

**APPENDIX**

**TESTIMONY OF EDUCATION LAW CENTER ON  
SCHOOL DESEGREGATION**

**JOINT COMMITTEE ON THE PUBLIC SCHOOLS**

**March 23, 2022**

Thank you, Assemblywoman Jasey and members of the Joint Committee, for the opportunity to testify on behalf of Education Law Center about the urgent need to desegregate New Jersey's intensely segregated public schools by both student race and socio-economic status.

The guarantee for all students of the right to a thorough and efficient education under the New Jersey Constitution rests on two distinct, but complementary, prongs: the right to adequate resources to meet state academic standards and the right to an education in a diverse learning environment.

Put simply, our Constitution obligates the State to ensure every child has the resources needed to succeed in their schools today, even if segregated. And the State is also obligated to break down the barriers to school segregation to afford students the opportunity to be educated among a diverse student body of their peers.

On the first prong, New Jersey, through interaction and cooperation of all three branches of state government spanning decades, has made great strides in providing the resources essential for students in racially isolated, high poverty districts to meet academic standards: from universal, high quality preschool to a K-12 weighted funding formula, and including rebuilding outmoded, unsafe school buildings.

Of course, like any historic project, much more must be done to fulfill the promise of "in-place equity." For example, while in 2008 we enacted a progressive school funding formula – the SFRA – it remains unfunded. And as a recent Education Law Center analysis found, the persistent state aid gaps in the SFRA disproportionately affect Black and Latino students. In fact, the amount currently spent to educate these students is far more likely to be well below adequacy, while white and Asian students typically attend schools that are at or above that level.

Yet, as we all know, work on effectuating the complementary right of students to be educated in a diverse learning environment has not just been abandoned by

successive governors and legislatures, it has never really started. And the absence of leadership and concerted action at the state level has, as the data starkly show, made our public schools even more segregated in recent decades.

The current state of affairs was succinctly summed up by Chief Justice Deborah Poritz in 2004, when commenting on New Jersey's consistent ranking among the most segregated states for Black students. She said: "We have paid lip service to the idea of diversity in our schools, but in the real world we have not succeeded."

Today, you'll hear from other speakers about the systemic and indefensible barriers that consign students to segregated schools, and the work underway by a broad coalition of advocates to dismantle those barriers. You will also hear about the statewide lawsuit challenging school segregation, *Latino Action Network vs. State of New Jersey*, whose attorneys, plaintiffs and supporters are seeking to enlist the judicial branch in a remedy to this unconscionable violation of our State Constitution.

But we would posit that the Legislature should not – and must not – wait for a court order to begin serious and sustained work on an issue so central to the right to education. Here are some immediate steps that the Legislature can take not only to prevent schools from becoming more segregated, but also to advance opportunities and options for students – Black, White, Latino and Asian – to enroll in and attend racially and socio-economically diverse schools:

1. School District Consolidation:

- The school district consolidation bill passed by the Legislature and signed by the Governor last year must be implemented to increase opportunities for school diversity, and not to create more segregated districts. Through the appropriate committees, the Legislature must undertake an active role in ensuring the Department of Education (DOE) fulfills its role under the law to staunchly defend against consolidations that exacerbate segregation to any degree and only support district mergers that contribute to a more diverse student enrollment.
- Existing law governing severance of send/receive relationships between districts needs to be revised to prohibit severance where it will in any way increase racial segregation, and only allow severance where it will advance diversity.
- Long overdue legislation is needed to move New Jersey's school system to consolidated K-12 districts, ending smaller K-6 and K-8 units of local school governance. These lower-grade-range districts are the product of a bygone era, no longer serving the educational and resource interests of students or the State in delivering education under uniform state standards. Consolidating these districts would have the added benefit of, in many cases, creating districts with a more diverse student enrollment.

## 2. State Leadership and Capacity:

Senator Cryan is sponsoring urgently needed legislation to establish a Division of School Desegregation in the DOE, expressly tasked with identifying the extent of racial and socioeconomic segregation of school districts as a means to promote diversity. We fully support the bill and have offered extensive amendments to strengthen the mission, responsibilities and budget of this new Division. These amendments are critical in light of our research documenting that the severe disinvestment and shortages in staff and other resources at the DOE has reached the crisis stage.

In the 1970s and 80s, the DOE had designated staff and experts working on racial and socioeconomic segregation and equity, publishing vital guidance, and offering technical assistance and support to districts and the Legislature on how to promote diversity within schools and at the district level. The DOE's Office of Equity also performed a crucial leadership role with lawmakers, parents and communities across the state to inform and engage the roots of the educational system in the difficult work of desegregation. That leadership, capacity and expertise is desperately needed now.

## 3. Retooling Existing Programs:

- Existing programs enacted by the Legislature in recent decades, including the interdistrict choice and charter school programs, as well as county vocational schools, provide a ready resource that can be deployed in the service of advancing school diversity. But, put bluntly, these programs do not operate to achieve this constitutional mandate. Rather, they perpetuate the same patterns of racial and socio-economic segregation in the districts they serve or draw students from. Statutory and regulatory changes are needed to utilize these programs to break down entrenched barriers to diversity. For just one example, we have long recommended that the charter school program law be amended to prioritize and incentivize the establishment of charter schools designed to serve multiple school districts with a racially and economically diverse student body.

Sixty-seven years ago, in a landmark desegregation case involving Plainfield's public schools, our Supreme Court made clear that, "in a society such as ours, it is not enough that the 3Rs are being taught properly. The children must learn to respect and live with one another in multi-racial and multi-cultural communities and the earlier they do the better. It is during their formative school years that firm foundations may be laid for good citizenship and broad participation in mainstream affairs."

Today, we are witnessing an unprecedented level of polarization, lack of discourse and community isolation that poses a grave threat to our very democracy. The Court's later admonition in 2004 that "students attending racially imbalanced schools are denied the benefits that come from learning and associating with students from different

backgrounds, races and cultures" is now a more compelling challenge than ever. Now, more than ever, our state needs to take up that challenge.

We know that diversity in our schools benefits all students – Black, White, Brown and Asian. They benefit from learning together, associating and interacting with one another, and learning the core human values of respect and tolerance for our differences. It is part and parcel of – not separate from – what a thorough and efficient education means in our great state.

It's time for all of us to fully embrace this task. Today's hearing must not be the end but rather the start of our collective efforts to fully effectuate the full entitlement of our students to a constitutional education. Let the journey begin.

4x



## Testimony of Building One New Jersey to the Joint Committee on the Public Schools Pastor Willie D. Francois, III.

March 23, 2022

Let me start by thanking Chairwoman Jacey and the entire Joint Committee, and especially Senator Joe Cryan for initiating this conversation by taking the bold step of introducing legislation this year aimed squarely at the issue of school segregation with Senate Bill 820.

Our group, the Coalition Against Racial Exclusion a part of Building One America, has thought a lot about this issue and has built support while receiving input throughout the state (and nationally) from experts, practitioners, and constituency leaders for our recommendations.

I will attempt to summarize our specific recommendations for legislative action which has or will be reinforced by other witnesses who are also our partners and advisors including professors Orfield and Wilson, Superintendents Rocco and Kummings as well as the Mainland Pleasantville NAACP and, of course, the Education Law Center.

We want to reinforce the statement by Sharon Kregel that the legislature *and the Governor* must not wait for a court ruling before tackling a problem this important and this critical.

The motivation and opportunities to do this now are threefold.

**One:** You do not want the courts to impose a remedy. It's not their job and they will get it wrong.

**Two:** We are facing a catastrophe of post-pandemic learning loss. Early data shows what should be no surprise. Too many children in segregated schools are falling further behind than ever before.

**Three:** The political opportunity is *now*. While *intense* segregation by race and class is getting worse, diversity has been spreading throughout the suburbs. New Jersey's diverse middle-class suburbs *have a self-interest* in combating segregation and therein lies the opportunity for broad-based, multi-racial, and even bipartisan support for a meaningful and lasting legislative approach.

### Here are our principles for ending school segregation in New Jersey.

- *A school integration plan must involve everyone. It must be statewide & involve entire regions [1] if it is to shut off doors to "flight".*
- *It must use a demographic and "opportunity" [2] analysis to set achievable & fair goals for integration.*
- *The aim must be to incentivize & push all districts, schools, classrooms, and even faculty to better reflect the diversity of their regions & the state.*

5x

**The specific legislative tools can include the following:**

1. Reform & strengthen the DOE's civil rights capacity so it can develop a desegregation plan & has the power, funds, mandate, and expertise to enforce it. We can start by amending & passing S820 sponsored by Senator Joe Cryan.
2. End secessions. Ban the terminating of any more regional send-recv arrangements or the dissolution of unified districts. Amend the new School Consolidation Bill to prohibit secessions while requiring an affirmative obligation to promote integration.
3. Expand & strengthen the state school funding formula to reward & incentivize diverse & integrated schools in cities *as well as* our many diverse, middle-class suburbs.
4. Direct & increase school aid to support & incentivize local integration & desegregation best practices where diversity already exists, especially in our many diverse suburbs.

*Places like South Orange/Maplewood, Woodbridge, Hamilton, and Galloway already reflect the diversity of their region and the state. These places need carrots, not sticks, to become beacons of diversity and supporters of integration.*

*Bill S354 which establishes School Funding Formula Evaluation Task Force should make integration a goal of school funding.*

5. A desegregation plan must be based on a thorough analysis of racial as well as economic factors including a district's property tax capacity.
6. Reform the Interdistrict Public School Choice program to be a *mandatory* tool to help districts achieve integration goals across district boundaries within regions.
7. Require charter schools to be fully integrated and to meet integration goals based on *regional demographics not their district or neighborhood.*
8. Designate & support pro-integration magnet schools & require county schools to meet regional economic & racial integration goals.
9. We can strengthen the Fair Housing Act to increase *Mount Laurel* obligations on "far flung" communities that maintain exclusionary schools and lesson affordable housing obligations for diverse districts that meet integration goals.

**Caveats:**

- a) *Avoid short-term quick-fixes, especially costly expenditures in place of true inclusion. Separate is never equal and it's very costly to taxpayers.*
- b) *Don't Blame the Victim. NJ's high poverty districts did not create segregation and their students did not choose it. They should not bear the burden of fixing it.*
- c) *Not all suburban & urban districts are the same; we must consider the relative diversity & fiscal capacity of all districts.*
- d) *Do No Harm - Best intentions often bring harmful consequences, including well-meaning proposals such as:*
  - County consolidation. Most NJ counties will not capture a diverse enough area to stop white flight.
  - Simply removing district boundaries would only accelerate flight & deepen segregation.
  - Magnet & vocational schools (or charters) should not be allowed to create new layers of exclusion. They must all meet meaningful goals for reflecting the economic & racial mix of their region.

[1] *Regions* are defined as geographical areas large enough to capture both the highest & lowest opportunity type districts within a Metropolitan Statistical Area.

[2] *Opportunity* is defined by social & economic factors such as income, wealth, quality schools, jobs & tax base.

Gx

Joint Committee on the Public Schools  
New Jersey State House P.O. Box 098  
Trenton, NJ 08625-0098

March 23<sup>th</sup>, 2022

RE: Integrating New Jersey's Public Schools

Members of the Joint Committee on the Public Schools,

My name is Kenyon Kummings, and I am the Superintendent for Wildwood Public Schools (WPS). I am also the President for Great Schools New Jersey (GSNJ) representing school districts in NJ who have 40% or more of their students eligible for free and reduced lunch.

As you are aware, our district is a plaintiff intervenor in the lawsuit *Latino Action Network v. State of New Jersey, et al.* filed in May of 2018. WPS has a high percentage of economically disadvantaged students and is racially and ethnically diverse. Our district is unique in that we continuously have one of the highest percentages of students living below the poverty line in New Jersey (50%). We have a high special education population (24%), as well as a large number of English Language Learners (35% through 8<sup>th</sup> Grade). As such, our students and community are well aware of the structures that perpetuate a segregated public education system within our State and local community.

We realize that today's hearing is largely focused on the process and mechanisms needed to move our education system toward full integration. We do not have a recommendation for how to effectively and efficiently do so. However, our decision to become party to this lawsuit was inspired by our commitment to diversity and further motivated by our desire to let the State know that our personal experience is that publicly funded avenues for New Jersey's students - New Jersey's Interdistrict Public School Choice Program, Charter Schools, Magnet Schools, and Vocational/Technical (Vo-Tech) Schools can lead students away from their local school district, and thus in some circumstances, are not an appropriate per se solution for integration.

We do not argue that these cannot be a mechanism for a solution to integration, nor do we claim that these entities are part of a larger plot to segregate schools, or that families pursue enrollment in them for reasons other than facilitating the best possible education for their children. In simple terms, our position is that New Jersey should not consider any intervention as a solution for this problem unless a structure is in place to measure and monitor its impact to the problem, and ensure that it is not creating new problems.

7x

To date, we are not able to find a publicly accessible dataset that measures and monitors the impact on the demographics of the enrollment in both sending and receiving districts when these alternative choices are utilized. If this is the case, as we believe it to be, how is our State certain that Choice, Charter, Magnet, and Vo-Tech programs are not perpetuating conditions of segregation within our public school system? Many of these schools have been in place for decades, so a retroactive inquiry into this question should be possible given the copious amounts of data that districts are required to annually submit to the New Jersey Department of Education.

Our experience locally is that New Jersey's Interdistrict Public School Choice Program impacts our demographics. Our district is the only P-12 comprehensive high school district in Cape May County that does not have a Choice program. We conducted an inquiry into the impact to our demographics caused by the other Interdistrict Public School Choice Programs in our county along with our county Vo-Tech school. We found that we lose a significant portion of our potential enrollment, and that it is overwhelmingly White. Using these findings we argued that the Interdistrict Public School Choice Program was and is responsible for negatively impacting diversity, funding, equity and opportunity for our district. This nine page analysis (attached) and request for our district to be included in New Jersey's Interdistrict Public School Choice Program was submitted twice to the NJDOE in the past two years. It has been rejected twice.

Going forward, we are available to discuss potential solutions to the issue of integration of our public schools. Again, we caution that any intervention be thoroughly vetted prior to implementation, and have a comprehensive system of measurement and monitoring in place prior to being deployed.

Sincerely,



J. Kenyon Kummings, Superintendent

Attachments: WPS letter to NJDOE (May 4, 2020)  
NJDOE Denial letter to WPS (May 27, 2020)  
WPS letter to NJDOE (May 4, 2021)  
NJDOE Denial letter to WPS (June 2, 2021)

8x



*J. Kenyon Kummings, Superintendent  
Wildwood Public Schools  
4300 Pacific Avenue  
Wildwood, New Jersey 08260  
Phone: 609-522-4157 Fax: 609-523-8161*

## Wildwood Public Schools

May 4, 2020

RE: Wildwood Public Schools Request for Designation as a Choice District within the New Jersey Interdistrict Public School Choice Program

Assistant Commissioner Abdulsaleem Hasan,

In February of 2020 I had written you and our Executive County Superintendent, Dr. Destefano-Anen regarding our request for choice seats for Wildwood Public Schools (Wildwood City). The most recent response to this request to begin a dialogue on this subject was to create a more formal request that includes a deeper analysis and rationale. We realize that these are very trying times, as Governor Murphy has just announced today that schools will remain closed for the remainder of the academic year due to the pandemic. In light of these circumstances, we are extremely appreciative that the New Jersey Department of Education is giving us a forum to advocate that we be included in the Interdistrict Public School Choice Program. The results of our analyses and our explanation for our request are in the following pages.

Sincerely,

J. Kenyon Kummings, Superintendent

Cc:

Judith DeStefano, Ed.D.

Daryl Minus-Vincent

9x

**Wildwood Public Schools**  
**Request for Designation as a Choice District within the**  
**New Jersey Interdistrict Public School Choice Program**

**Executive Summary**

The Wildwood Public School District is the only PK-12 district in Cape May County that is currently denied the opportunity to be a choice district. The lack of choice designation impacts the children of Wildwood and Cape May County in distinct ways: 1) demographic imbalances, 2) educational equity, 3) academic opportunity, and 4) financial loss.

- The Wildwood School District is the only PreK-12 district in the county whose demographics approach an 80-20 split, with almost 80% of students identifying as non-Caucasian. Approximately 85% of resident students are eligible for free or reduced price lunches. In contrast, the other two PreK-12 “choice districts” have resident student demographic makeups of approximately 20-80, and 35-65 in which almost 80% and 65% of their students, including the vast majority their choice students, identify as Caucasian. The two PreK-12 choice districts in Cape May County have only approximately 14% and 40% of their students eligible for free or reduced price lunches.
- The fact that most “choice students” are Caucasian, entering choice districts that are majority Caucasian, creates a situation in which students cannot receive the recognized benefits of diversity in education in Cape May County’s existing PreK-12 districts.
- The New Jersey Department of Education explains some of the benefits that the choice program has on educational equity on its *Interdistrict Choice* website: “**Choice programs might have smaller class sizes, increased instructional time, and a school culture more conducive to a student's success in school.**” Wildwood checks off all the boxes in terms of the benefits advertised by the New Jersey Department of Education.
- The Wildwood Middle School and High School have smaller class sizes compared to the existing choice schools in the county. Smaller classes allow greater personalization of instruction. The small class sizes and smaller size of the high school and middle school create a culture akin to that of a private school. Access to high quality educational options will be especially important to people whose private schools are affected by the Covid-19 economic collapse and recession. Some parents will no longer be able to afford private school tuition and some private schools in the county will close their doors.
- The Wildwood High School was designated a *National Blue Ribbon School* by the United States Department of Education, in 2013 and it offers several innovative programs that are not available at other schools in the county.
- The data show that the Interdistrict Public School Choice program reduces our potential enrollment by 10% of our current enrollment. The Technical High School takes 33%, which causes a total potential enrollment drain of 43.67% (107 students). Combined with the S2

10x

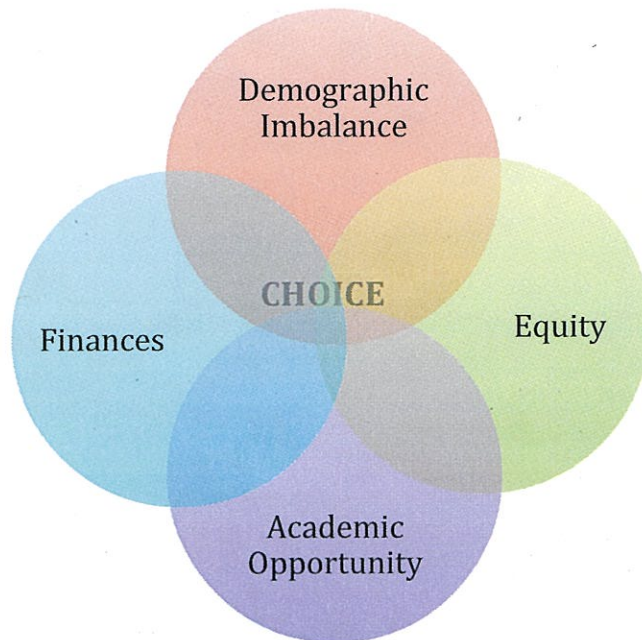
legislated budget cuts, Wildwood stands to lose approximately 3-million dollars over the next five years.

### Introduction

The Wildwood Public School District formally requests that the Commissioner of the New Jersey Department of Education designate the district a “Choice District” under the *New Jersey Interdistrict Public School Choice Program*. The Wildwood Public School District is the only PreK-12 district in Cape May County that has not been granted “Choice District” status. The Wildwood School District seeks an equitable distribution of 25 choice seats.

### Problem

The lack of choice designation impacts the children of Wildwood and Cape May County in distinct ways: 1) demographic imbalance, 2) educational equity, 3) academic opportunity, and 4) financial loss.



Wildwood students who choose to remain in Wildwood attend school in an environment that is majority non-Caucasian, whereas choice districts are majority Caucasian. Students in Wildwood and students in Cape May County are denied the access to a racially and ethnically integrated learning environment. Students in Cape May County are also denied access to the various programs that Wildwood offers that are not offered otherwise in the county.

The enrollment drain placed on Wildwood as a result of not having a choice program limits the number of new programs that the high school can implement because the per-pupil cost of running some programs is too high due to low enrollment. For example, the per pupil cost of running an AP Physics course with two students is about 400% higher than running it with eight students. Wildwood is also impacted financially through lost enrollment due to the current funding formula and S2. Wildwood is drained of students without any mechanism to bring in new students. In essence, there are many ways for resident students to leave the island, but no way for non-resident students to access the educational opportunities that exist there.

### Demographic Imbalance

One of the benefits of school choice promoted by New Jersey Department Education on the *Interdistrict Choice* website states, ***“The addition of students with different backgrounds and perspectives from those of the district’s resident students also can enrich the school community.”*** The New Jersey Department of Education clearly views choice as one mechanism to help address demographic imbalances that might exist within districts.

The Wildwood School District is the only PreK-12 district in the county whose demographics approach an 80-20 split, with almost 80% of students identifying as non-Caucasian. Approximately 85% of resident students are eligible for free or reduced price lunches. The districts that have been awarded choice status in Cape May are all “whiter” and “wealthier” than the Wildwood Public School District. The vast majority of students who access the choice program in Cape May County are also white and less poor. The choice program as currently configured in Cape May County seems to violate the published aspirations of the Interdistrict Choice Program.

