attend school, to move through school successfully, to expose them to all forms of enrichment besides the academic pieces, and move these students and their families along.

And certainly in New Jersey, you know, we have full-service community schools, but they have not been due to State efforts. And I think the State definitely has a role to play here; and I should also say that we do have legislation to create a pilot for this. And thanks to Assemblywoman Jasey, there is money in the budget for this, we just have to move this thing across the line. But I think there definitely is a role here. And certainly, it is a model for any Title I school. In my opinion, every Title I school should be run as a community school. It is systems change, and it is highly focused on students and their families, and delivering those services.

JUSTICE STEIN: Assemblywoman Jasey, this is Gary Stein.

I would just like to endorse what Julie Borst just said.

MS. BORST: Thank you.

JUSTICE STEIN: I have personally been looking at the community schools model; I've met and spoken with people in the community schools movement. I would encourage the members of the Legislature to take a very hard look at community schools.

The concept has been endorsed by some of the leading education groups in the country, and it is exactly what I was referring to when I said we have to be very sure that we do no harm to the existing urban school districts when we implement programs designed to address segregation. And the community school concept -- the involvement of parents, the involvement of social services from the community to make sure that the students in the urban districts have the benefit of all of the resources they need, is an extraordinarily important concept. And I urge the Legislature to take a hard look at it.

MS. BORST: If I may also add, just very quickly, just in terms of the amount of Federal money involved in the past couple of years with ARP dollars. ARP dollar education funds can be used for community schools, but so can really any of the ARP dollars be used. So money tapped from municipalities and things like that can be used in the community school model. And, in fact, the U.S. Education Department had asked states in their ARP filings to include community school work. New Jersey, for whatever reason, did not do that.

We are out here advocating for this, obviously, because the impact of community schools. And we know this nationally, we know this because of our neighbors in Pennsylvania and New York, specifically, who have had incredibly robust community school programming for the last 27 years. The impact -- you can't replicate that any other way. You have to provide those services. It has to be done in an organized way, and not the whack-a-mole fashion that we see here.

I mean, so many superintendents are stepping up to the plate, but they're only addressing what's immediately in front of them in that

moment. It's not an efficient way of doing it. Having the structure provides you with the ability to provide what your community needs, and also change with it, because of course those needs are going to change over time.

ASSEMBLYWOMAN JASEY: Thank you, Julie.

I am devastated that we did not apply for funding for community schools. And to my members: If you have never visited a community school, please contact Julie and arrange for a visit; it is an amazing experience. And in fact, the Joint Committee -- maybe we can take a road trip, because in the past we've done that, and visit a community school. We'll talk about that, Julie.

I have three people who would like to comment. Myron Orfield.

MR. ORFIELD: Yes.

ASSEMBLYWOMAN JASEY: David Sciarra, and Leslie Wilson.

So we'll start with Myron, and then David, and then Leslie.

MR. ORFIELD: I think there's an opportunity to think about more than just a small remedial program. Perhaps you can enact a reform in the school financing system that not only incents school integration, but deals with some of the issues you've had with very high property taxes and so forth.

We had a voluntary choice program, we attached some extra money to students who went in the program. And I also worked on a case in St. Louis like this. And these programs have been remarkably stable for 25 or 30 years. The suburban districts in the Twin Cities, they accepted about 2,500 kids a year at first, and very quickly asked if there was room for

10,000 students; partly because of the incentives that were there. In St. Louis, Republican suburbs in St. Louis have maintained a very robust program for a long period of time with these incentives.

But I'm worried about suburbs like Bloomfield and Union Township. They need to-- Their resegregation, the problems that are occurring there, need to be addressed. We can't enact a program that is sending poor kids into racially transitioning suburbs that are moving toward becoming non-white suburbs. We need to have -- you need to have some mechanisms that stabilize these older suburbs that are going through fast transition, and a comprehensive plan could be a win-win, I think.

ASSEMBLYWOMAN JASEY: Thank you.

David.

MR. SCIARRA: Assemblywoman, just two quick points.

One is, you know, we have something that we can do right now. We talked about -- Hamilton was talking about the need for resources for EL's and other efforts, and other programs that they're implementing. Our current funding formula is a weighted student funding formula. And it does provide more resources to poor kids, English language learners, but it also does that on a sliding scale as concentrated poverty increases.

