

New Jersey's Apartheid and Intensely Segregated Urban Schools

Powerful Evidence of an Inefficient and Unconstitutional State Education System

A Report Jointly Prepared with the Civil Rights Project, UCLA

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New Jersey's Apartheid and Intensely Segregated Urban Schools: Powerful Evidence of an Inefficient and Unconstitutional State Education System

Introduction

In 1875, New Jersey's legislature and citizenry committed themselves constitutionally to a "thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years."

The fact that this education clause was placed in the Taxation and Finance article of the state's constitution and imposed responsibility on the legislature to provide for the "maintenance and support" of the statewide public education system made clear that funding was considered a key part of the state's responsibility. Yet, it has taken more than 40 years of litigation, still ongoing, in the state courts to assure that New Jersey's poorest urban school districts have adequate funding to try to meet their weighty educational obligations.

New Jersey also was one of the first and only states, through statutes, constitutional provisions and implementing judicial decisions, not only to bar segregation in the public schools, but also to affirmatively require racial balance wherever that was feasible. In fact, mainly in the 1960s and early 1970s the New Jersey courts went far beyond the federal courts in addressing racial separation in the schools. Despite the towering emblematic significance of *Brown v. Board of Education*, federal law bars only formal de jure (by law) segregation and not de facto (by fact or circumstance) segregation; it limits desegregation remedies to culpable districts, thereby largely precluding meaningful multi-district or metropolitan relief. In both regards, New Jersey has gone further.

Unlike the school funding litigation of *Robinson v. Cahill* and *Abbott v. Burke*, which has produced massive equalizing funding for poor urban districts, however, New Jersey's uniquely strong state law regarding racial balance in the schools has not been seriously implemented for the past 40 years. In the words of a former chief justice of the state supreme court in 2004, "[w]e have paid lip service to the idea of diversity in our schools, but in the real world we have not succeeded."¹ As a consequence, the nation's leading researcher on school segregation, Professor Gary Orfield, co-director of the Civil Rights Project at UCLA, has regularly labeled New Jersey's schools as "hyper-segregated."

In a new report, the Project describes in detail the slightly improved but still desperately inadequate state of New Jersey's school desegregation. In this related, but narrower, report, co-developed by Professor Orfield's Civil Rights Project and the Rutgers-Newark Institute on Education Law and Policy, we zero in on a particular aspect of New Jersey's school segregation—the degree to which it creates enormous headwinds for the state's poor urban school districts. In effect, the educational success of the school funding litigation is being undermined by the extent to which the poor urban districts are overwhelmingly populated by

¹ [In the Matter of the Petition for Authorization to Conduct a Referendum on the Withdrawal of North Haledon School District from the Passaic County Manchester Regional High School District](#), 181 NJ 161, 179 (2004).

low-income children of color with vastly greater educational needs than the norm. And they are living in an extraordinary state of isolation, which does not bode well for our state and society.

This is hardly a new or unnoticed phenomenon, though. It actually played a key role in the New Jersey Supreme Court's constitutional analysis in *Abbott v. Burke*. In perhaps the most moving and eloquent statement in the entire litigation, then Chief Justice Robert Wilentz concluded his opinion for a unanimous court in *Abbott II* in 1990 with these words:

In addition to the impact of the constitutional failure on our economy, we noted the unmistakable further impact of the fact that soon one-third of our citizens will be black or Hispanic, many of them undereducated, isolated in a separate culture, affected by despair, sometimes bitterness and hostility, constituting a large part of society that is disintegrating, which disintegration will inevitably affect the rest of society. We noted that "(e)veryone's future is at stake, and not just the poor's. Certainly the urban poor need more than education, but it is hard to believe that their isolation and society's division can be reversed without it."

Our ultimate constitutional focus, however, must remain on the students:

This record proves what all suspect: that if the children of poorer districts went to school today in richer ones, educationally they would be a lot better off. Everything in this record confirms what we know: they need that advantage much more than the other children. And what everyone knows is that -- as children -- the only reason they do not get that advantage is that they were born in a poor district. For while we have underlined the impact of the constitutional deficiency on our state, its impact on these children is far more important. They face, through no fault of their own, a life of poverty and isolation that most of us cannot begin to understand or appreciate.²

More than 23 years later, the proportion of our population that is black and Hispanic has far surpassed one-third and will soon reach one-half. Yet, to an alarming extent, this growing sector still endures lives of "poverty and isolation that most of us cannot begin to understand or appreciate."

² *Abbott v. Burke* (*Abbott II*), 119 NJ 287, 394 (1990).

Dramatizing the Problem of Educational Isolation: New Jersey's Apartheid and Intensely Segregated Schools

No state should be proud of concentrating a very substantial share of its African American/black and Latino students in segregated schools burdened by intense concentrated poverty and, usually, by gross inequality in both educational opportunities and outcomes. When people in the Northeast hear about such conditions they assume that the worst problems are in places like Alabama or Mississippi, surely not in the wealthy and highly educated states along the Eastern seaboard.

Although New Jersey is a rich, largely suburban state with an educated population, with growing diversity, and a tradition of strong public schools, its black students face far more extreme school segregation than black students in the South, the region where segregation was long mandated by state law and state constitutions. This report examines "apartheid" schools, which have zero to 1% white students, as well as "intensely segregated" schools, which have zero to 10% white students.

The Civil Rights Project has been regularly monitoring the status of school desegregation across the nation for sixteen years and, ever since its establishment in 2000, IELP has focused on New Jersey's racial imbalance as one of its top priorities. Often, the Civil Rights Project's reports, calculated from enrollment data collected for other purposes by the federal government, provided the only assessment of these important national and state-by-state trends.