The fact that most “choice students” are Caucasian, entering choice districts that are majority Caucasian, creates a situation in which students cannot receive the recognized benefits of diversity in education in Cape May County’s existing PreK-12 districts. Students in Cape May County who are not residents of Wildwood City have no mechanism by which to choose a diverse educational setting. Hence, they are unable to benefit from such a setting. Likewise, the vast majority of families and students who choose to stay in Wildwood are denied the opportunity to learn in a racially and ethnically diverse and integrated school environment.

If providing students with the opportunities to develop academically, socially, and emotionally in diverse environments is a stated goal of the choice program, the current situation in which the least racially diverse school district in Cape May County is denied the mechanisms necessary to diversify is untenable. Through the variety of pathways created by the State, including choice, and the Vocational-technical school, the effect on diversity of the Wildwood student body is profound. A great disparity exists in which non-minority families have at least four routes to leave the Wildwood School District and exacerbate the demographic imbalances that already exists, yet there is no way for families that value diverse settings and understand the important learning that takes place in such settings to access Wildwood.

## Equity

The dictionary definition of equity includes a sense of fairness and freedom from bias and/or favoritism. In education, equity is generally defined and operationalized as ensuring that every child has an equal chance of success. Three specific components are required for children to have equal chances of educational success: 1) access, 2) support, and 3) resources.

The New Jersey Department of Education explains some of the benefits to educational equity brought about by the choice program on its *Interdistrict Choice* website: ***“The Public School Choice Program benefits students and parents, as well as the choice districts. Choice programs might have smaller class sizes, increased instructional time, and a school culture more conducive to a student's success in school.”*** Wildwood checks off all the boxes in terms of the benefits advertised by the New Jersey Department of Education.

The Wildwood Middle School and High School have smaller class sizes compared to the existing choice schools in the county. Smaller classes allow greater personalization of instruction. The small class sizes and smaller overall size of the high school and middle school create a culture akin to that of a private school. The hallways and common areas are safe and orderly, discipline is consistently maintained, and the teachers know all their students on an individual level. Teachers are able to better meet the individual needs of students. Parents consistently rank small class size as something they value in education and is one of the historically consistent advantages of the education offered at Wildwood High School and Middle School.

Furthermore, another equity related benefit of choice advocated by the New Jersey Department of Education is that it provides access to different educational programs: ***“Many choice districts have established specialized and innovative programs and courses that focus on areas such as the arts, math and technology, and are open to students who meet the eligibility requirements of the special programs. Opening enrollment to students outside the district can bring in more students interested in taking advantage of these special programs and courses, allowing both the programs and students to grow and flourish.”*** Again, Wildwood checks off the boxes for access to special programs, and support to be successful in those programs, as promoted by the Department of Education.

## Academic Opportunity

The Glenwood Avenue Elementary School has a fully integrated Spanish bilingual kindergarten to second grade program and an intensive ESL program in grades 3 – 12. As the demographic changes of Cape May County continue to reflect a growing Latino population, first generation immigrants search for quality education opportunities for their children. A Spanish bilingual early childhood program is an advantage to students whose home language is Spanish. The district is the only one in Cape May County to offer bilingual programs and is locally viewed as a model to emulate in the development of effective programs for English Learners.

The district is home to a comprehensive 21<sup>st</sup> Century Community Learning Center after-school grant program. The program provides after-school programming and food service to students in grades 3-12. The program includes academic content, social and emotional learning, and project-

based programming. Many parents seek high quality after school programs for their students as alternatives to traditional for-profit child-care. The Wildwood after school program is free of charge to all students.

The Wildwood High School was designated a *National Blue Ribbon School* in 2013 and has a lower chronic absenteeism rate and higher percentages of students enrolled in dual-credit courses than the other choice high schools. Wildwood High School offers several innovative programs. Wildwood High School offers CTE programs that either cannot be found in Cape May County or include advantages that similar CTE programs do not have. For example, Wildwood High School offers an accredited Culinary Arts program that provides students a direct pipeline to Atlantic-Cape Community College in a small class setting. Students earn college credit in high school and Wildwood students are also automatically eligible for acceptance into ACCC. The class sizes are small and students are taught by a former chef who is also a college instructor at ACCC. The Culinary Arts program also features a fully functional on-site Café where students learn both the front end and back end of the restaurant business. In addition, we also have internship placements at the restaurants owned and operated by the Morey's Pier Corporation, the largest employer on the island. The proximity of the school to the restaurants and affords students easy access to internship opportunities.

The 21<sup>st</sup> CCLC after school program offers an integrated, farm to table, garden and greenhouse program which supplies produce to after school, summer school, and high school CTE culinary arts programs. The students grow vegetables, learn about culinary arts and nutrition, and supply produce to the Wildwood High School Warrior Café restaurant that is then served to the restaurant patrons from the school and surrounding community. Extra produce is also supplied to local school families. The 21<sup>st</sup> CCLC elementary and middle school *Farm to Table* program acts as a pre-teaching and feeder program for the high school culinary arts program.

Wildwood High School has a Law Enforcement CTE program. The program provides students with Class I Officer certification upon completion. The district has an agreement with the Wildwood Police Department that allows students in the program to be placed as Class I Officers during the busy summer season. The Class I experience provides the students with an advantage over other students who do not have that experience but want to pursue a career as a police officer. It should be noted that every graduate of this program thus far left the program with a NJDOE *Seal of Bi-literacy*.

We are in the process of creating two additional CTE programs. First, Wildwood High School is designing a Building Construction Technology CTE program. Wildwood High School is one of the only high schools in Cape May County to have a fully functional industrial technology workshop/lab with state of the art design and manufacturing equipment and qualified teacher. We have an existing industrial arts program and our students recently built a fully functional "tiny house" where students experiences every stage of the design and build. Our Building Construction Technology program will connect students to local unions and provide them nationally recognized credentials while preparing them for employment after graduation.

14x

Our *Tomorrow's Teachers* program will provide aspiring teachers with three years of coursework in child psychology and instructional methodology. The program will be run in collaboration with Stockton University and students will receive advanced standing in admissions decisions. Given that approximately 80% of Wildwood's resident students are non-white, and many are bilingual in Spanish and eligible for the NJDOE *Seal of Bi-literacy* credential upon graduation, we see this program as an important pipeline for the development of minority teachers, an aspiration held by the current Commissioner of Education. Wildwood High School currently houses a state funded full day preschool classroom which will serve as a lab classroom to provide structured learning experiences for Tomorrow's Teachers students.

Access to high quality educational options will be especially important to those families whose private schools are affected by the Covid-19 economic collapse and recession. Some parents will no longer be able to afford private school tuition and some private schools in the on the island and in the state have announced that they will close their doors at the conclusion of the 19-20 school year. It will be important to have an expanded inventory of choice seats in the county.

### Enrollment & Financial Loss

According to our latest demographic study conducted by Stockton University, the enrollment of the Wildwood High School is expected to decrease by at least an additional 29 students beyond the 107 we currently lose each year to choice and Cape May Tech. That represents an additional drop of about 10% of the enrollment within the next five years. According to Stockton University, the additional drop will be brought on by housing pattern shifts and declining birth rates in the sending districts of North Wildwood, West Wildwood, and Wildwood Crest.

<b>Wildwoods Choice Analysis 2019-2020</b>						
		<b>Universe for WHS</b>				
<b>District</b>	<b>LCMR</b>	<b>MTPS</b>	<b>OCPS</b>	<b>TECH</b>	<b>Choice Total</b>	<b>Total</b>
<b>WPS</b>	7			29	7	36
<b>NWW</b>	8	3	2	30	13	43
<b>WWC</b>	4		2	22	6	28
<b>Total</b>	19	3	4	81	26	107
<b>Potential Enrollment for WHS</b>						
<b>Current WHS Enrollment</b>	<b>Choice %</b>	<b>Tech %</b>	<b>Choice/Tech %</b>			
245	10.61%	33.06%	43.67%			
*Per 2019 NJSMART snapshot						

LCMR- Lower Cape May Regional School District  
WPS- Wildwood Public Schools  
NWW- North Wildwood  
WWC – Wildwood Crest  
MTPS- Middle Township Public Schools  
OCPS – Ocean City Public Schools  
TECH – Cape May Technical High School  
WHS – Wildwood High School

The data show that the Interdistrict Public School Choice program reduces our potential enrollment by an additional 10%. The Technical High School takes 33%, which causes a total potential enrollment drain of 43.67% (107 students).

Enrollment is a significant component of the SFRA, and any program that leads to a reduction in enrollment has a damaging effect on the students of the Wildwood Public Schools due to reduced resources available to the district. The impending loss of enrollment coupled with the S2 budget

16x

cuts will have a devastating impact on the families and students who choose to remain at the Wildwood School District.

The addition of 25 choice seats will help to make up for the expected enrollment decline of at least 29 students from sending districts and provide Wildwood with the only funding possibility to partially offset an anticipated loss of almost \$580,000 a year from enrollment declines, plus the approximate 1.2 million dollar anticipated cumulative loss through S2 legislation. Wildwood is projecting an annual revenue shortfall of at least 1.8 million dollars within the next five years. This figure does not take into account the aid lost from Wildwood residents participating in the Choice Program. The loss of funding will severely impact educational equity for the children and families of Wildwood.

The New Jersey Department of Education has made it clear that the choice program is one mechanism to help deal with declining enrollment. The Department wrote on its *Interdistrict Choice* website: *"The state also has many small districts and schools that sometimes experience population shifts that result in budget crunches. Opening enrollment beyond the district's boundaries can alleviate the effects of these shifts and bring greater stability to operations, since choice students bring additional funding to the district."*

#### **Academic Opportunities**

The enrollment drain placed on Wildwood as a result of not having a choice program limits the number of AP programs that the high school can implement. The per-pupil cost of running some programs becomes too high due to low enrollment. For example, the per pupil cost of running an AP Physics course with two students is about 400% more than running it with eight students. Low enrollment coupled with the financial ramifications of S2 will make it difficult to achieve educational equity in Wildwood.

The addition of 25 students at the high school could allow the school to offer an additional four to six AP courses per year. Currently we can only run some AP courses every other year. This limits the number of AP courses Wildwood students can take over their high school career and severely impacts equity compared to the choice districts.

## Summary

The Wildwood Public School District is the only PK-12 district in Cape May County that is currently denied the opportunity to be a choice district. The existing choice districts have a student body made up of a majority of white students. Wildwood is about 80% non-white, with Latino students making up the largest percentage of the population. Statewide, over 230,000 Latino students, 62%, attend schools that are 75% or more non-white.

The New Jersey Department of Education has made it clear that one important benefit of the choice program is diversity within the school environment: ***“The addition of students with different backgrounds and perspectives from those of the district's resident students also can enrich the school community.”*** Many of the students in Cape May County do not receive that benefit because they attend majority-white districts and schools.

Equity, specifically access to educational opportunity, is also a hallmark of the choice program. Currently, thousands of students within Cape May County do not have access to the unique and special education programs in the Wildwood School District. Providing 25 choice seats will increase equity within the county.

The addition of 25 choice seats will help to partially offset the damaging financial impacts of S2 and declining enrollment trends in the Wildwood sending districts. The additional students will also provide the basis for increasing the course offerings at Wildwood High School, which will help to bring some parity with other choice districts in terms of AP course offerings.

The children and families of Wildwood deserve the same choice opportunities as their wealthier and whiter counterparts in Cape May County. We see no downside to any students in Cape May County or Wildwood by granting the Wildwood School District at least 25 choice seats.

18x



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

LAMONT O. REPOLLET, Ed.D.  
Commissioner

May 27, 2020

J. Kenyon Kummings, Superintendent,  
Wildwood Public Schools  
4300 Pacific Avenue  
Wildwood, New Jersey 08260  
[jkummings@wwschools.org](mailto:jkummings@wwschools.org)

Dear Mr. Kummings,

Thank you for your request for designation as a choice district and for meeting with us on May 5, 2020, to discuss the specific circumstances affecting student enrollment and funding for Wildwood Public Schools.

I regret to inform you that your request has been denied. The New Jersey Department of Education (NJDOE) has not opened the district application process since the 2014-2015 school year because State funding has not been available for expanding the number of choice districts and choice seats.

Thank you again for the report that you provided and for sharing the input of sending districts – the data and feedback that we receive directly from school districts are vital as we continually evaluate the choice program and plan for its future.

In the future, if a decision is made to accept district applications for expansion of the choice program, we will notify you along with other districts throughout the state. Please keep in mind that choice districts begin the student application process in the fall of the school year preceding the year in which choice students enroll.

Sincerely,

Jessani Gordon, Director  
Office of Interdistrict Choice and Nonpublic School  
Programs

c: Kevin Dehmer, Assistant Commissioner, Finance  
AbdulSaleem Hasan, Assistant Commissioner, Field Services  
Daryl Minus-Vincent, Deputy Assistant Commissioner, Field Services  
Judith DeStefano, Interim Executive County Superintendent  
Paula Bloom, Director, Field Services



*J. Kenyon Kummings, Superintendent  
Wildwood Public Schools  
4300 Pacific Avenue  
Wildwood, New Jersey 08260  
Phone: 609-522-4157 Fax: 609-523-8161*

## Wildwood Public Schools

May 4, 2021

RE: Request for Designation as a Choice District within the New Jersey Interdistrict Public School Choice Program (SECOND REQUEST)

Commissioner Allen-McMillan,

One year ago today, we requested that the New Jersey Department of Education (NJDOE) grant Wildwood Public Schools a minimum of 25 choice seats via the New Jersey Interdistrict Public School Choice Program (NJIPSCP). We provided a nine page analysis detailing this need with respect to funding, diversity, equity, and academic opportunity. All of these tenets have been amplified by the pressures created from the pandemic, in addition to the fact that our district is slated to receive yet another substantial cut to state funding as a result of S2.

Additionally, the more our District personally learns during the ongoing discovery phase as an active plaintiff-intervenor in the Latino Action Network et al. v. The State of New Jersey et al., 1076-18 (NJ. Law. Super. Div, 2018) lawsuit, it becomes clearer that the NJIPSCP is perpetuating racial and economic segregation, specifically as it relates to our demographics.

The NJDOE's response to our request in the letter dated May 27, 2020 states, "The New Jersey Department of Education (NJDOE) has not opened the district application process since the 2014-2015 school year because State funding has not been available for expanding the number of choice districts and choice seats. However, in speaking with colleagues who operate NJIPSCP's, it appears that the NJDOE's statement is inaccurate -in that districts that participate in the NJIPSCP can petition to expand their programs via additional seats- and have been successful in doing so since 2015.

The above information leads us to conclude that the program is, in fact, growing. It is a glaringly inequitable circumstance that the only high poverty urban high school in Cape May County, in the city with the highest percentage of poverty for school aged children, continues to be the victim of a state funded program to decrease its enrollment, with no mechanism to replenish it. While this may not have been done with racist intentions it is a form of systemic racism.

Therefore, we again respectfully request you revisit our request. We certainly appreciate that these are very trying times and that resources are being prioritized to open all schools to in-person learning in the Fall, but in the educational interest of our students we believe this issue needs to be revisited. The following pages include our original cover letter, analyses, and the initial NJDOE response denying our previous request.

Sincerely,

J. Kenyon Kummings  
Superintendent

20x



*J. Kenyon Kummings, Superintendent  
Wildwood Public Schools  
4300 Pacific Avenue  
Wildwood, New Jersey 08260  
Phone: 609-522-4157 Fax: 609-523-8161*

## Wildwood Public Schools

May 4, 2020

RE: Wildwood Public Schools Request for Designation as a Choice District within the New Jersey Interdistrict Public School Choice Program

Assistant Commissioner Abdulsaleem Hasan,

In February of 2020 I had written you and our Executive County Superintendent, Dr. Destefano-Anen regarding our request for choice seats for Wildwood Public Schools (Wildwood City). The most recent response to this request to begin a dialogue on this subject was to create a more formal request that includes a deeper analysis and rationale. We realize that these are very trying times, as Governor Murphy has just announced today that schools will remain closed for the remainder of the academic year due to the pandemic. In light of these circumstances, we are extremely appreciative that the New Jersey Department of Education is giving us a forum to advocate that we be included in the Interdistrict Public School Choice Program. The results of our analyses and our explanation for our request are in the following pages.

Sincerely,

J. Kenyon Kummings, Superintendent

Cc:

Judith DeStefano, Ed.D.

Daryl Minus-Vincent

21X

**Wildwood Public Schools**  
**Request for Designation as a Choice District within the**  
**New Jersey Interdistrict Public School Choice Program**

**Executive Summary**

The Wildwood Public School District is the only PK-12 district in Cape May County that is currently denied the opportunity to be a choice district. The lack of choice designation impacts the children of Wildwood and Cape May County in distinct ways: 1) demographic imbalances, 2) educational equity, 3) academic opportunity, and 4) financial loss.

- The Wildwood School District is the only PreK-12 district in the county whose demographics approach an 80-20 split, with almost 80% of students identifying as non-Caucasian. Approximately 85% of resident students are eligible for free or reduced price lunches. In contrast, the other two PreK-12 “choice districts” have resident student demographic makeups of approximately 20-80, and 35-65 in which almost 80% and 65% of their students, including the vast majority their choice students, identify as Caucasian. The two PreK-12 choice districts in Cape May County have only approximately 14% and 40% of their students eligible for free or reduced price lunches.
- The fact that most “choice students” are Caucasian, entering choice districts that are majority Caucasian, creates a situation in which students cannot receive the recognized benefits of diversity in education in Cape May County’s existing PreK-12 districts.
- The New Jersey Department of Education explains some of the benefits that the choice program has on educational equity on its *Interdistrict Choice* website: **“Choice programs might have smaller class sizes, increased instructional time, and a school culture more conducive to a student's success in school.”** Wildwood checks off all the boxes in terms of the benefits advertised by the New Jersey Department of Education.
- The Wildwood Middle School and High School have smaller class sizes compared to the existing choice schools in the county. Smaller classes allow greater personalization of instruction. The small class sizes and smaller size of the high school and middle school create a culture akin to that of a private school. Access to high quality educational options will be especially important to people whose private schools are affected by the Covid-19 economic collapse and recession. Some parents will no longer be able to afford private school tuition and some private schools in the county will close their doors.
- The Wildwood High School was designated a *National Blue Ribbon School* by the United States Department of Education, in 2013 and it offers several innovative programs that are not available at other schools in the county.
- The data show that the Interdistrict Public School Choice program reduces our potential enrollment by 10% of our current enrollment. The Technical High School takes 33%, which causes a total potential enrollment drain of 43.67% (107 students). Combined with the S2

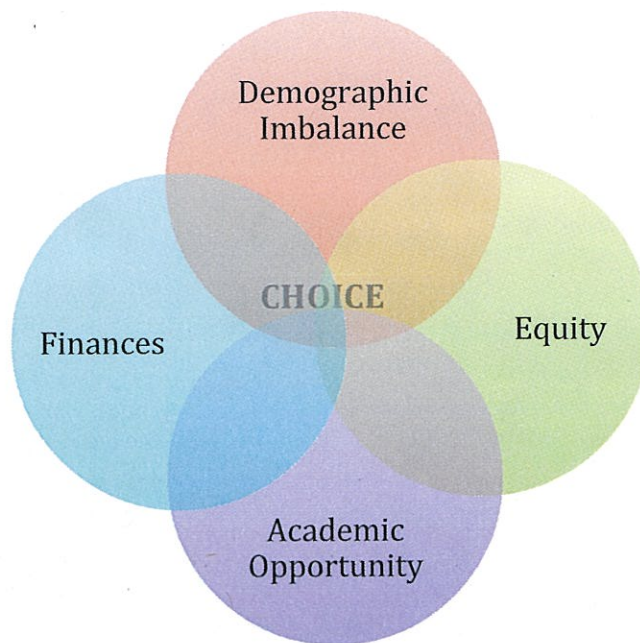
legislated budget cuts, Wildwood stands to lose approximately 3-million dollars over the next five years.

### Introduction

The Wildwood Public School District formally requests that the Commissioner of the New Jersey Department of Education designate the district a “Choice District” under the *New Jersey Interdistrict Public School Choice Program*. The Wildwood Public School District is the only PreK-12 district in Cape May County that has not been granted “Choice District” status. The Wildwood School District seeks an equitable distribution of 25 choice seats.

### Problem

The lack of choice designation impacts the children of Wildwood and Cape May County in distinct ways: 1) demographic imbalance, 2) educational equity, 3) academic opportunity, and 4) financial loss.



Wildwood students who choose to remain in Wildwood attend school in an environment that is majority non-Caucasian, whereas choice districts are majority Caucasian. Students in Wildwood and students in Cape May County are denied the access to a racially and ethnically integrated learning environment. Students in Cape May County are also denied access to the various programs that Wildwood offers that are not offered otherwise in the county.

The enrollment drain placed on Wildwood as a result of not having a choice program limits the number of new programs that the high school can implement because the per-pupil cost of running some programs is too high due to low enrollment. For example, the per pupil cost of running an AP Physics course with two students is about 400% higher than running it with eight students. Wildwood is also impacted financially through lost enrollment due to the current funding formula and S2. Wildwood is drained of students without any mechanism to bring in new students. In essence, there are many ways for resident students to leave the island, but no way for non-resident students to access the educational opportunities that exist there.