The underfunding of our formulas, our latest research shows, really impacts a lot of these -- not so much the sort of former Abbott districts, but a lot of the districts that are going through this kind of transition to diversity. So one of the things we know from our formula -- which is a national model, one of the strongest in the country -- we need to fully fund it. And if we fully fund it, that will start -- it's not going to be the full answer, and there may be other things that we need to do, but that will begin to make

sure that the resources that the formula will deliver to districts like Hamilton and other districts, that are currently under their formula level, will get there. So that's something that we can do right then.

The second point I want to make-- And then there are a couple of other things that we need to continue on. We need school construction funding, we need to be very careful about how that's an urgent issue, in terms of our urban districts -- and even our non-urban districts -- and prioritizing school construction funding to those districts. And expansion of Pre-K is also critical as part of that effort.

The second thing, though, I might mention is Assemblyman Caputo's argument about the details about the choice program. And it goes back to Senator Cryan's Bill. You know, Kenyon Kummings from Wildwood talked about the fact that we really don't even know how the current school choice program is being implemented and what the impacts are, because the department simply, for whatever reason, is unwilling or incapable of -- we think more incapable -- doing the kind of data analysis about these existing programs that we're talking about; that can give you the kind of information that you need, that we all need, to make informed choices about how to reform them.

So I really want to lift that up. I think job number one is to -- is the Legislature needs to make a strategic investment in building the State's capacity to oversee these programs, to monitor them, to collect and analyze data, to provide reports on how they're impacting all these kinds of - - on this issue; dealing with some of the problems like we've heard from the superintendents of both Hamilton and Wildwood here. Unless we build that capacity and leadership at the State level, it's going to be-- As we've all said

here, over and over, these are difficult, complicated problems that are going to require a lot of nuanced data-driven solutions. If we don't have it, we're going to be continuing to walk in the dark, if you will.

So I think job number one is-- And I'm so glad that Senator Cryan has put that bill in. I think we need to have a conversation about what we can do to make sure that it's as strong as it needs to be to position the Department of Education to provide leadership, to provide guidance, to provide technical assistance, to provide expertise -- whether it's on community schools, school of choice, charter school, whatever it might be. There's a range of issues here, that we're talking about, that we simply don't have leadership at the State level that can give us the data, the information, the expertise that's needed by school administrators, by advocates, and particularly by you and your colleagues, to kind of make the informed decisions about how do we use the tools that we currently have more effectively, and what are some of the new tools that we need to consider in order to address this problem?

SENATOR CRYAN: Well the challenge is definitely there, David, that's for sure.

ASSEMBLYWOMAN JASEY: I'm writing notes as fast as I can. But we will get a transcript as well.

I believe Dean Wilson, and then Reverend Francois.

MR. WILSON: I would just like to advocate that we do more research on these important issues.

Myron has suggested an idea of looking at avenues of opportunity, and his charts have highlighted avenues of opportunity throughout the state. I've suggested that there are corridors of opportunity,

as well, that we can investigate; and clearly one of the things that we can look at is small district governance, and the sharing arrangements between school districts for high schools and elementary schools.

I think that's one of the areas where you can look at the idea of interdistrict public school choice, and you can investigate that and see if it's working or if it's not working, and look at it as a model for other school districts as we move forward.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you, I appreciate it. Reverend Francois, and then Superintendent Kummings.

MR. FRANCOIS: I want to underscore -- thank you so much, Chairwoman, I wanted to underscore something that you said.

I think that we have to see this as, yes, it is complicated; there's no question around that. Yes, there are going to be-- There are no light switches that you can turn on; I've heard that before in the public realm. But there is just a -- just to traffic in some Dr. King -- there must be an urgency to treat this, because there are children who are currently being condemned to *very* difficult living conditions and outcomes because of school segregation. And I say that to underscore the fact that we cannot wait for-- I think it would be irresponsible for us to wait for a ruling on this, when we have a progressive -- we have a courageous Legislature that can do the work of getting ahead of what may come out of the lawsuit.

I've said it again, and I believe I must say it *again*, is that we have Senator Cryan's Bill, that could use some amendments, that could make sure that the Department of Justice has the right teeth. We can do that now without a ruling. We have the School Consolidation Bill that has some

loopholes in it, currently, that could allow *more* segregation if we don't plug some of those up. Right now, when we think about this secessionist movement, there is a cabal of lawyers that are making a lot of money severing white school districts from majority Black and brown school districts. It is happening in Pleasantville -- it is potentially happening in Pleasantville with Absecon.