### **Demographic Imbalance**

One of the benefits of school choice promoted by New Jersey Department Education on the *Interdistrict Choice* website states, ***“The addition of students with different backgrounds and perspectives from those of the district's resident students also can enrich the school community.”*** The New Jersey Department of Education clearly views choice as one mechanism to help address demographic imbalances that might exist within districts.

The Wildwood School District is the only PreK-12 district in the county whose demographics approach an 80-20 split, with almost 80% of students identifying as non-Caucasian. Approximately 85% of resident students are eligible for free or reduced price lunches. The districts that have been awarded choice status in Cape May are all “whiter” and “wealthier” than the Wildwood Public School District. The vast majority of students who access the choice program in Cape May County are also white and less poor. The choice program as currently configured in Cape May County seems to violate the published aspirations of the Interdistrict Choice Program.

The fact that most “choice students” are Caucasian, entering choice districts that are majority Caucasian, creates a situation in which students cannot receive the recognized benefits of diversity in education in Cape May County’s existing PreK-12 districts. Students in Cape May County who are not residents of Wildwood City have no mechanism by which to choose a diverse educational setting. Hence, they are unable to benefit from such a setting. Likewise, the vast majority of families and students who choose to stay in Wildwood are denied the opportunity to learn in a racially and ethnically diverse and integrated school environment.

If providing students with the opportunities to develop academically, socially, and emotionally in diverse environments is a stated goal of the choice program, the current situation in which the least racially diverse school district in Cape May County is denied the mechanisms necessary to diversify is untenable. Through the variety of pathways created by the State, including choice, and the Vocational-technical school, the effect on diversity of the Wildwood student body is profound. A great disparity exists in which non-minority families have at least four routes to leave the Wildwood School District and exacerbate the demographic imbalances that already exists, yet there is no way for families that value diverse settings and understand the important learning that takes place in such settings to access Wildwood.

## Equity

The dictionary definition of equity includes a sense of fairness and freedom from bias and/or favoritism. In education, equity is generally defined and operationalized as ensuring that every child has an equal chance of success. Three specific components are required for children to have equal chances of educational success: 1) access, 2) support, and 3) resources.

The New Jersey Department of Education explains some of the benefits to educational equity brought about by the choice program on its *Interdistrict Choice* website: ***“The Public School Choice Program benefits students and parents, as well as the choice districts. Choice programs might have smaller class sizes, increased instructional time, and a school culture more conducive to a student's success in school.”*** Wildwood checks off all the boxes in terms of the benefits advertised by the New Jersey Department of Education.

The Wildwood Middle School and High School have smaller class sizes compared to the existing choice schools in the county. Smaller classes allow greater personalization of instruction. The small class sizes and smaller overall size of the high school and middle school create a culture akin to that of a private school. The hallways and common areas are safe and orderly, discipline is consistently maintained, and the teachers know all their students on an individual level. Teachers are able to better meet the individual needs of students. Parents consistently rank small class size as something they value in education and is one of the historically consistent advantages of the education offered at Wildwood High School and Middle School.

Furthermore, another equity related benefit of choice advocated by the New Jersey Department of Education is that it provides access to different educational programs: ***“Many choice districts have established specialized and innovative programs and courses that focus on areas such as the arts, math and technology, and are open to students who meet the eligibility requirements of the special programs. Opening enrollment to students outside the district can bring in more students interested in taking advantage of these special programs and courses, allowing both the programs and students to grow and flourish.”*** Again, Wildwood checks off the boxes for access to special programs, and support to be successful in those programs, as promoted by the Department of Education.

## Academic Opportunity

The Glenwood Avenue Elementary School has a fully integrated Spanish bilingual kindergarten to second grade program and an intensive ESL program in grades 3 – 12. As the demographic changes of Cape May County continue to reflect a growing Latino population, first generation immigrants search for quality education opportunities for their children. A Spanish bilingual early childhood program is an advantage to students whose home language is Spanish. The district is the only one in Cape May County to offer bilingual programs and is locally viewed as a model to emulate in the development of effective programs for English Learners.

The district is home to a comprehensive 21<sup>st</sup> Century Community Learning Center after-school grant program. The program provides after-school programming and food service to students in grades 3-12. The program includes academic content, social and emotional learning, and project-

based programming. Many parents seek high quality after school programs for their students as alternatives to traditional for-profit child-care. The Wildwood after school program is free of charge to all students.

The Wildwood High School was designated a *National Blue Ribbon School* in 2013 and has a lower chronic absenteeism rate and higher percentages of students enrolled in dual-credit courses than the other choice high schools. Wildwood High School offers several innovative programs. Wildwood High School offers CTE programs that either cannot be found in Cape May County or include advantages that similar CTE programs do not have. For example, Wildwood High School offers an accredited Culinary Arts program that provides students a direct pipeline to Atlantic-Cape Community College in a small class setting. Students earn college credit in high school and Wildwood students are also automatically eligible for acceptance into ACCC. The class sizes are small and students are taught by a former chef who is also a college instructor at ACCC. The Culinary Arts program also features a fully functional on-site Café where students learn both the front end and back end of the restaurant business. In addition, we also have internship placements at the restaurants owned and operated by the Morey's Pier Corporation, the largest employer on the island. The proximity of the school to the restaurants and affords students easy access to internship opportunities.

The 21<sup>st</sup> CCLC after school program offers an integrated, farm to table, garden and greenhouse program which supplies produce to after school, summer school, and high school CTE culinary arts programs. The students grow vegetables, learn about culinary arts and nutrition, and supply produce to the Wildwood High School Warrior Café restaurant that is then served to the restaurant patrons from the school and surrounding community. Extra produce is also supplied to local school families. The 21<sup>st</sup> CCLC elementary and middle school *Farm to Table* program acts as a pre-teaching and feeder program for the high school culinary arts program.

Wildwood High School has a Law Enforcement CTE program. The program provides students with Class I Officer certification upon completion. The district has an agreement with the Wildwood Police Department that allows students in the program to be placed as Class I Officers during the busy summer season. The Class I experience provides the students with an advantage over other students who do not have that experience but want to pursue a career as a police officer. It should be noted that every graduate of this program thus far left the program with a NJDOE *Seal of Bi-literacy*.

We are in the process of creating two additional CTE programs. First, Wildwood High School is designing a Building Construction Technology CTE program. Wildwood High School is one of the only high schools in Cape May County to have a fully functional industrial technology workshop/lab with state of the art design and manufacturing equipment and qualified teacher. We have an existing industrial arts program and our students recently built a fully functional "tiny house" where students experiences every stage of the design and build. Our Building Construction Technology program will connect students to local unions and provide them nationally recognized credentials while preparing them for employment after graduation.

26x

Our *Tomorrow's Teachers* program will provide aspiring teachers with three years of coursework in child psychology and instructional methodology. The program will be run in collaboration with Stockton University and students will receive advanced standing in admissions decisions. Given that approximately 80% of Wildwood's resident students are non-white, and many are bilingual in Spanish and eligible for the NJDOE *Seal of Bi-literacy* credential upon graduation, we see this program as an important pipeline for the development of minority teachers, an aspiration held by the current Commissioner of Education. Wildwood High School currently houses a state funded full day preschool classroom which will serve as a lab classroom to provide structured learning experiences for Tomorrow's Teachers students.

Access to high quality educational options will be especially important to those families whose private schools are affected by the Covid-19 economic collapse and recession. Some parents will no longer be able to afford private school tuition and some private schools in the on the island and in the state have announced that they will close their doors at the conclusion of the 19-20 school year. It will be important to have an expanded inventory of choice seats in the county.

### Enrollment & Financial Loss

According to our latest demographic study conducted by Stockton University, the enrollment of the Wildwood High School is expected to decrease by at least an additional 29 students beyond the 107 we currently lose each year to choice and Cape May Tech. That represents an additional drop of about 10% of the enrollment within the next five years. According to Stockton University, the additional drop will be brought on by housing pattern shifts and declining birth rates in the sending districts of North Wildwood, West Wildwood, and Wildwood Crest.

Wildwoods Choice Analysis 2019-2020						
		Universe for WHS				
District	LCMR	MTPS	OCPS	TECH	Choice Total	Total
WPS	7			29	7	36
NWW	8	3	2	30	13	43
WWC	4		2	22	6	28
<b>Total</b>	<b>19</b>	<b>3</b>	<b>4</b>	<b>81</b>	<b>26</b>	<b>107</b>
<b>Potential Enrollment for WHS</b>						
Current WHS Enrollment	Choice %	Tech %	Choice/Tech %			
245	10.61%	33.06%	43.67%			
*Per 2019 NJSMART snapshot						

LCMR- Lower Cape May Regional School District  
WPS- Wildwood Public Schools  
NWW- North Wildwood  
WWC – Wildwood Crest  
MTPS- Middle Township Public Schools  
OCPS – Ocean City Public Schools  
TECH – Cape May Technical High School  
WHS – Wildwood High School

The data show that the Interdistrict Public School Choice program reduces our potential enrollment by an additional 10%. The Technical High School takes 33%, which causes a total potential enrollment drain of 43.67% (107 students).

Enrollment is a significant component of the SFRA, and any program that leads to a reduction in enrollment has a damaging effect on the students of the Wildwood Public Schools due to reduced resources available to the district. The impending loss of enrollment coupled with the S2 budget

28x

cuts will have a devastating impact on the families and students who choose to remain at the Wildwood School District.

The addition of 25 choice seats will help to make up for the expected enrollment decline of at least 29 students from sending districts and provide Wildwood with the only funding possibility to partially offset an anticipated loss of almost \$580,000 a year from enrollment declines, plus the approximate 1.2 million dollar anticipated cumulative loss through S2 legislation. Wildwood is projecting an annual revenue shortfall of at least 1.8 million dollars within the next five years. This figure does not take into account the aid lost from Wildwood residents participating in the Choice Program. The loss of funding will severely impact educational equity for the children and families of Wildwood.

The New Jersey Department of Education has made it clear that the choice program is one mechanism to help deal with declining enrollment. The Department wrote on its *Interdistrict Choice* website: *"The state also has many small districts and schools that sometimes experience population shifts that result in budget crunches. Opening enrollment beyond the district's boundaries can alleviate the effects of these shifts and bring greater stability to operations, since choice students bring additional funding to the district."*

#### **Academic Opportunities**

The enrollment drain placed on Wildwood as a result of not having a choice program limits the number of AP programs that the high school can implement. The per-pupil cost of running some programs becomes too high due to low enrollment. For example, the per pupil cost of running an AP Physics course with two students is about 400% more than running it with eight students. Low enrollment coupled with the financial ramifications of S2 will make it difficult to achieve educational equity in Wildwood.

The addition of 25 students at the high school could allow the school to offer an additional four to six AP courses per year. Currently we can only run some AP courses every other year. This limits the number of AP courses Wildwood students can take over their high school career and severely impacts equity compared to the choice districts.

## Summary

The Wildwood Public School District is the only PK-12 district in Cape May County that is currently denied the opportunity to be a choice district. The existing choice districts have a student body made up of a majority of white students. Wildwood is about 80% non-white, with Latino students making up the largest percentage of the population. Statewide, over 230,000 Latino students, 62%, attend schools that are 75% or more non-white.

The New Jersey Department of Education has made it clear that one important benefit of the choice program is diversity within the school environment: *“The addition of students with different backgrounds and perspectives from those of the district's resident students also can enrich the school community.”* Many of the students in Cape May County do not receive that benefit because they attend majority-white districts and schools.

Equity, specifically access to educational opportunity, is also a hallmark of the choice program. Currently, thousands of students within Cape May County do not have access to the unique and special education programs in the Wildwood School District. Providing 25 choice seats will increase equity within the county.

The addition of 25 choice seats will help to partially offset the damaging financial impacts of S2 and declining enrollment trends in the Wildwood sending districts. The additional students will also provide the basis for increasing the course offerings at Wildwood High School, which will help to bring some parity with other choice districts in terms of AP course offerings.

The children and families of Wildwood deserve the same choice opportunities as their wealthier and whiter counterparts in Cape May County. We see no downside to any students in Cape May County or Wildwood by granting the Wildwood School District at least 25 choice seats.

30x



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

ANGELICA ALLEN-McMILLAN, Ed.D.  
Acting Commissioner

June 2, 2021

J. Kenyon Kummings, Superintendent,  
Wildwood Public Schools  
4300 Pacific Avenue  
Wildwood, New Jersey 08260  
[jkummings@wwschools.org](mailto:jkummings@wwschools.org)

Dear Mr. Kummings,

The New Jersey Department of Education (NJDOE) Office of Interdistrict Public School Choice has received your letter to Commissioner Allen-McMillan dated May 4, 2021. This response provides clarification on the current status of the choice program and addresses the district's incorrect statement "...that districts that participate in the NJIPSCP can petition to expand their programs via additional seats- and have been successful in doing so since 2015." The following provides information on how many choice seats are allowable for each participating choice district; this information is also available on the [Choice Program website FAQs](#).

The NJDOE has not opened the district application process to new districts since the 2014-2015 school year in accordance with the State's annual appropriations act for each of those years. No new districts have been permitted to participate in the choice program, and the NJDOE-approved maximum choice enrollment for every choice district has been held flat, with a few exceptions, primarily related to educational continuity, as outlined below.

The NJDOE-approved maximum student enrollment for existing choice districts is based on each district's prior year actual funded enrollment, with additional seats approved for the following exceptions:

- applicants with a sibling who is a currently enrolled choice student, provided the district has a sibling preference policy, the district has seats available in the desired grades, and the student will enroll in a choice-approved grade/program and meets any program-specific criteria
- applicants who are choice students who have completed the terminal grade of the sending choice district and want to enroll in the receiving/constituent choice district, provided the receiving choice district has an enrollment preference policy for these students
- students who receive a [NJDOE-approved waiver](#) (granted by a showing of "good cause" and when a student's educational conditions are such that an immediate transfer is needed).

Choice districts' approved maximum student enrollment may also be reduced based on actual enrollment in the choice program. As there is currently no process to approve new choice districts, your request to be designated a choice district has been denied.

In the future, if a change is made to accept district applications for expansion of the choice program, we will notify you along with other districts throughout the state. Please keep in mind that choice districts begin the student application process in the fall of the school year preceding the year in which choice students enroll.

Sincerely,



Jessani Gordon, Director  
Interdistrict Choice and Nonpublic School Programs  
Division of Finance

KD/jg

c: Dr. Angelica Allen-McMillan, Acting Commissioner  
Kevin Dehmer, Assistant Commissioner, Finance  
Paula Bloom, Assistant Commissioner, Field Services  
Daryl Minus-Vincent, Deputy Assistant Commissioner, Field Services  
Julie Bunt, Field Services  
Judith DeStefano, Interim Executive County Superintendent

32x

Testimony of Professor Myron Orfield, University of Minnesota Law School

To the Joint Committee on Public Schools

March 23, 2022

I am Earl R. Larson Professor of Civil Rights and Civil Liberties Law and Director, Institute on Metropolitan Opportunity at the University of Minnesota Law School.

I was elected to both the Minnesota House of Representatives and Senate, where he was the architect of a series of important legislative changes in land use, fair housing, and school and local government aid programs. My research has led to legislative and judicial reforms at the federal level and state level reform in Minnesota, Illinois, Michigan, California, New Jersey, Connecticut, Massachusetts, Washington, Oregon, and Maryland.

I have written three books and dozens of articles and book chapters on local government law, spatial inequality, fair housing, school desegregation, charter schools; state and local taxation and finance, and land use law.

Testimony

New Jersey public schools are deeply segregated. The state's suburbs are diversifying rapidly, creating a powerful political opportunity for change. But diverse suburbs are in trouble. They are unstable and they themselves are resegregating. By helping diverse suburbs stay diverse and stable, your state can address segregation in schools and neighborhoods, creating integrated and prosperous communities.

The demographic balance of power in New Jersey has changed sharply since the turn of the century. In the past three decades, New Jersey has experienced an explosion of racial diversity. In turn, the state's residential landscape has undergone an astonishing transformation. Today, most places in the state are integrated or predominantly nonwhite.

As recently as 1990, New Jersey's racial geography was dominated by white suburbs surrounding much smaller pockets of racial diversity, mostly in highly urbanized areas like Newark, Camden, Trenton, and Atlantic City. But that city-suburban racial dichotomy has broken down. Racial diversity has spread to the suburbs, and now a very significant majority of New Jerseyans live in a racially diverse area, regardless of whether they live in a densely urbanized city or in a suburb. The experience of living in a racially diverse area is now familiar for most residents.

The speed of racial transition is difficult to overstate. In 1990, only 19 percent of tracts were predominantly nonwhite. In 2000, the share of such tracts increased to 24 percent. It increased again to 30 percent in 2010, and yet again to 33 percent in 2017.

33x

A similar trend can be observed in the decline of the number of predominantly white tracts. In 1990, 61 percent of urbanized census tracts in New Jersey were predominantly white. In 2000, that figure declined to 45 percent. By 2010, it fell to 32 percent, and further still to 26 percent in 2017. In other words, while New Jersey's urbanized areas were overwhelmingly white only thirty years ago, now three-quarters of those areas are racially diverse or predominantly nonwhite.

Four out of ten predominantly white cities became diverse, while 54 percent of moderately diverse cities saw their diversity increase. Of cities that were highly diverse in 2000, about six out of ten became predominantly nonwhite. Only two cities transitioned "backwards," from moderate diversity to being predominantly white.

As recently as 2000, New Jersey was split almost evenly between diverse or nonwhite segregated cities and predominantly white cities.

But by 2017, the balance had tipped. In the most recent census data, diverse or nonwhite segregated cities contain 74 percent of population, and white areas only contained 26 percent.

As demographic change has taken hold in New Jersey suburbs, the cost of segregation has become clear. Predominantly white suburbs have median incomes that are 23 percent higher than the state average. White suburbs have a tax capacity 22 percent higher than the state average, while nonwhite segregated suburbs have a tax capacity of less than half of that. The suburbs with the highest poverty rates are nonwhite segregated suburbs; it is elevated in diverse suburbs and lowest in white suburbs. In other words, economic resources are inequitably distributed in New Jersey in a way that neatly maps onto community demographic difference, suggesting that a more integrated state might also be more equitable.

One illustrative example is the suburban borough of Carteret, population 22,000. Between 2000 and 2017, the nonwhite population share in Carteret increased from 43 percent to 72 percent. This rapid spiral into segregation has had dire economic impacts on the community. Since only 2010, its tax capacity dropped by over one-fifth—it now sits at 70 percent of state average. The borough's poverty rate is now 120 percent of state average.

It is essential to prevent rapid resegregation like has occurred in Carteret and many other communities. Poor cities need support; exurbs need to diversify. But diversifying middle-class suburbs need to stay integrated. If we can help these many diverse places stay integrated, they can help drive statewide integration, and school integration too.

What these diverse communities need is money. And money can powerfully incentivize integration.

One way to strongly incentivize the creation and preservation of racial diversity and integration is by directing more state aid to districts as they better reflect the diversity of their regions and the state. Districts like Woodbridge, West Orange, Union Township or Cherry Hill should be rewarded and supported for their commitment to diversity.

34x

More state aid can be directed to districts as they work to better integrate inside their districts, local schools and classrooms – as is happening in South Orange/Maplewood, and Montclair, and what Hamilton, and Galloway Township are attempting.

The 2008 school funding formula was designed to encourage integration by rewarding economically diverse and low-tax base school districts. Fully funding and strengthening the funding formula could go a long way toward achieving more integration.

A strong Department of Education, with a powerful Office of Desegregation as envisioned by the bill introduced by Senator Cryan last month, could be a good way to provide the tools and support for diverse middle-class districts working to better integrate and stabilize their schools.

Other strategies for school integration can include magnet schools. Legislation that allows for the designation of magnet schools in urban districts, some central cities or county schools can be a powerful way to incentivize integration across a region and along transportation corridors.

An integration strategy must use an “opportunity analysis” of each region to develop goals and assignment plans for each district. It should be comprehensive, including all school districts to close off pathways for white flight and ensure that everyone participates. Regions should be defined broadly. The interdistrict choice program needs to be reformed so it works to the attainment of integration goals, rather than facilitating more flight.

You must not allow existing segregation to get worse. So-called district “secessions” need to be stopped and any district-level consolidation or reconfiguration must meet an affirmative obligation to advance integration.

Old political habits die hard. Many newly diverse communities were once white enclaves themselves, only years or decades before. Their leaders may not always immediately recognize that their communities’ priorities have changed or see the new dangers that threaten their long-term stability and viability. They may see themselves as being in political partnership with predominantly white suburbs instead of segregated cities. Even if they realize change is afoot, some community leaders may be caught in conflicts between long-term residents and diverse newcomers.

However, the danger posed by resegregation is real, regardless of whether it is immediately acknowledged. For the most part, demographic transition only goes one way in the United States: towards greater segregation and higher poverty, with all the harm that entails. With time, patience, and resources, New Jersey has a window in which it can slow or stop this transition, preserving the state’s great diversity and delivering greater prosperity to all its residents.

# The State of School Segregation in NJ



**Myron Orfield**

*Professor of Civil Rights & Civil Liberties Law,  
Director of the Institute on Metropolitan Opportunity at  
the University of Minnesota Law School*

- New Data on racial & economic segregation by school district in NJ.
- Deepening economic & racial isolation of intensely segregated urban schools.
- Growing diversity *yet resegregation* in many suburbs – the problem & the political opportunity.

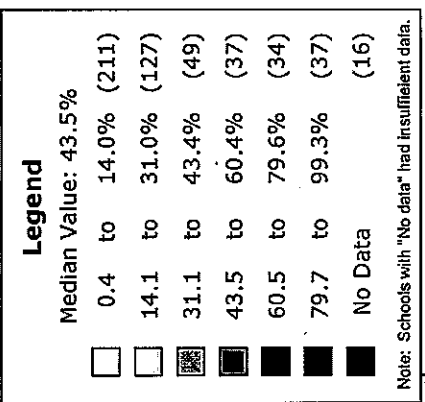
## **New Jersey's Schools Remains Deeply Segregated**

School segregation by race corelates powerfully with concentrated poverty, poor educational outcomes and diminished opportunities *in all aspects of life.*

**NEW JERSEY:**

**Percentage of Black or Hispanic Students  
by Unified and Elementary School Districts, 2016-17**

INSTITUTE ON METROPOLITAN OPPORTUNITY  
UNIVERSITY OF MINNESOTA LAW SCHOOL



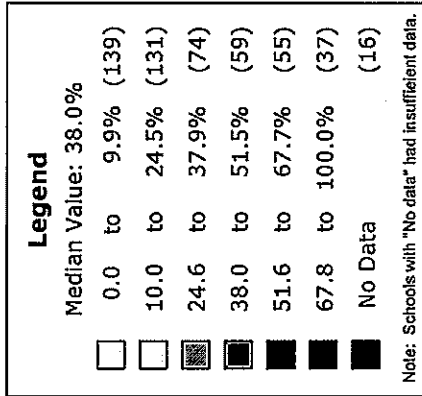
Note: Schools with "No data" had insufficient data.



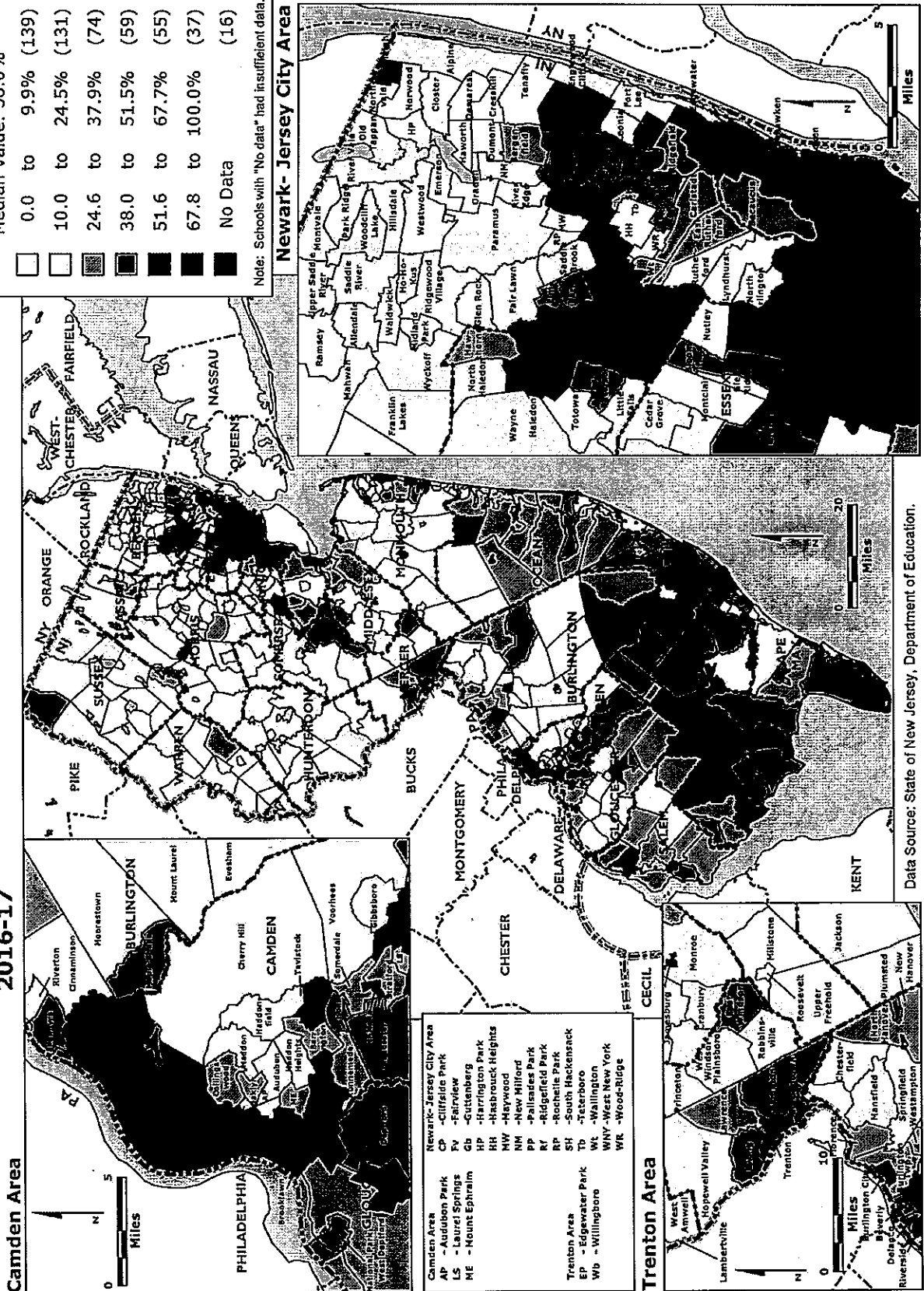
Data Source: State of New Jersey, Department of Education.

38X

**NEW JERSEY: Percentage of Students Eligible for Free or Reduced Lunches by Unified and Elementary School Districts, 2016-17**



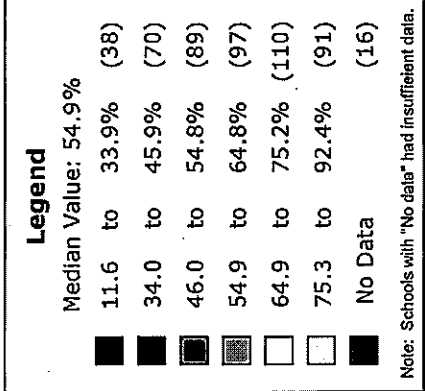
Note: Schools with "No data" had insufficient data.



Data Source: State of New Jersey, Department of Education.

39X

**NEW JERSEY: Percentage of Students that Meet or Exceed English Language Arts Proficiency Standards by Unified and Elementary School Districts, 2016-17**



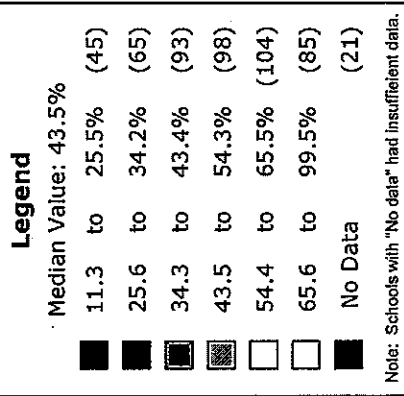
Note: Schools with "No data" had insufficient data.



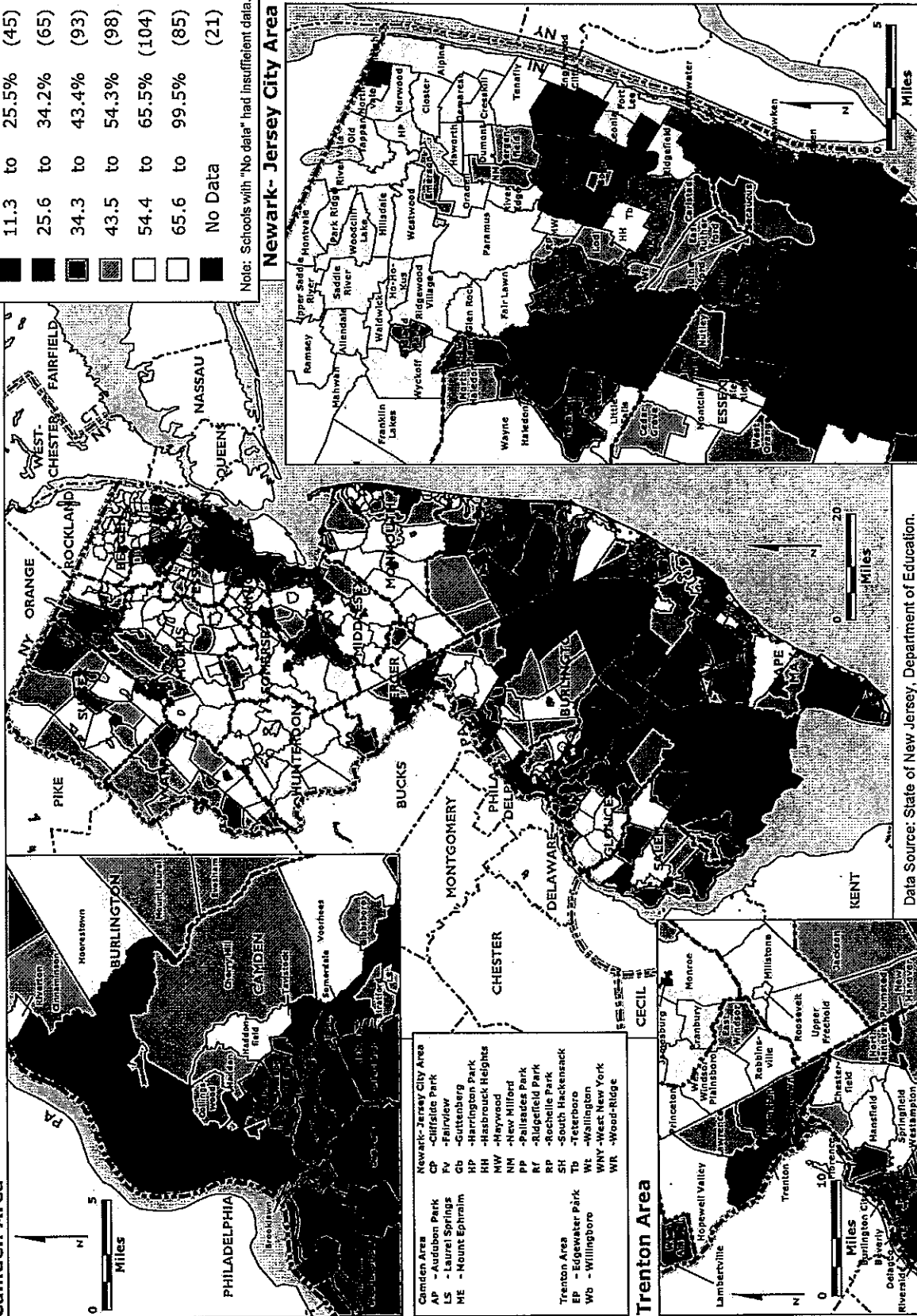
Data Source: State of New Jersey, Department of Education.



# NEW JERSEY: Percentage of Students that Meet or Exceed Mathematics Proficiency Standards by Unified and Elementary School Districts, 2016-17



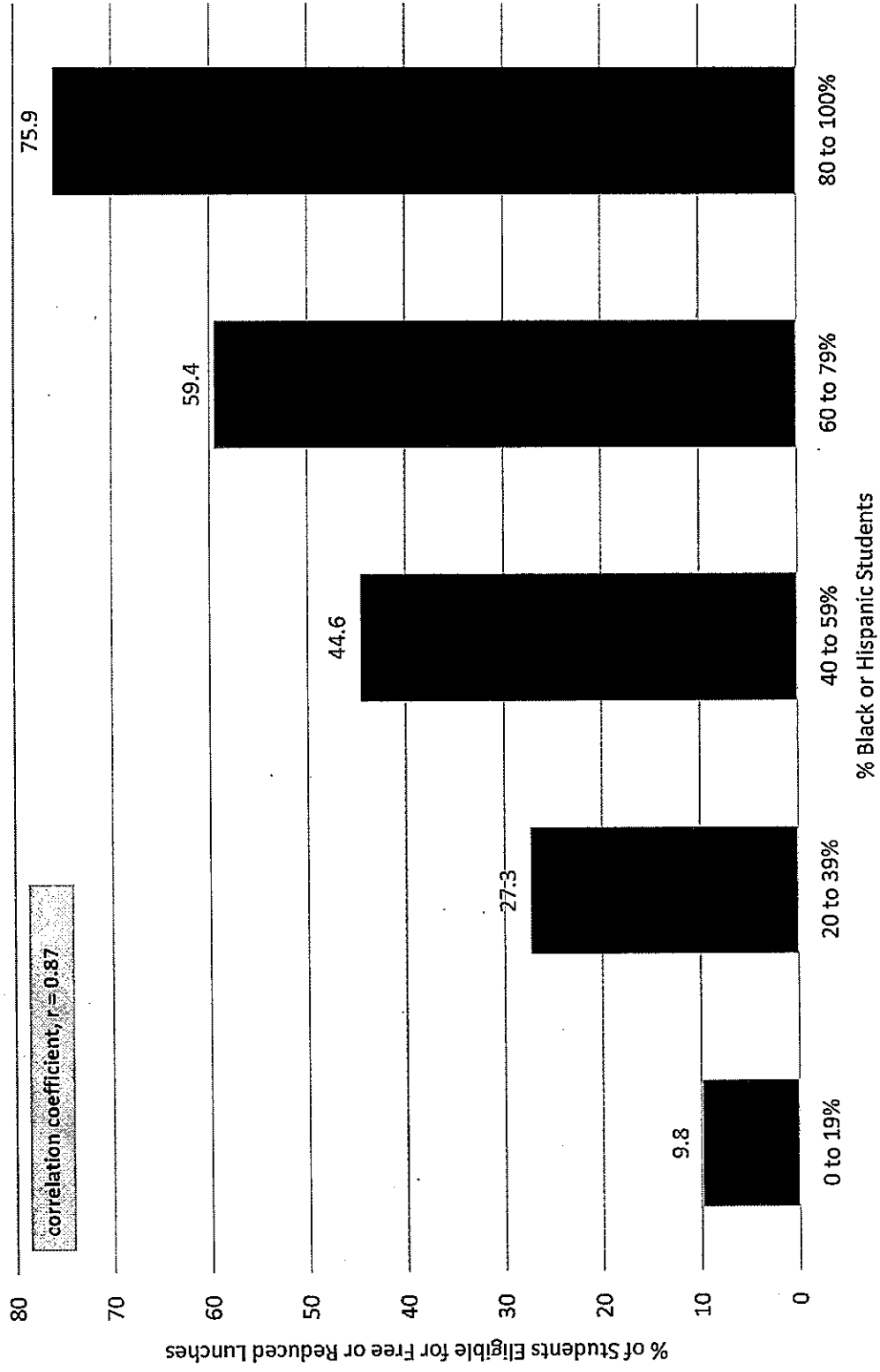
Note: Schools with "No data" had insufficient data.



Data Source: State of New Jersey, Department of Education.

41X

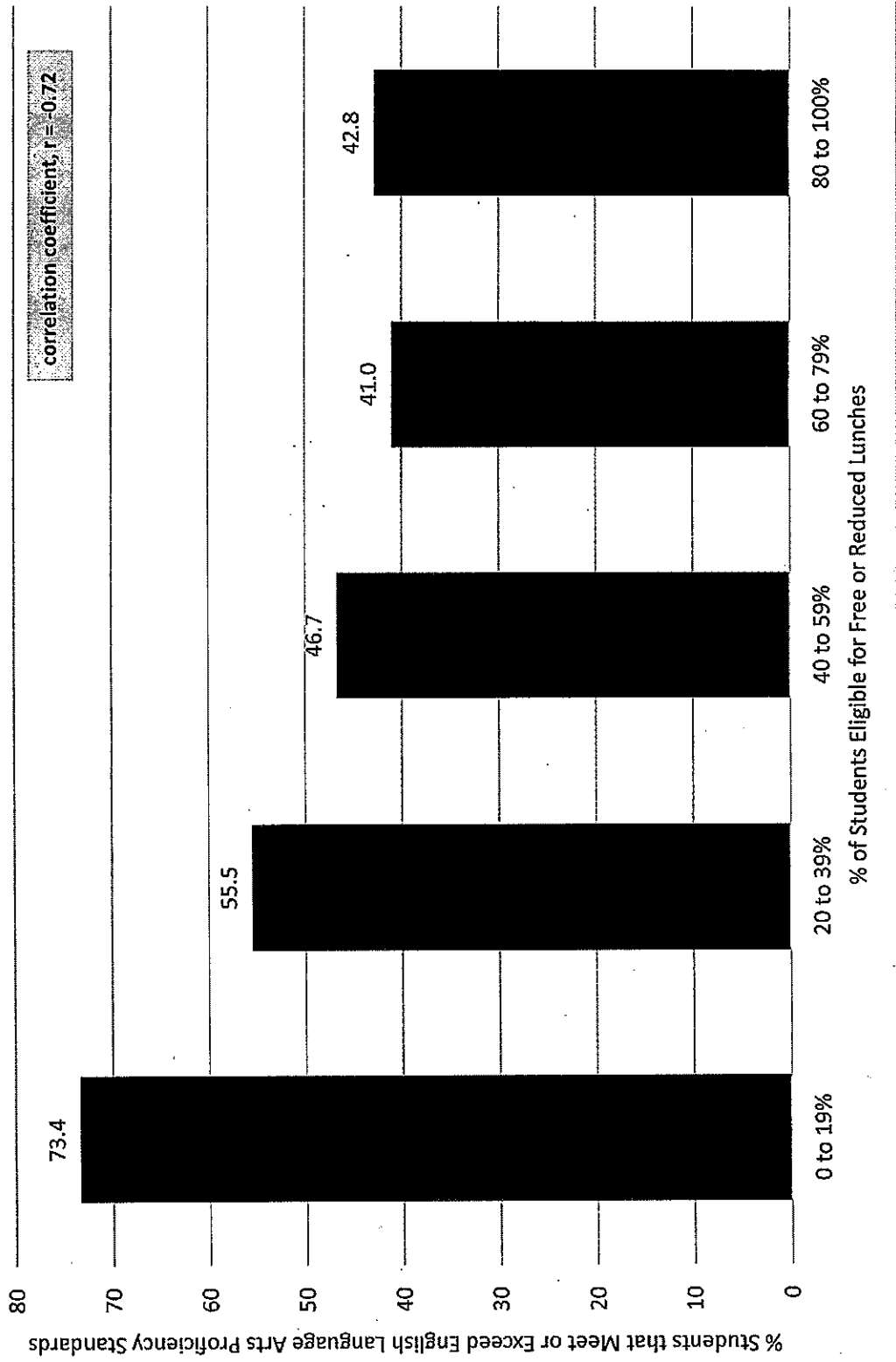
### New Jersey: Correlation Between Low Income and Black or Hispanic Students by School Districts, 2018-19



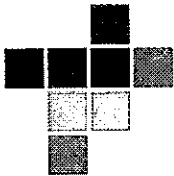
42x



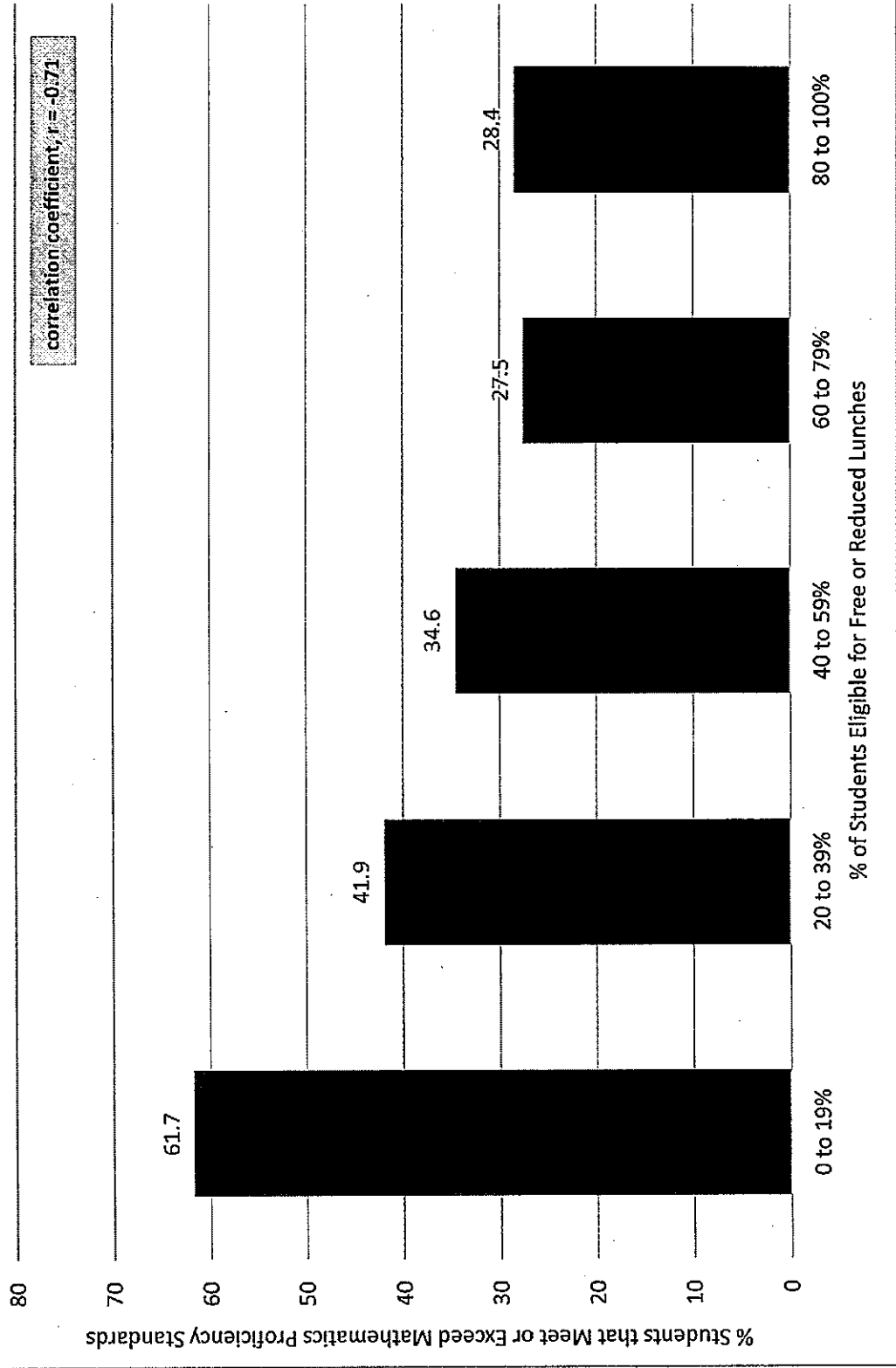
### New Jersey: English Proficiency and Low Income Students by School Districts, 2018-19