And what we need is, we need the kind of legislative teeth that says that this cannot happen; but also says that any type of consolidation arrangement has to be a regional approach. County won't always get it done for us. When I think about our schools in Atlantic County, we cannot have a real remedy that benefits Pleasantville, that benefits Abescon, without thinking about the Mainland district, which is one of the whitest districts, one of the most well-resourced districts. There has to be solutions that are broad-based; and we can make those kinds of moves, those decisions today.

We can make an impact on that kind of work today. I want to say this, and then I'm done. We held a demonstration in Somers Point on Sunday. And Somers Point is a part of the Mainland district. We had a demonstration of 100 people -- retired folk, seniors, veterans, children, rabbis, pastors -- and the Democratic Party called the police on us. And I'll just hang that out there. Peaceful protestors, primarily seniors, had the white police called on us simply because we understand that any remedy for segregation must include a regional approach that includes the most indigent of our schools, and also the more affluent of our schools, in the region.

And if we don't start thinking about regions in that way, that include the most wealthy and the most underserved, then we're still creating opportunities for white and middle class flight, and we're also

creating opportunities for districts like Pleasantville to be left behind. Here's the absolutely last word -- and it must be said -- that the majority of Black students in this state, three quarters of Black students in this state do not go to school in our central cities. They go to school in our suburbs; many of them resegregating suburbs.

So as we think about this, let's not forget that this is not just a Black issue, this is not just an urban issue. The suburban areas and the working-class white areas are also suffering from segregation.

ASSEMBLYWOMAN JASEY: Thank you, Reverend.
Superintendent Kummings.

MR. KUMMINGS: Thank you; I'll be short.

ASSEMBLYWOMAN JASEY: We have about 10 minutes left.

MR. KUMMINGS: David's comments earlier regarding resources for the DOE and the importance of Senator Cryan's bill.

We cannot put anything else on the DOE until that happens. And I'll give you an example, because I've been before you on other topics, and I'm looking at how all these things intersect and kind of lead to one place in many ways. But we recently took testimony on teacher shortages and diversity issues. Just to give you an idea of what we were told in October when we were checking up on certificates for some of our paraprofessionals that we were trying to get certificated -- we were told that they were working in October on applications submitted in July.

So it's not to say that people aren't working hard there and being effective in their roles. It's just that we don't have enough people there doing the work. And then we're talking about very comprehensive

monitoring systems that are needed that can be done now, before there's a decision from the lawsuit. And the power just isn't there; the labor is not there.

So when we're talking about this again, I just want to look forward, hoping that there will be a remedy. And I'm optimistic. This hearing I think gives me a lot of optimism that we're heading in that direction. We have control over things, but this issue is much bigger, and there needs to be things that happen after that. We do a lot of things to kids, we do very little for them. And so another theme, that I've been before you before, is on assessment. We're currently looking at the impact of the high school assessment on students this year, largely students of color that come from poverty. That's a piece of this. That's a piece of tracking students. That's a piece of putting them on a trajectory that's going to determine their outcomes later.

So we already know that it's not just segregation within the state, district-to-district. We have segregation within districts, where we have pockets of poverty that are placed into one building or one school. We have segregation within schools where we redline programs based on assessment scores, where we do not allow students into A.P. and Honors courses.

So again, this all comes back to resources in the DOE, and priorities. There needs to be very equity-focused monitoring systems in place -- that are comprehensive, that make sure that we're doing things for kids and not to them.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you, I think that was very well articulated, and I'm going to be following up with you.

We only have six minutes left. I want to give members a chance to weigh in or ask a question, make a comment, before we close out. And as I said at the beginning of the meeting, we will schedule a follow-up meeting -- because, I can't tell you, the notes are all over the place on my table here. But I'm glad that we have had this conversation and that we gathered this information this morning; and it's really telling me that we've got to get some things done immediately. Particularly, we need to take a look at the DOE and what's going on there, because-- Anyway.

Would any members like to speak before we close out?

Senator.

SENATOR CRYAN: Just a grateful thank you, Chairlady Jasey; and to all the speakers.

It clearly put it in perspective as to how much needs to be done. And grateful for the pass forward and grateful for the outline of where we are, and thank you everyone for the time today.

ASSEMBLYWOMAN JASEY: I would like to thank all of the speakers, as well, for taking the time to share information with us. I think we all come away with a better understanding of just how difficult this issue is, but also how urgent the issue is. And I think if there's anything coming positive out of the pandemic, it has really been shining a very bright light on issues and areas that need attention *now*.

And so with that, unless someone would like to make a comment, we will close out. And we will get all of the testimony to you as well.

(MEETING CONCLUDED)