43x



### New Jersey: Math Proficiency and Low Income Students by School Districts, 2018-19



49x

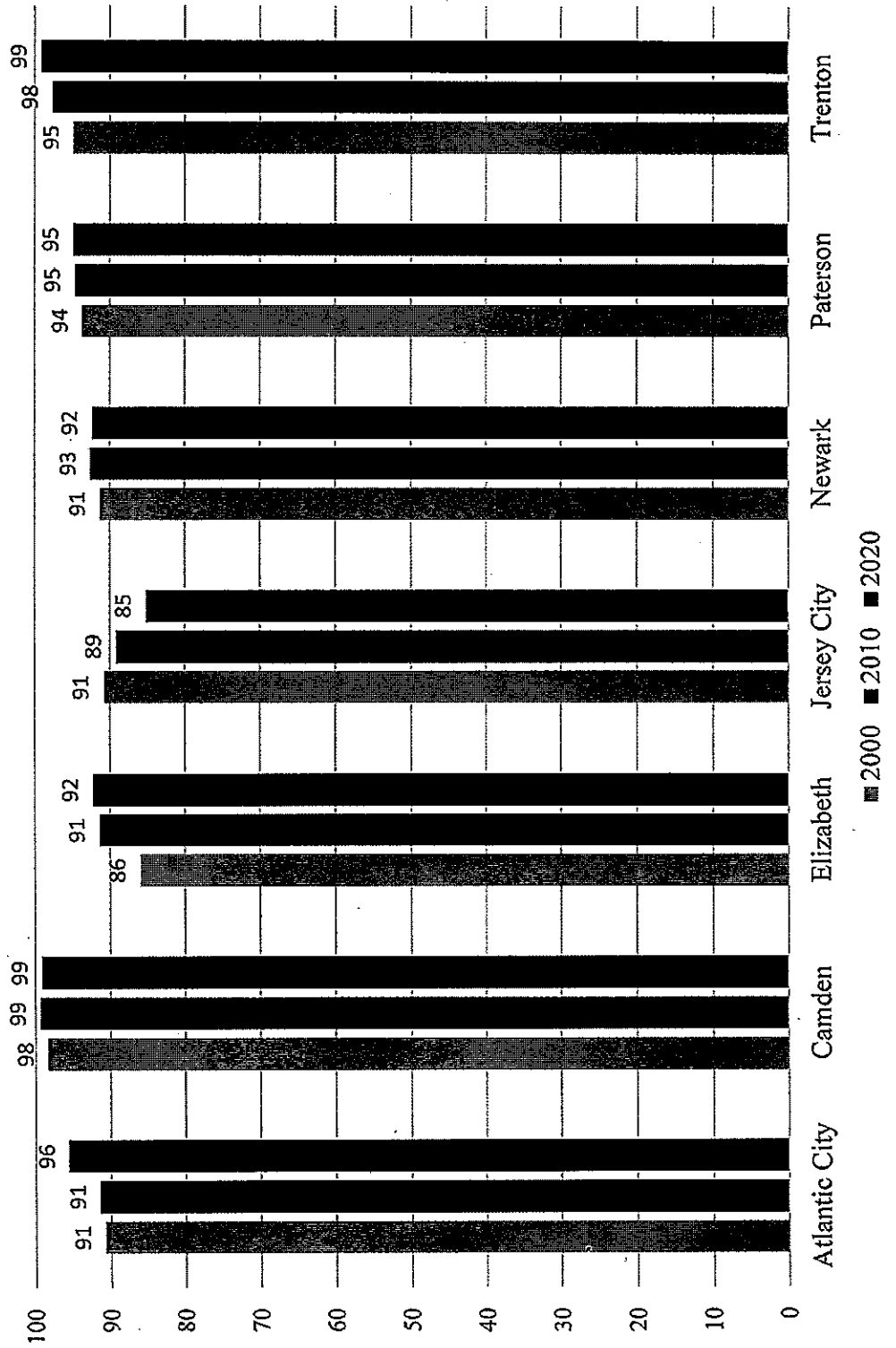
## **New Jersey's Schools Remains Deeply Segregated**

Despite some gentrification & the state's growing diversity, urban schools in New Jersey have remained *intensely segregated*



45X

# Percentage Racial Minority Population in New Jersey Central City School Districts



46x

- Many suburban school districts have gotten *more diverse*
- Some are *rapidly* resegregating

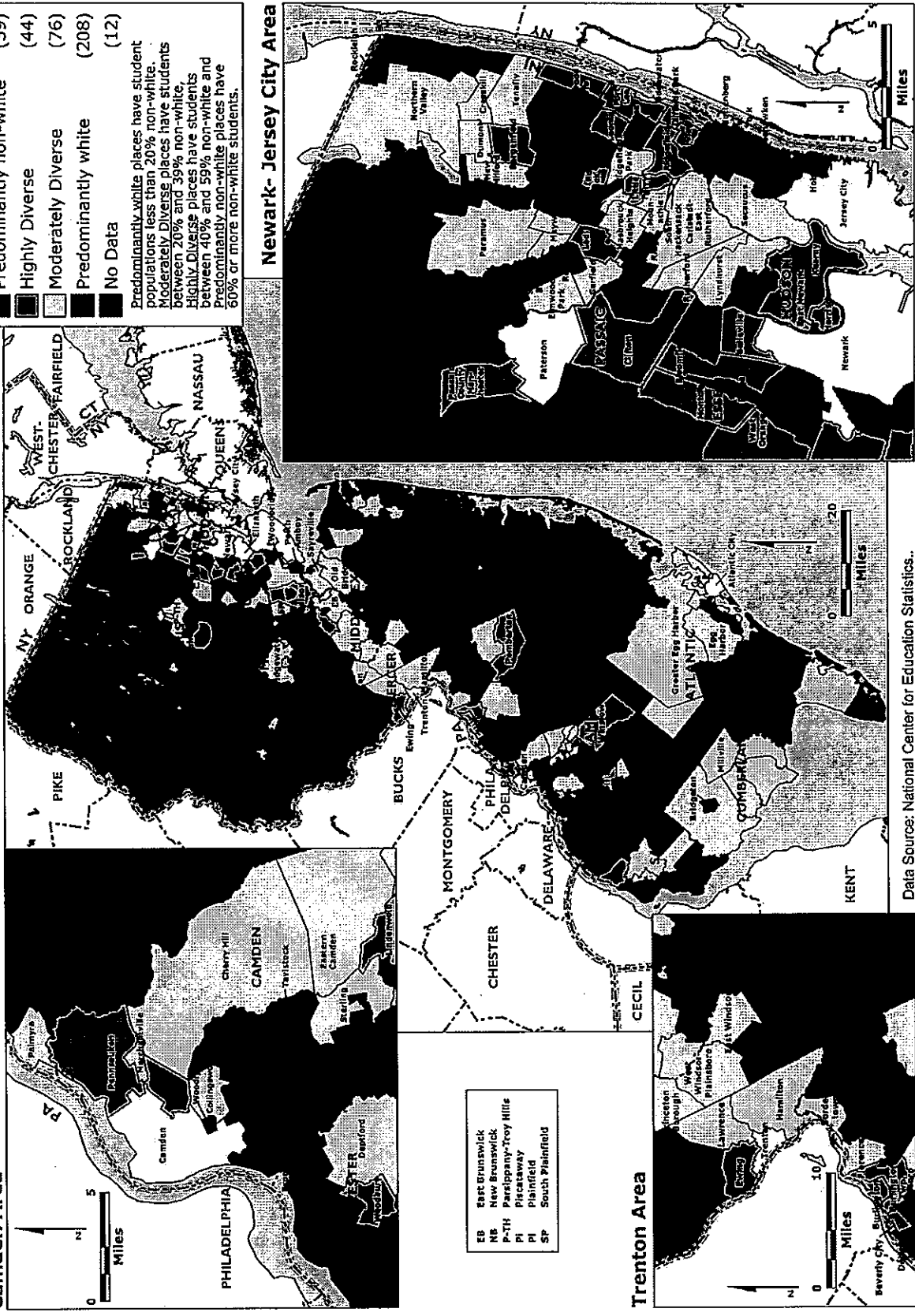


**NEW JERSEY**  
**Racially Diverse Places**  
**by School Districts, 1999-2000**

**Legend**

Central Cities	(7)
Predominantly non-white	(39)
Highly Diverse	(44)
Moderately Diverse	(76)
Predominantly white	(208)
No Data	(12)

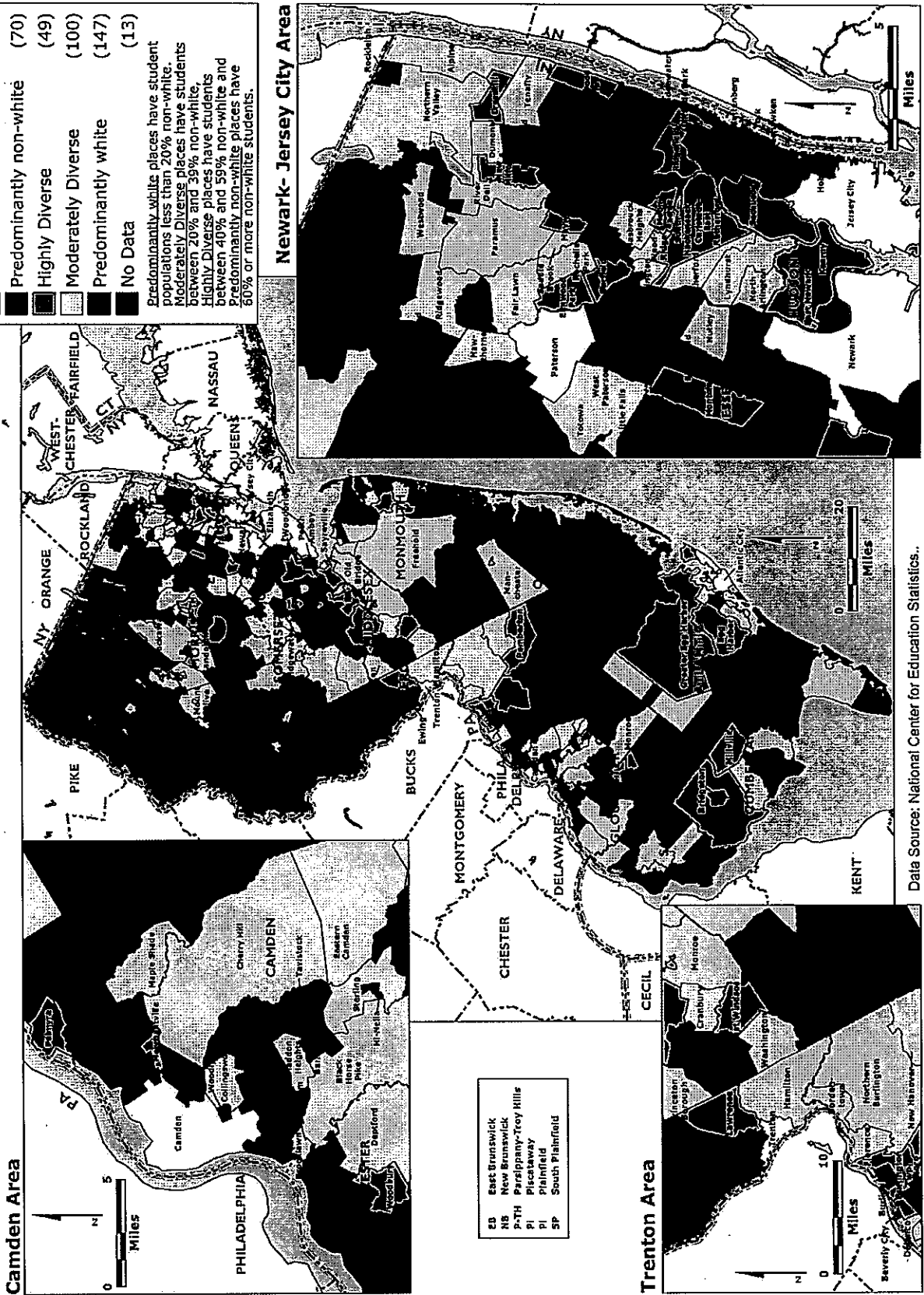
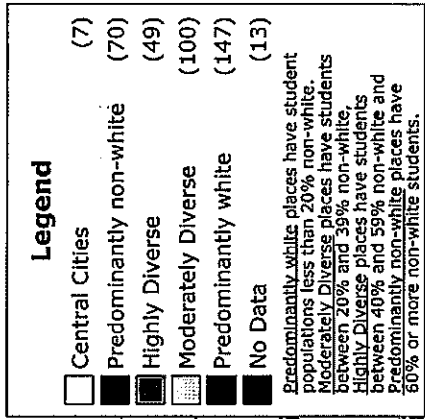
Predominantly white places have student populations less than 20% non-white.  
 Moderately Diverse places have students between 20% and 39% non-white.  
 Highly Diverse places have students between 40% and 59% non-white and Predominantly non-white places have 60% or more non-white students.



Data Source: National Center for Education Statistics.

484

**NEW JERSEY Racially Diverse Places by School Districts, 2009-2010**



Data Source: National Center for Education Statistics.

49x

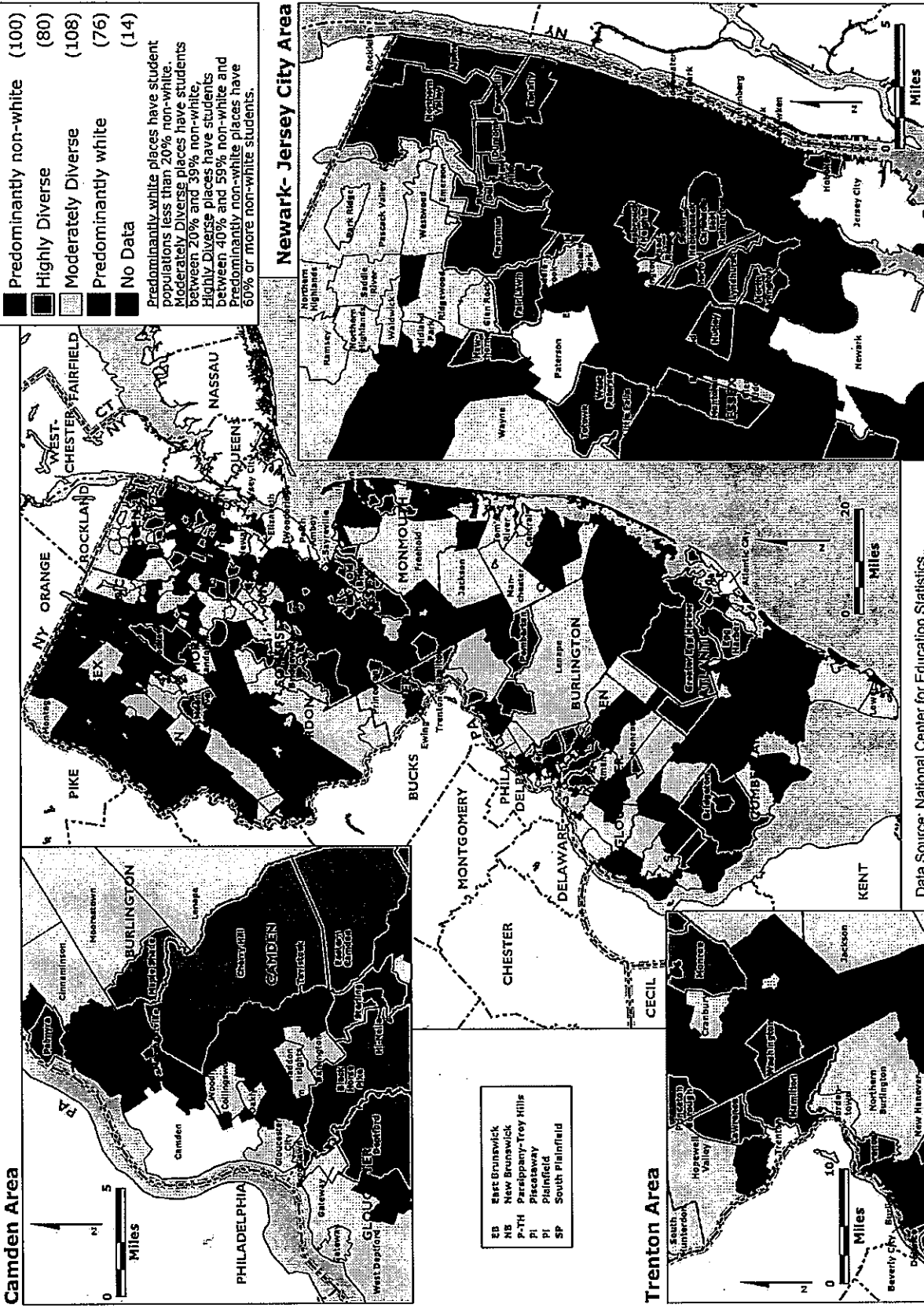


# NEW JERSEY Racially Diverse Places by School Districts, 2019-2020

**Legend**

Central Cities	(7)
Predominantly non-white	(100)
Highly Diverse	(80)
Moderately Diverse	(108)
Predominantly white	(76)
No Data	(14)

Predominantly white places have student populations less than 20% non-white.  
Moderately Diverse places have students between 20% and 39% non-white.  
Highly Diverse places have students between 40% and 59% non-white and Predominantly non-white places have 60% or more non-white students.



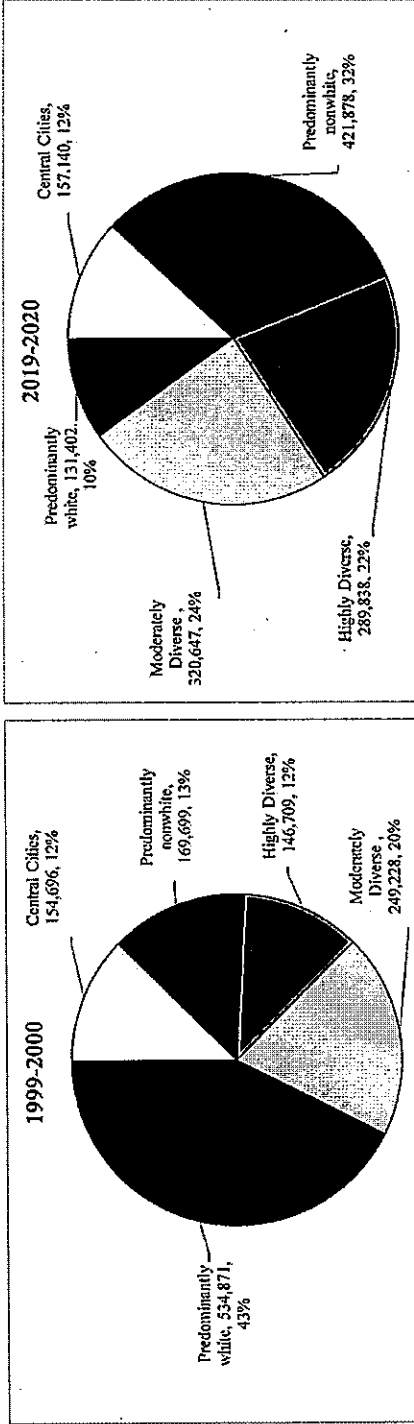
Data Source: National Center for Education Statistics.

50x

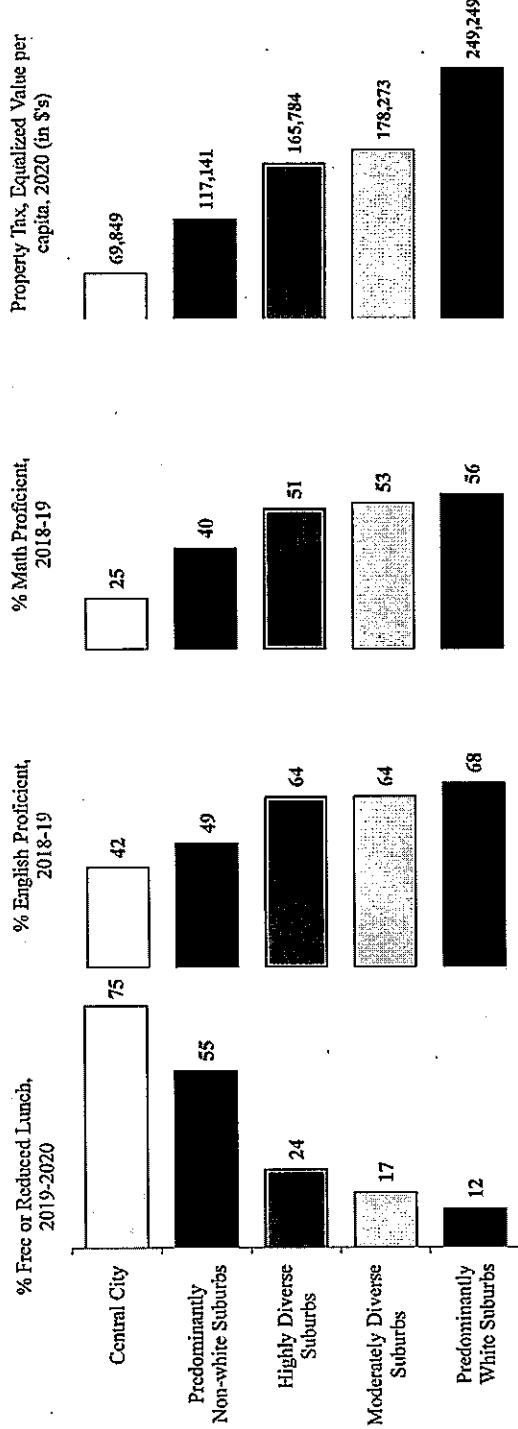
- Racially diverse school districts are in trouble.
- But they create a *powerful political opportunity* for change.

**New Jersey**

**Distribution of public school students across school district types**



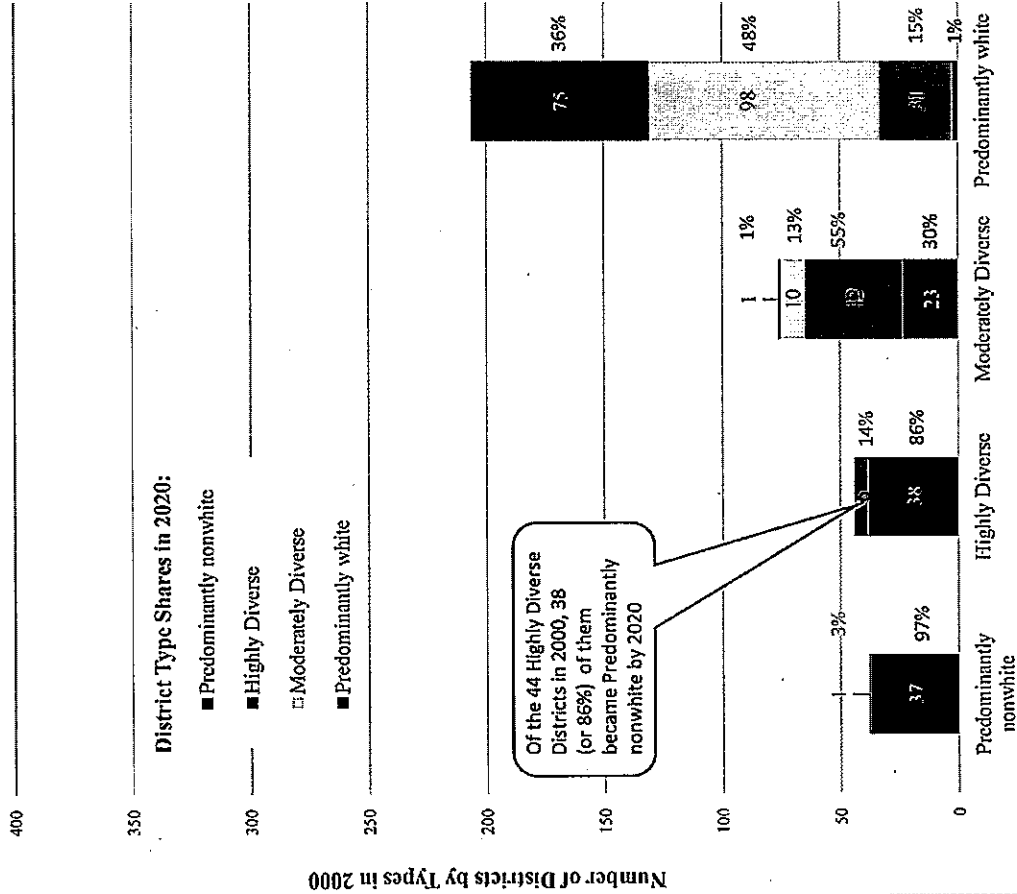
**Characteristics of the school district types**



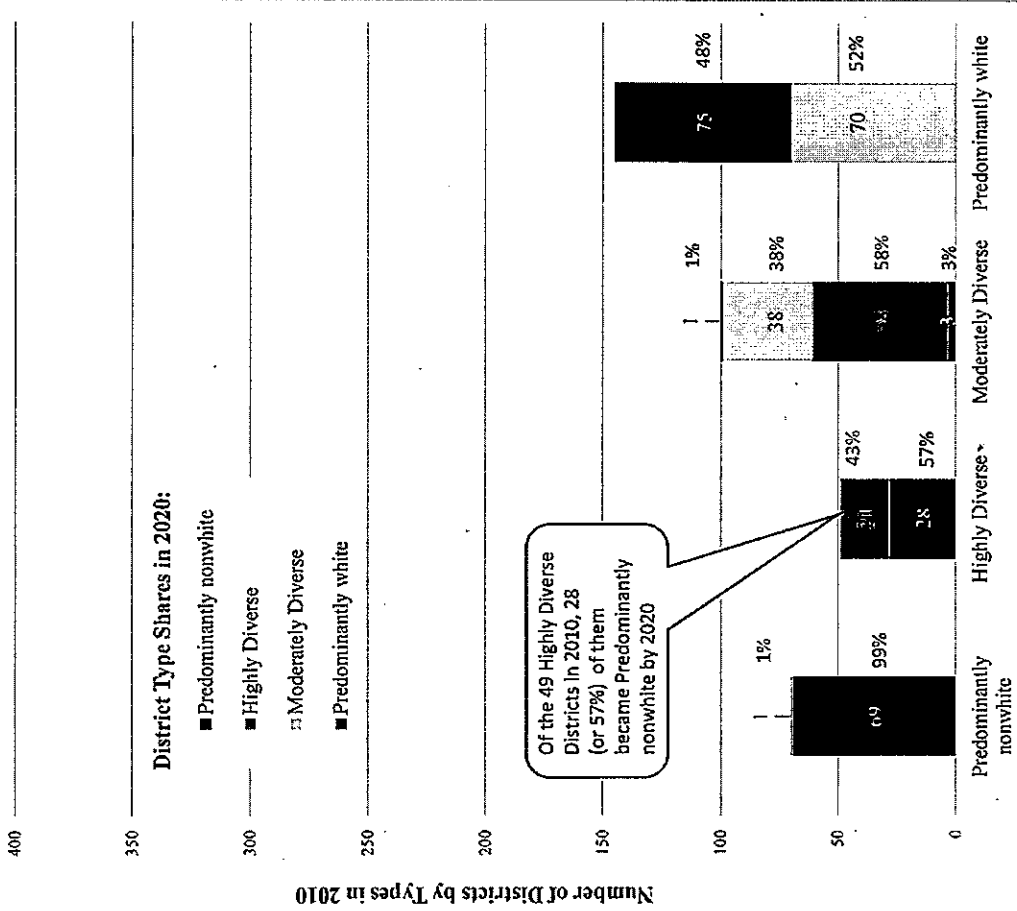
Data Sources: National Center for Education Statistics; New Jersey Department of Education; Tax base—New Jersey Department of Community Affairs

52x

### Racial Transition of New Jersey Suburban School Districts, 2000 to 2020



### Racial Transition of New Jersey Suburban School Districts, 2010 to 2020



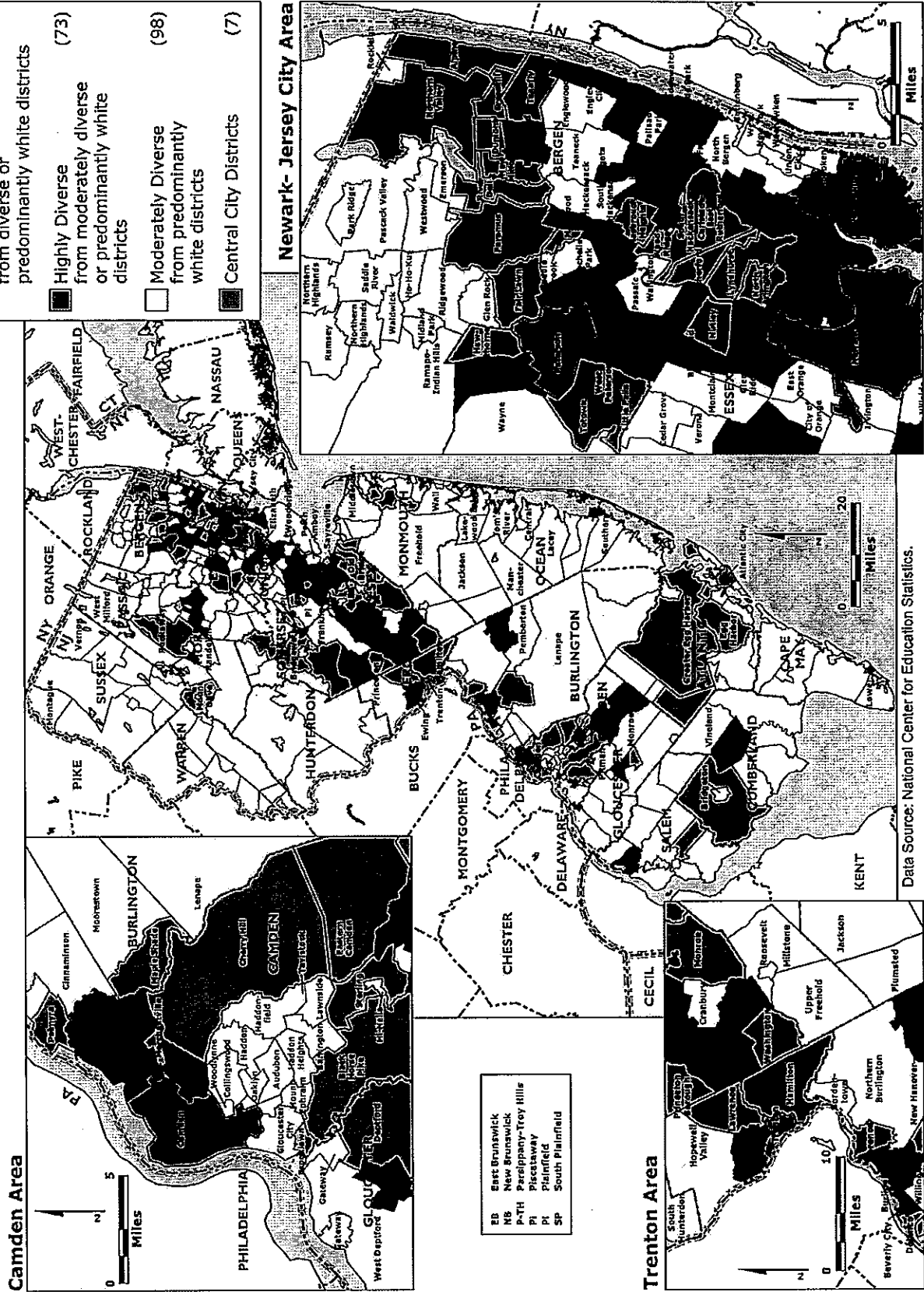
53x

# NEW JERSEY Racially Resegregating School Districts 2000 to 2020

INSTITUTE ON METROPOLITAN  
OPPORTUNITY  
UNIVERSITY OF MINNESOTA LAW SCHOOL

**Resegregating to:**

- Predominantly non-white from diverse or predominantly white districts (63)
- Highly Diverse from moderately diverse or predominantly white districts (73)
- Moderately Diverse from predominantly white districts (98)
- Central City Districts (7)



Data Source: National Center for Education Statistics.

54x

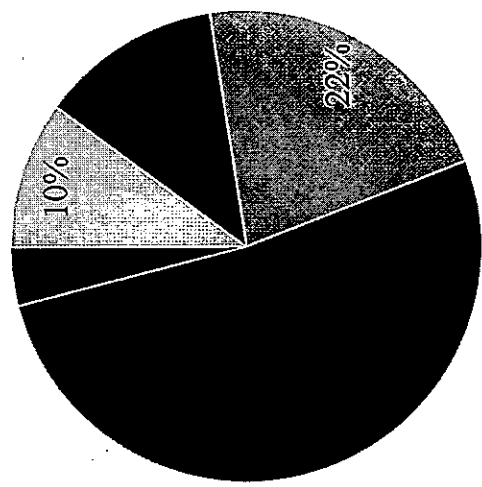
New Jersey Public School Students in 2020

■ Asian ■ Black ■ Hispanic ■ White ■ Other



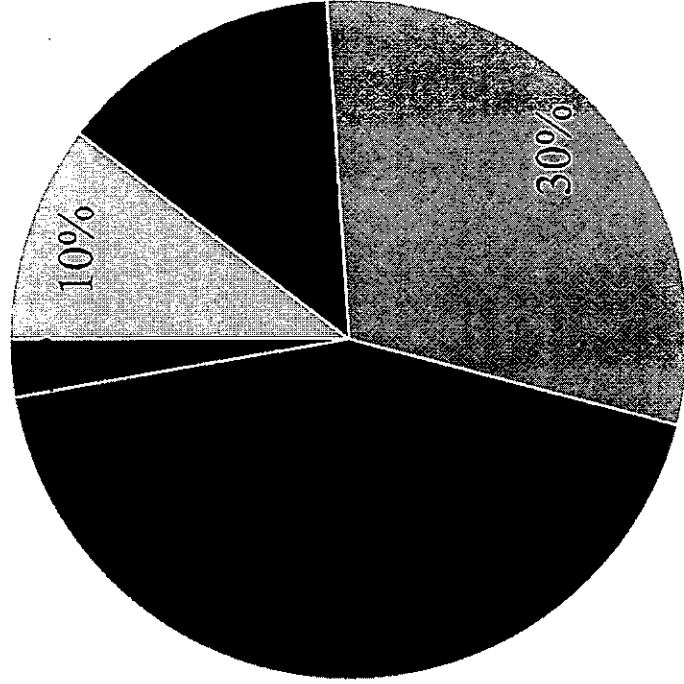
New Jersey Population in 2020

■ Asian ■ Black ■ Hispanic ■ White ■ Other



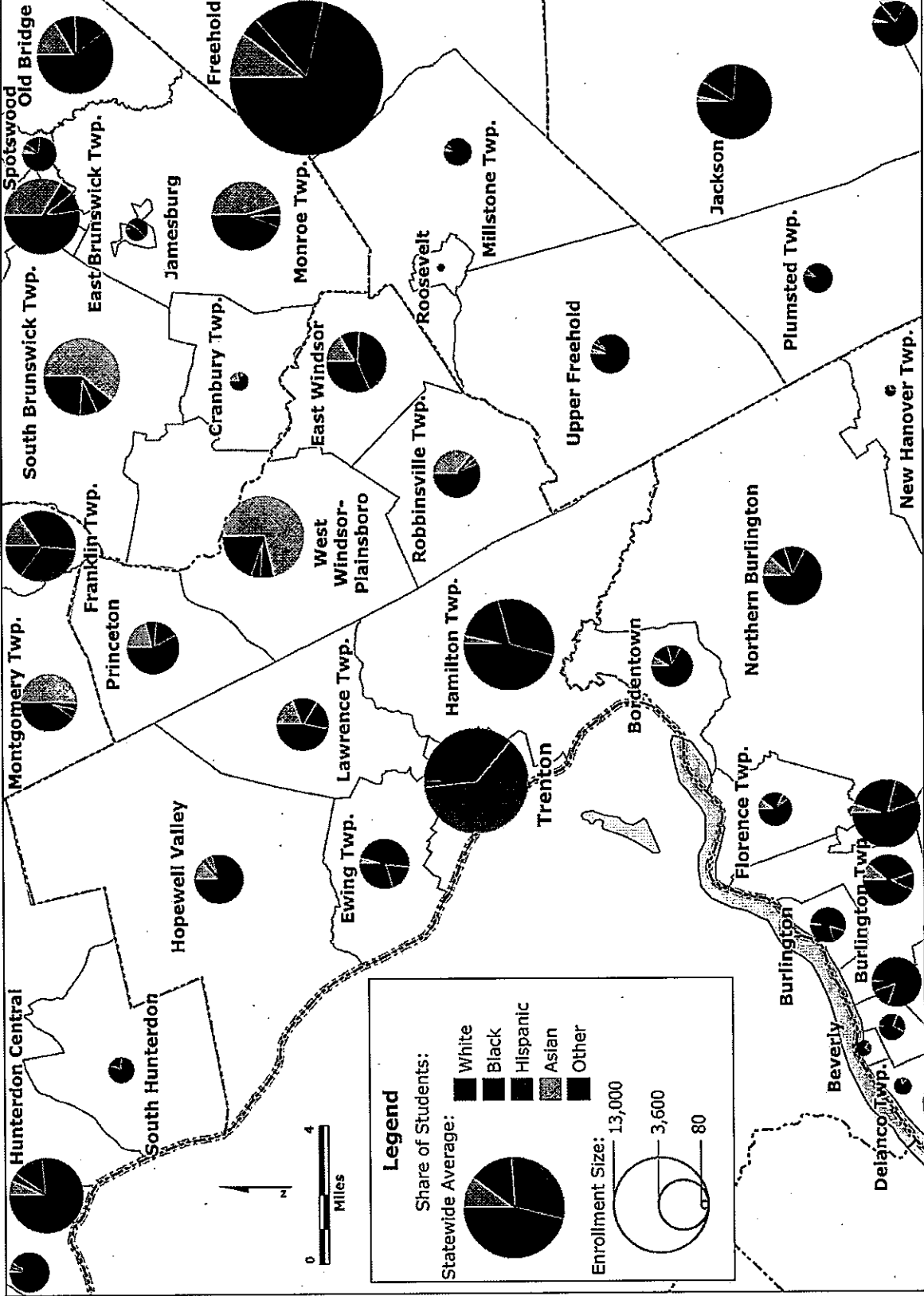
# New Jersey Public School Students in 2020

■ Asian ■ Black ■ Hispanic ■ White ■ Other



56x

# TRENTON, NEW JERSEY AREA Race of Public School Students by School Districts in 2019-2020



**Legend**

Share of Students:

- White
- Black
- Hispanic
- Asian
- Other

Statewide Average:

Enrollment Size:

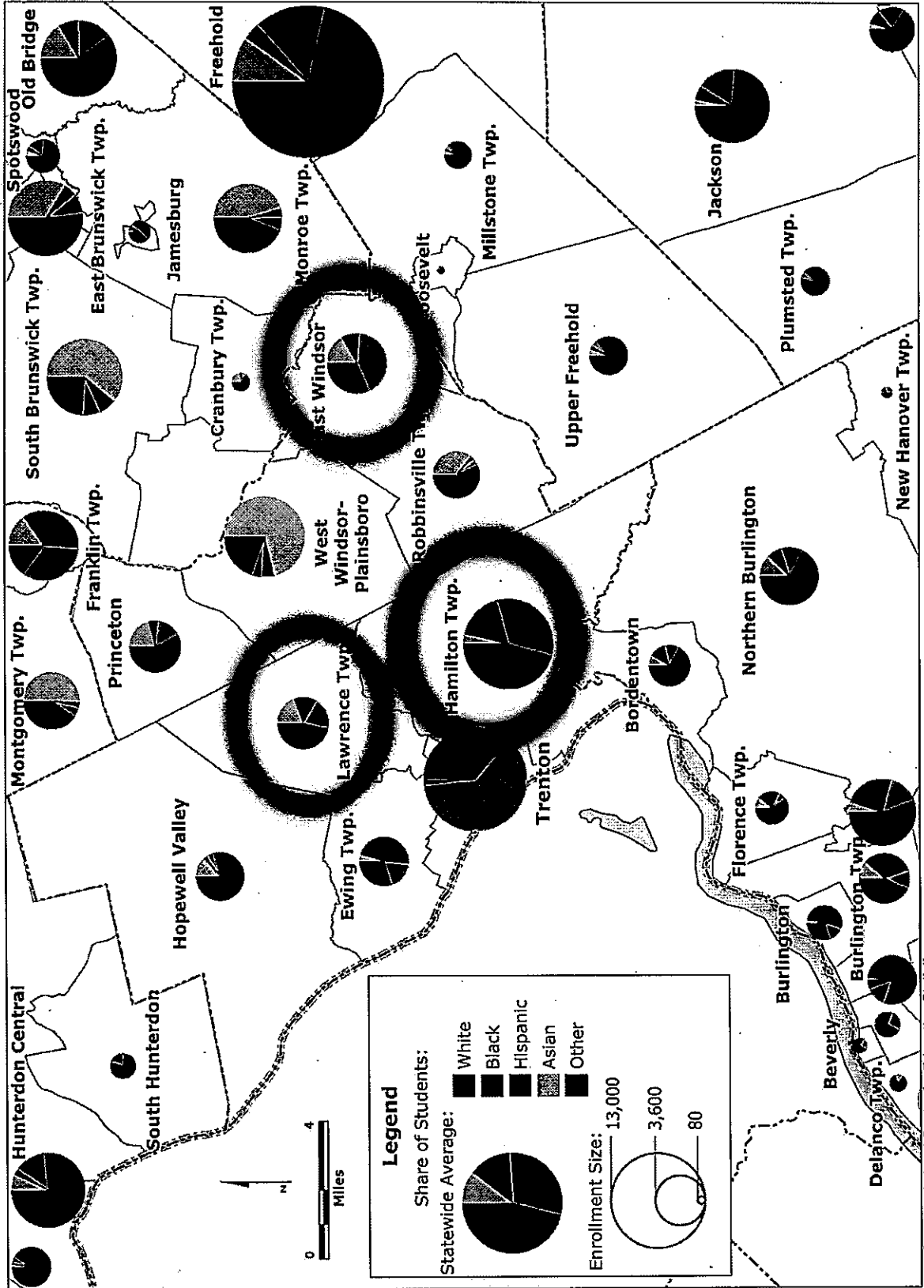
- 13,000
- 3,600
- 80



Data Source: National Center for Education Statistics.

57x

# TRENTON, NEW JERSEY AREA Race of Public School Students by School Districts in 2019-2020

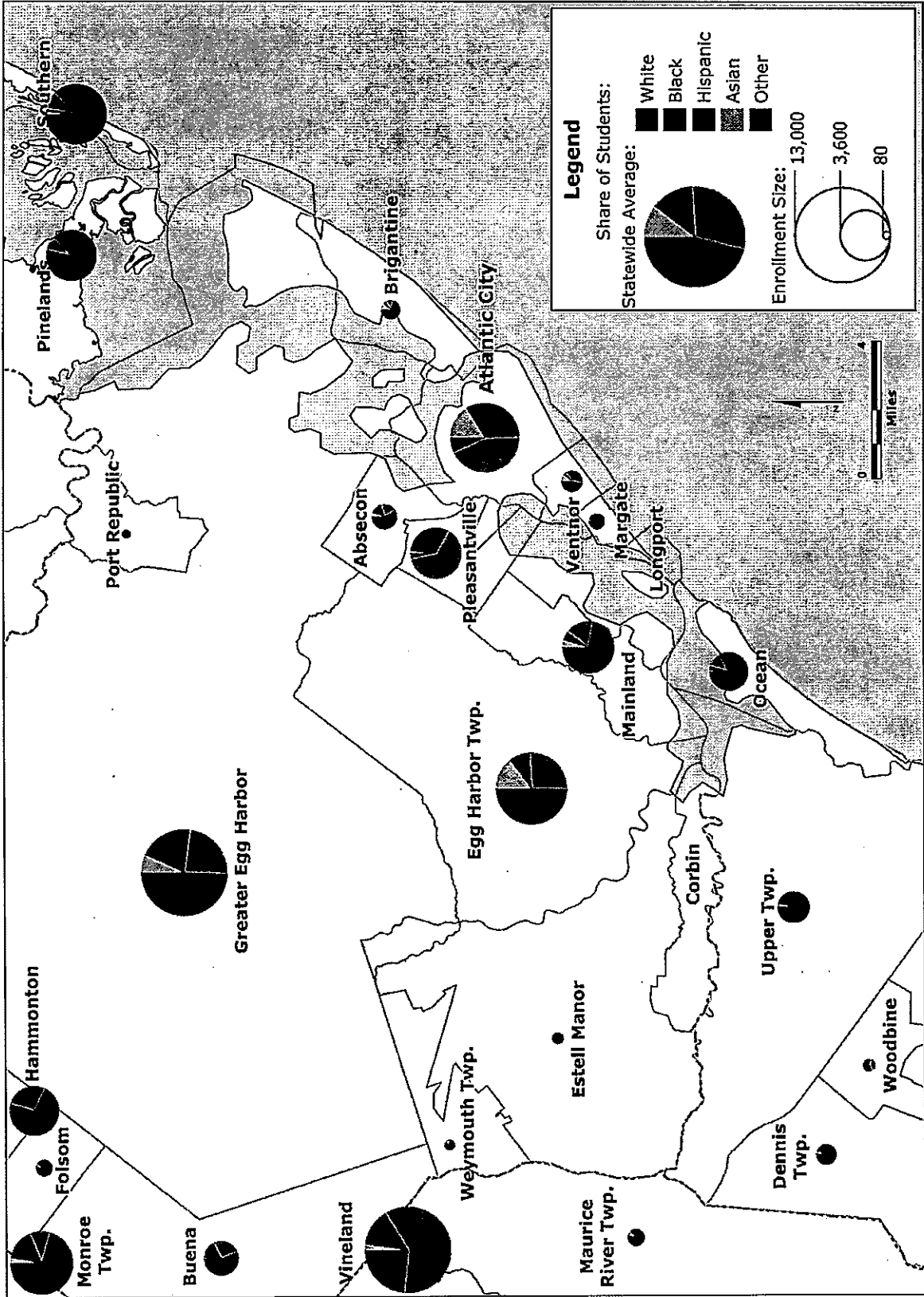


Data Source: National Center for Education Statistics.

58x



# ATLANTIC CITY, NEW JERSEY AREA Race of Public School Students by School Districts in 2019-2020

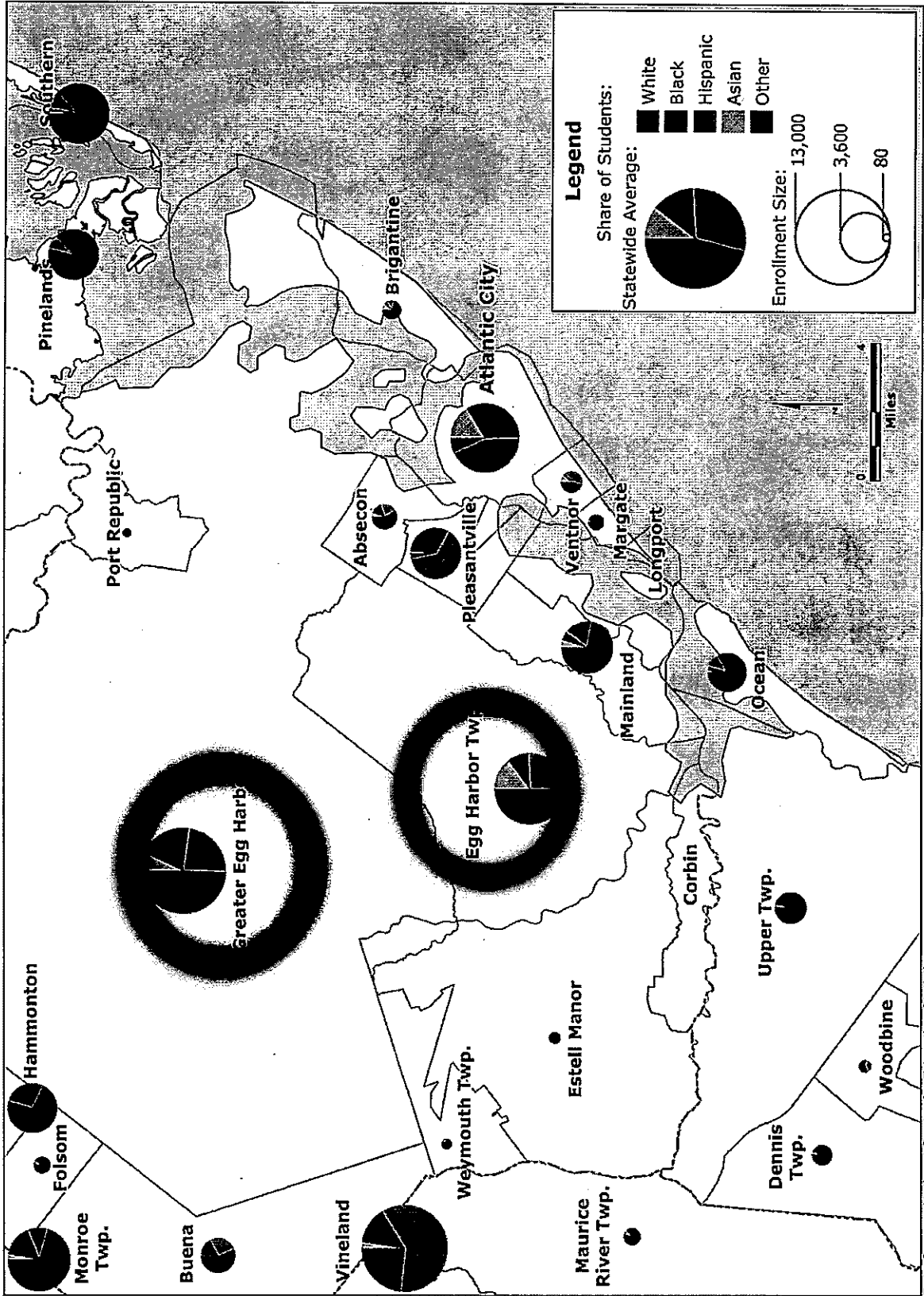


Data Source: National Center for Education Statistics.

59x



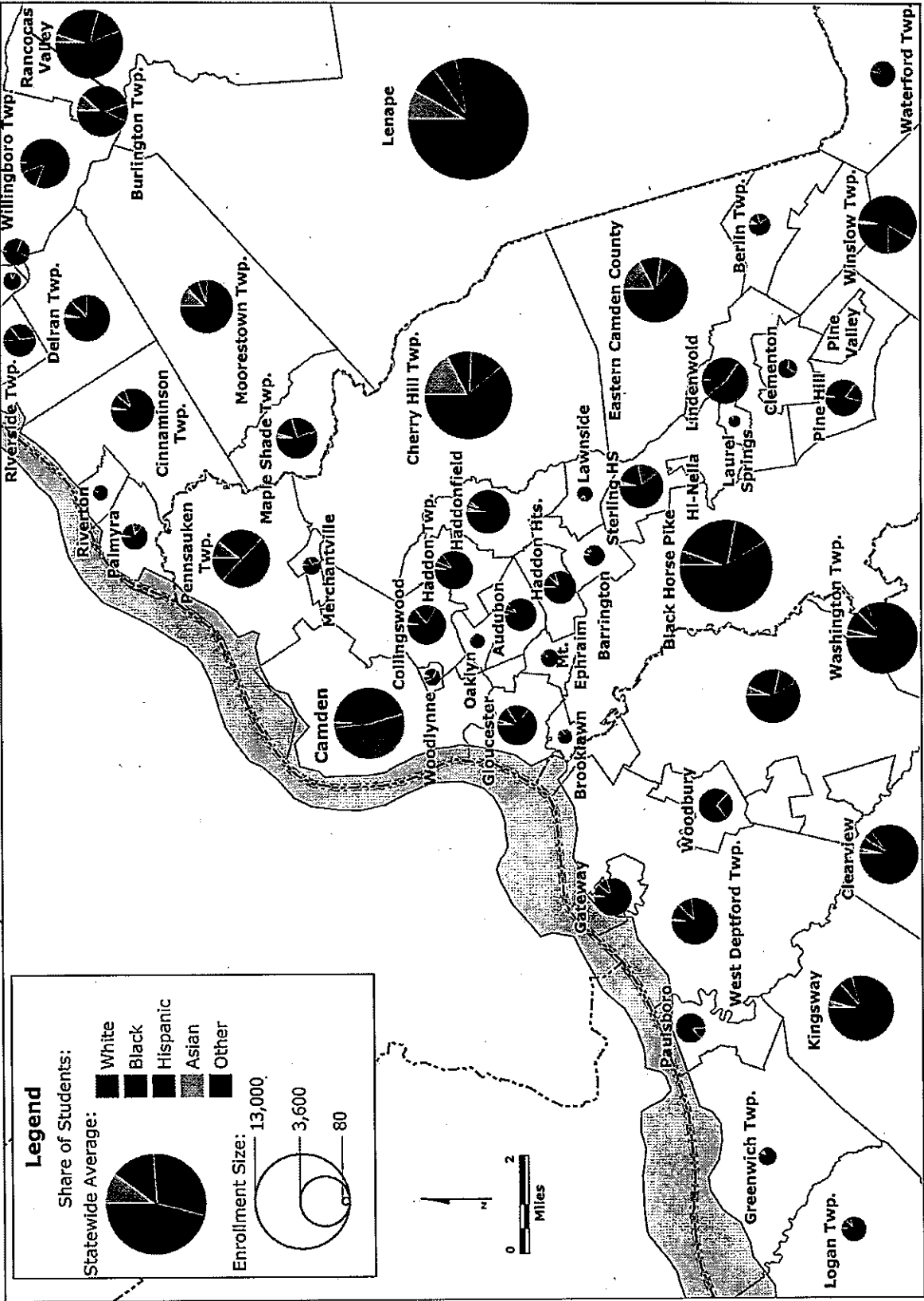
# ATLANTIC CITY, NEW JERSEY AREA Race of Public School Students by School Districts in 2019-2020



Data Source: National Center for Education Statistics.

60x

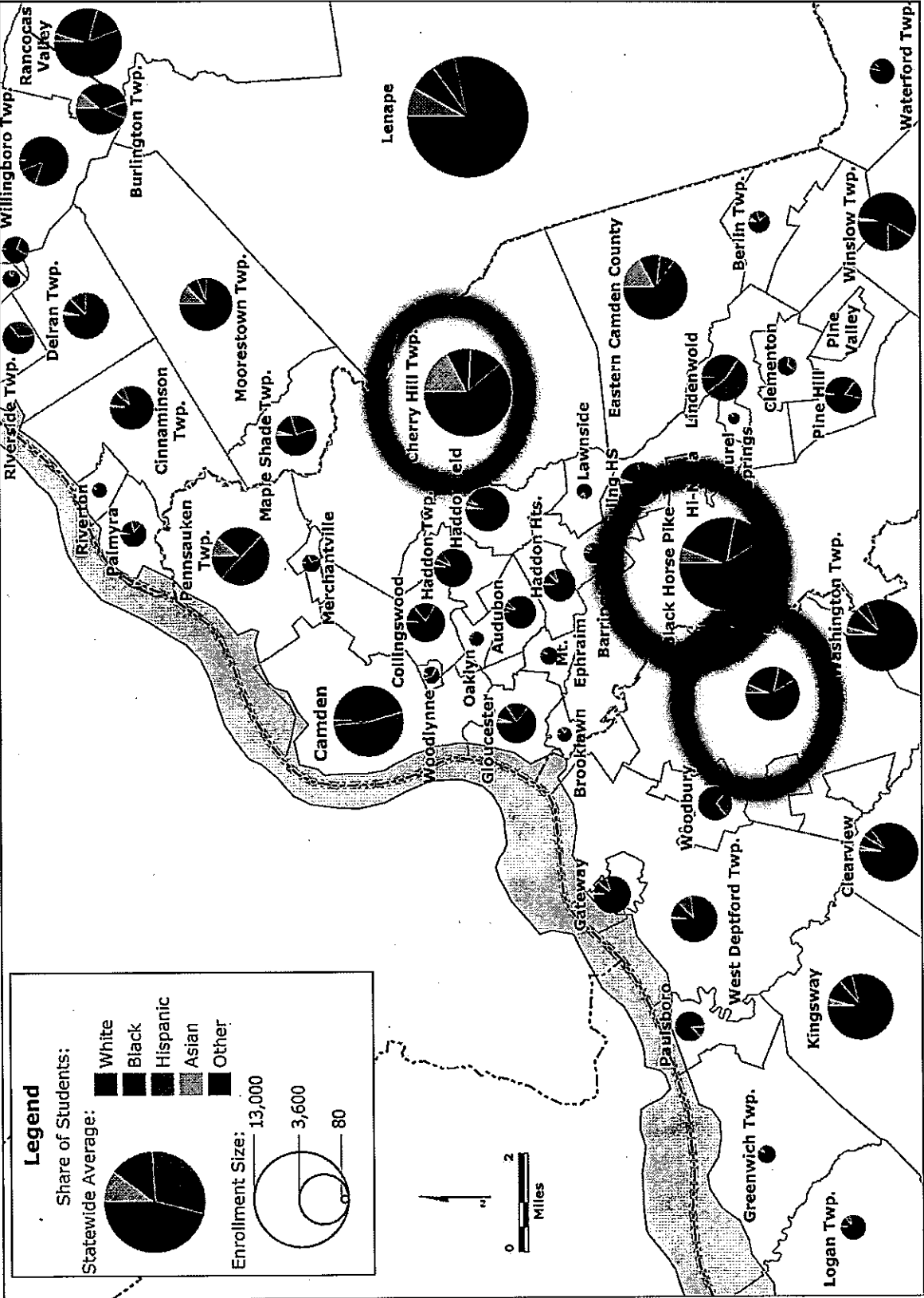
# CAMDEN, NEW JERSEY AREA Race of Public School Students by School Districts in 2019-2020



Data Source: National Center for Education Statistics.

61x

# CAMDEN, NEW JERSEY AREA Race of Public School Students by School Districts in 2019-2020

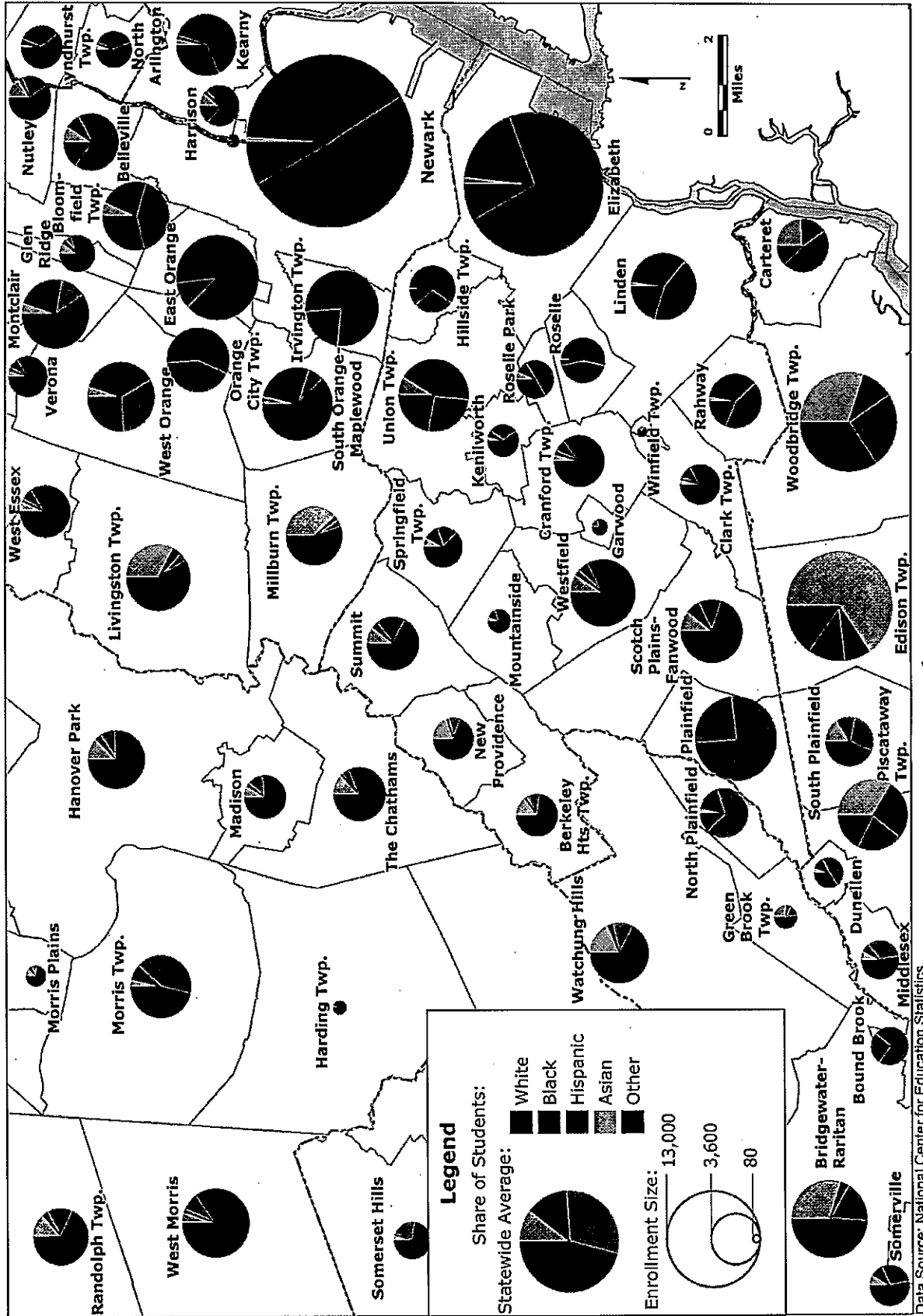


Data Source: National Center for Education Statistics.

62x



**NEWARK- NORTH NEW JERSEY AREA  
Race of Public School Students by  
School Districts in 2019-2020**



63x



## **It's not just about race, its about *opportunity***

Next map measures *opportunity* by school district using factors including:

- % of Free & Reduced School Lunch
- % proficient in Math & Reading
- Per Pupil-Property Tax Capacity

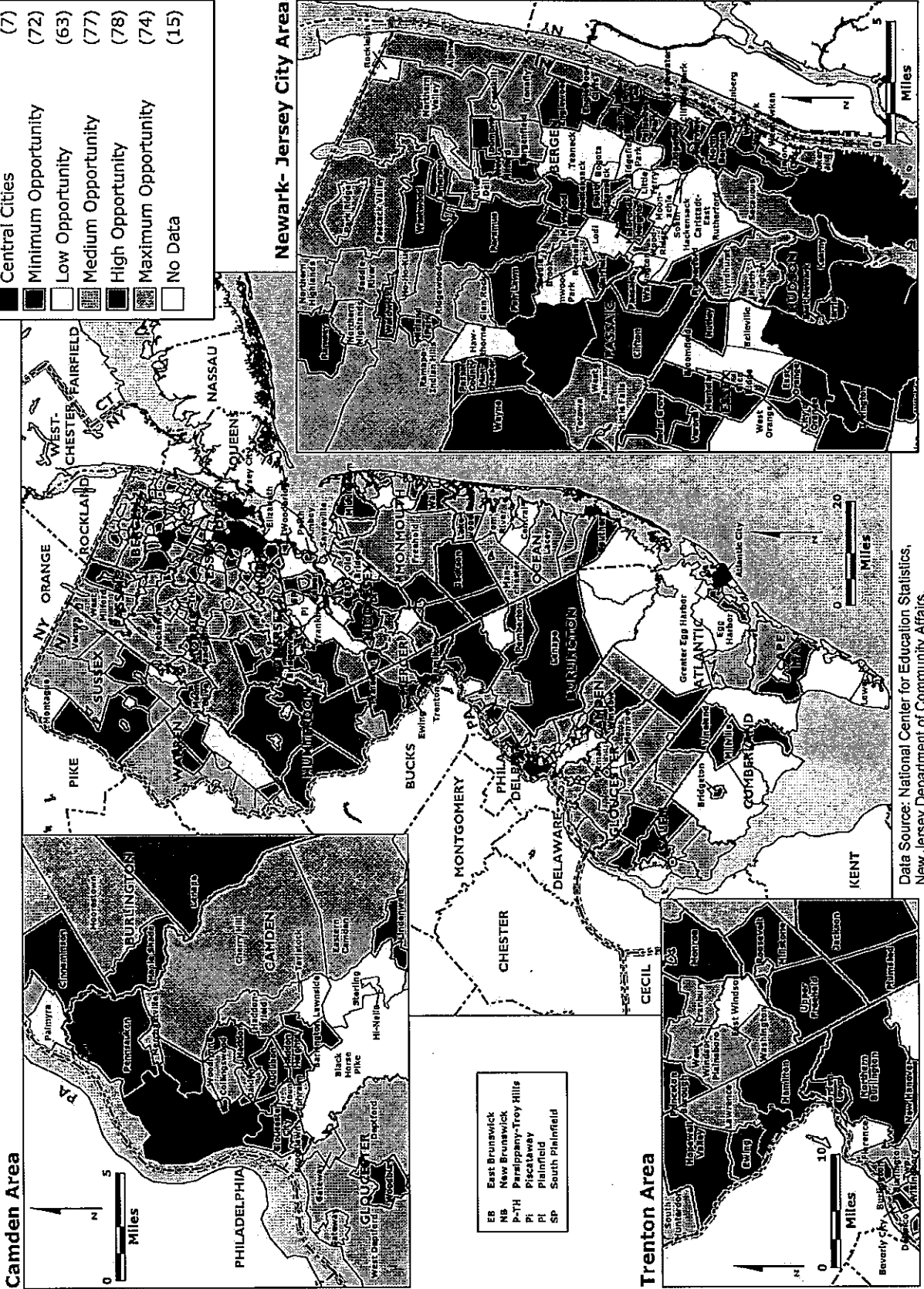
Green & Blue areas are the *highest opportunity* districts with very few low-income students, best scores & highest ratable base.



**NEW JERSEY  
Opportunity Types  
of School Districts in 2020**

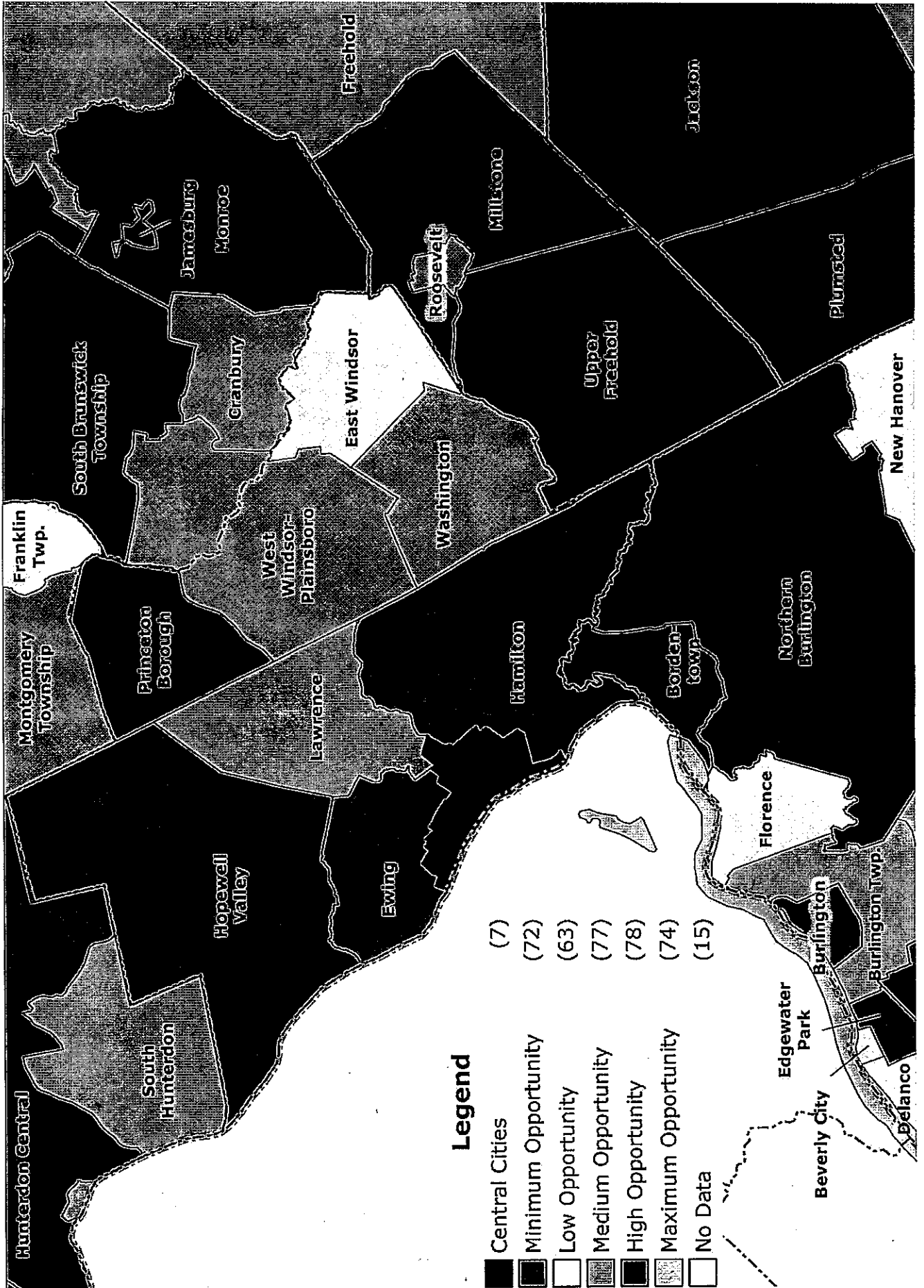
**Legend**

Central Cities	(7)
Minimum Opportunity	(72)
Low Opportunity	(63)
Medium Opportunity	(77)
High Opportunity	(78)
Maximum Opportunity	(74)
No Data	(15)



Data Source: National Center for Education Statistics,  
New Jersey Department of Community Affairs.

66x



**Legend**

- Central Cities (7)
- Minimum Opportunity (72)
- Low Opportunity (63)
- Medium Opportunity (77)
- High Opportunity (78)
- Maximum Opportunity (74)
- No Data (15)

67x

**Using a Diversity and Opportunity analysis, the state can employ multiple policy tools for meeting inclusion goals for every district, school & classroom.**

**Most already exist in NJ law. But need reform:**

- **Strengthen school funding formula**
- **Reform intra-district choice program**
- **Pro-integration magnet & county school program**
- **District & classroom level strategies and best practices**
- **Use Fair Housing goals & obligations**
- **Reform School Consolidation bill**
- **Strengthen the Civil Rights capacity of the DOE**



**Mainland Pleasantville  
NAACP**

**Testimony of the Mainland Pleasantville NAACP to the Joint Committee on the Public Schools**

**March 23, 2022**

Rev. Jerome Page, President of the Pleasantville Board of Education, and member of the Mainland Pleasantville Branch of the NAACP

Thank you for the opportunity to speak to you today.

I am the President of the Pleasantville Board of Education and a member of the Mainland / Pleasantville branch of the NAACP. I am speaking both as local elected leader of a school district deeply impacted by segregation and as a member of the National Association for the Advancement of Colored People.

As you well know, the NAACP has a very clear and unambiguous position is support of school integration and stands in opposition to any policies or practices that restrict the mobility of students and cause our schools to be segregated whether this segregation is de facto or de jure, whether it is caused by residential segregation or by school district boundaries. It violates our most important principles as a democracy, and it violates the civil rights of the students. It stigmatizes, demeans, damages, and narrows the life opportunities of black and brown children.

In the Mainland / Pleasantville area, where our branch represents the suburbs of Atlantic County outside of Atlantic City, we come to this issue with a somewhat unique perspective.

Pleasantville is a one of those suburbs, like many inner-ring, residential suburbs around New Jersey, that experienced decades of white flight, disinvestment, and middle-class abandonment in 1970s through the 1990s leaving our schools deeply segregated and our local tax base decimated. But despite that segregation, our high school has served as a regional district in a decades-old send-receive relationship with Absecon, a neighboring district with a more middle-class and much more white student population.

Absecon's participation in Pleasantville's Regional High School would have greatly lessened the impact of racial segregation in both schools. Unfortunately, the vast majority of Absecon's students (and nearly all of their white students) found ways over the decades to attend high schools other than Pleasantville, choosing instead the County Institute of Technology or schools that participate in the Choice program, like Mainland Regional.

Recently, Absecon petitioned the State Commissioner of Education to allow it to formally separate - *to secede* - from its historic send-receive relationship with Pleasantville. This petition has been opposed by the Pleasantville Board of Education, by the local and state chapter of the NAACP, by the Education Law Center and by Building One America.

69x

We raise the Absecon / Pleasantville example for several reasons, and it is for these reasons that the Pleasantville Board of Education intervened in the LAN case along with the Wildwood School District and Hamilton, both represented here today:

**One:** It exemplifies the way in which the state has and continues to perpetuate segregation through deliberate policy - even under *this* administration. The same cabal of lawyers, and so-called experts, that have made hundreds of thousands of dollars helping Absecon get their wish to secede have made millions across the state dismembering districts and segregating schools. That same group recently succeeded in getting Maywood out of Hackensack High school and before that Merchantville was pulled out of Pennsauken rendering that school district “an Apartheid district” according to one African American parent with children in the district at the time.

**Two:** It shows that the segregation problem needs a broader fix than what two relatively small districts being eternally tied together can achieve - even if they tried. We vehemently oppose Absecon’s petition, but we hold no illusions that the current arrangement is working. We need middle-class districts like Absecon to be *a part* of a broader regional solution and not allowed to simply escape or abandon districts like Pleasantville, leaving them more isolated and more segregated than before.

**Three:** It demonstrates how a solution needs to be truly regional and that all the public-school options for white-flight need to be closed off, whether those options are for families to move to another district or to opt for a county school, or to use the school choice program to perpetuate more segregation. If every district has to do integration, we remove the incentive for flight and create opportunities for more students of all backgrounds.

**Four:** It shows how we need to reform the Department of Education. If the Acting Education Commissioner were to grant Absecon’s request, Pleasantville would become 100% nonwhite. *Total Apartheid*. The fact the Commissioner is ever considering this petition and previous commissioners have permitted these severances (in clear violation of legal precedent) strongly suggest that we need the civil rights enforcement and capacity that has been proposed as amendments to Senate Bill 820 establishing an Office of Desegregation in the Department of Education.

**Finally:** the conflict with Absecon and the harm that segregation has done to our students and community highlights the reasons why school districts like ours must be at the table when any court remedy or legislation fix being is proposed.

We want to commend Senator Cryan for introducing Senate Bill 820 and we thank the committee for convening this hearing and we look forward to working with you throughout the session on this vitally important topic.

Fox

PUBLIC TESTIMONY  
TO  
THE JOINT COMMITTEE ON PUBLIC SCHOOLS  
MARCH 23, 2022

Provided by:

Scott Rocco, Ed.D. Superintendent of Hamilton Township School District

and

Patrick Carrigg, ESq. Board Attorney for Hamilton Township School District, Lenox Law Firm

Thank you for the opportunity to speak with you today. I am joined by the Hamilton Township School District Board of Education attorney Mr. Patrick Carrigg.

My comments to you come not just as the Superintendent of the Hamilton Township School District, but also as a parent of two children that graduated from Hamilton Township schools and another that currently attends school in the district. I am professionally and personally invested in making Hamilton Township School District the best it can possibly be for our students, faculty, staff, and community.

With that mindset, I'd like to share with you a little about our District. Hamilton Township School District joined the Latino Action Network (LAN) lawsuit as a "friend of the court" (amicus curiae) due to the fact that we are a large school district of approximately 11,600<sup>1</sup> students. Our district is economically and culturally diverse with 41.03%<sup>2</sup> of students considered low income, 6.4% English Language Learners, 41.8% white, 34.1% Hispanic, 16.8% Black, 3.8% Asian, and 3.3%<sup>3</sup> two or more races. Our students attend a traditional Kindergarten through twelfth grade school district with 17 elementary schools, 3 middle schools, and 3 high schools. Geographically, Hamilton Township is bordered by Lawrence, Robbinsville, Trenton, and West Windsor. We are more representative of the State as a whole when it comes to our township and school demographics than most school districts and communities.

---

<sup>1</sup> October 15, 2022 student enrollment numbers.

<sup>2</sup> ESEA Consolidated Report

<sup>3</sup> NJDOE Performance Reports 2019-20

71x

Those statistics and facts ultimately comprise what we refer to as "One Hamilton", which is our motto signifying our embrace of the diverse community that unites our schools. One Hamilton is our aspiration, our effort, and ultimately our direction.

As a community and school district, Hamilton Township has become more diverse over the years and as our community continues to grow, so does our diversity. Our school district sees this as a positive and has acknowledged such in our district strategic plan<sup>4</sup> with goals associated with culture and climate, student academic success, faculty and staff success, stakeholder communication and collaboration, and technology.

As our district grows in numbers and diversity we have made a concerted effort to provide programming and resources for all of our students in our schools that represent our diverse community and help our students be successful in school and life. Our efforts notwithstanding, there are still struggles with promoting intradistrict diversity. Geography, transportation costs, older buildings not built for modern day learning or present day technology, and other factors are obstacles to maintaining and promoting intradistrict diversity. We are certainly not unlike many other suburban districts that encounter similar problems. While we address them through programs and offerings, our resources are limited and we, like many other communities, would stand to benefit from a legislative remedy that empowers the Department of Education to guide and assist districts toward implementing creative and effective desegregation solutions.

The LAN lawsuit and this hearing demonstrate that there is a motivation in this State to commit to action that fosters diverse schools and enhances those that are diverse. Hamilton Township School District, and others like us, need the support of the legislature and 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 in guiding districts toward reasonable and effective local solutions, interdistrict partnerships, and reform, where appropriate.

---

<sup>4</sup> 2020 - 2025 Hamilton Township School District Strategic Plan

Our hope is that this Committee looks to Hamilton and sees a high functioning diverse school district that can be a model for a diverse educational setting. We want to impress upon you that successfully operating a diverse school district is not merely coincidence, but requires dedication and careful shepherding that celebrates our differences while simultaneously nurturing our sense of "Oneness" with shared experience. These efforts need investment and support. A focus on geographical boundaries, carte blanche options for interdistrict school choice, or compulsory desegregation is likely to be met with resistance. There are 600 school districts in New Jersey with their own personalities and nobody in New Jersey 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 that 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'd like to borrow a phrase from the medical field, and that is "to do no harm". Snap decisions with sweeping impacts that are not based upon 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 toward 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.

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 they will be supported so that our aspiration of One Hamilton can continue its progress as a positive example for what will ultimately be One New Jersey.

Thank you.

73x

Testimony of Professor Leslie Wilson, Montclair State University  
To the Joint Committee on Public Schools  
March 23, 2022

According to data compiled by various researchers, New Jersey has some of the most segregated schools in the nation. It ranks fourth in degree of school segregation. While defenders of the state's educational excellence point to high graduation rates, one only needs to look at the historic record of standardized test scores and contrast scores with location and racial diversity. At that moment the facts are clear, students in nearly all-black or all-Latino schools are not doing as well as students in nearly all-white schools. Defacto segregation is an aspect of schooling in New Jersey. Our school systems are not equal. They are grossly underfunded in particular locations. Race, more than economics, is a determinant in academic success.

We can and must do something to correct the ills of the past so that every child in the state has the same opportunity to a quality education. There are solutions which may or may not require legislative solutions. We need to start exploring them now! New Jersey's children cannot wait. They are rapidly falling behind.

This coalition offers solutions to address racial imbalance throughout the state's public schools. Of its nine-point legislative plan, I want to focus on three and then highlight some universal ideas. Foremost, we ask that an Opportunity Analysis be considered before taking action. Preliminary examinations have revealed zones of opportunity throughout the state. Second, the state's Interdistrict Public School Choice program should be revisited and reformed. And third, all charter schools and magnet programs should be included in the integration goals.

Given the complexities of the state and its counties, a single remedy will not suffice. However, there are measures that can be taken to resolve the most glaring inequities. The impact of school segregation is most visible at the high school level, particularly in communities with a single high school. Even in towns with majority white populations, the presence of students of color changes affects the racial percentages in the high schools. But this sliding ratio can also be detected at each grade level as the percentages of white students either increase or decrease according to location. Regionalization of schools is a key weapon in decreasing the impact of the single town school systems. Not only can it be used to offer greater racial balance, but expanding the size of school districts will decrease taxes, also expand and democratize technologies, and do a better job of unifying curriculum across the state.

Regionalization, however, will not look the same in all locations. For example, a regional high school in Atlantic County or Mercer County might help children in more urbanized districts. In some places it may make more sense to cross county lines as well as cross urban and suburban boundaries in developing equalization formulas. A regional school that brings together students from Bergen, Passaic, and Hudson Counties will lead to a better education for all involved. An educational network that unites students in Sussex, Morris and Essex Counties can go a long way in creating truly diverse schools.

74x

Let me offer some specific examples in North Jersey. Essex County has some of the most segregated schools in the state. Radiating outward from Newark, the inner rings are largely student of color and the outer rings are largely white. Yet some of the best schools in the state are along the I-78 and I-280 corridors. Why not provide the same opportunities for all students in these zones? Consider the impact of a series of regional schools along these beltways?

A bit northward, a school district that includes Little Falls, Totowa, Cedar Grove, Verona, and Montclair can highlight socio-economic as well as racial diversity. Farther west, joining Morristown, Morris Plains, Madison, Parsippany-Troy Hills and Florham Park can form a multi-high school model with excellent high schools at the core. In Bergen County, combining Fort Lee, Cliffside Park, Edgewater and Leonia can make as much sense as can the unification of Bloomfield and Glen Ridge.

Creating districts that cross socio-economic lines is one of the best ways to strengthen relationships between students and enhance citizenship and democracy. Breaking down the existing racialized silos will help the state's real estate market and teach the next generation to live together. White and ethnic flight in New Jersey has outlived its usefulness and our educational system can shut the door on such antiquated thinking. And in the context of creating integration for better schools, busing is not and should not be used as a deterrent to regionalization. Students are already bused throughout the state by towns that lack schools and there are more of these places that people are willing to recognize. The state should incentivize inventive ways to improve school balance and if busing is one of the means, the state should endorse it!

There is a tendency to blame the current school segregation solely on residential segregation. To insist that people choose to live in certain locations and that this is a natural occurrence is often a false conclusion. For more than a century, black and brown parents have been moving to particular towns throughout the state to give their children the best possible educational opportunities. Three times in the state's history, (1881, 1884, 1948) the court or the legislature has pledged to ensure the civil rights of all citizens and guarantee equal educational opportunities. The 1948 state constitution placed New Jersey in a distinct position ahead of the nation in affirming equal rights and equal/integrated schools. In closing, I believe that once again, New Jersey must take a bold position and correct a visible injustice.