The Project has often issued data on "apartheid schools." These are not apartheid schools in the sense that their segregation was mandated by an apartheid law but, for whatever reason, their racial pattern is virtually indistinguishable from the kind of schools created by apartheid laws, like those long in force in South Africa and in seventeen U.S. states for most of their history until their laws were overridden by the Supreme Court and the 1964 Civil Rights Act. Although such segregation in our Northern urban areas was not the product of such a law, virtually every major city ever examined by a federal court was found to have a long history of illegal public actions and decisions which fostered segregation.

This report, however, is not about apartheid laws and practices but about the educational and social reality of schools almost absolutely isolated from white society and, in the great majority of cases, from any significant contact with classmates who are not poor. The segregation of black and Latino students in these schools is not caused by poverty, though that contributes, because there is a very large number of poor white students in our society but virtually none in these schools.

Apartheid schools make up 8 % of all the schools in New Jersey, but they hold 26% of all black students and almost 13% of Latino students. New Jersey has the third highest fraction of its black students in apartheid schools, following only Illinois and Michigan, where most blacks are concentrated in the Chicago and Detroit metropolitan areas that have long been national

leaders in residential segregation. Segregation of Latinos is severe, but not quite as extreme. New Jersey ranks fifth in concentration of Latinos in apartheid schools.

Black students in New Jersey are more than twice as likely as those in the South to attend such schools. (To see all segregation statistics for New Jersey and its region see the Project’s new statewide report at civilrightsproject.ucla.edu). The New Jersey records for extreme segregation have been achieved in spite of the fact that many states have far larger shares of black and Latino students in their statewide enrollment. New Jersey is a rich and largely suburban, predominantly white state with a great deal of racial and ethnic diversity but segregation levels that are among the nation’s worst due to residential segregation, racial differences among the many school districts in its larger metropolitan areas, and the lack of any offsetting desegregation policies and programs. New Jersey actually has a declining share of black students, now 16%, but a rapidly rising share of Latino students, who have increased to 21% of the state’s total.

Table 1. *Public School Enrollment in New Jersey, 1989-2010*

	Total Enrollment	Percentage					
		White	Black	Asian	Latino	AI	Mixed
New Jersey							
1989-1990	1,054,639	66.4%	18.3%	4.2%	11.0%	0.1%	
1999-2000	1,262,297	61.0%	17.9%	6.1%	14.7%	0.2%	
2010-2011	1,315,054	52.2%	16.3%	9.1%	21.6%	0.1%	0.7%

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD)

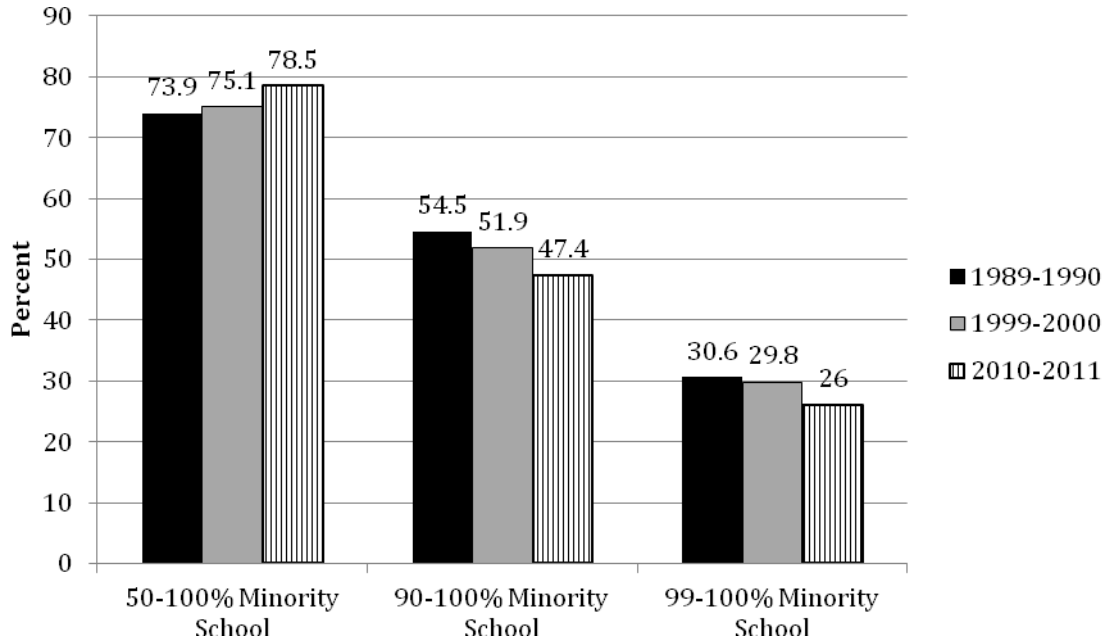
26% of black students in New Jersey are enrolled in apartheid schools compared to 12.9% of Latino students. Over the 20 years between 1989-1990 and 2010-2011, the State’s share of black students in such schools actually declined modestly from 30.6% to 26%, but the proportion of Latino students increased dramatically, from 7.2% to 12.9%. That means currently more than one in four black students and one in eight Latino students attend apartheid schools where they basically have no contact or interaction with white students

But New Jersey’s school segregation problems go far beyond apartheid schools. Another 21.4% of black students and 29.2% of Latino students attend intensely segregated schools where the percentage of minority students is 90% or more.

We also have examined how many black and Latino students in New Jersey attend majority-minority schools, which turns out to be almost four of every five. Over the past 20 years, the share of black students in schools with a majority of students of color rose from 73.9% to 78.5%. The share of Latinos in majority nonwhite schools rose from 75.1% to 77.4%. The

great majority of black and Latino students are in schools that are very different from those attended by most whites and most middle class children.

Figure 1. *Percentage of Black Students in New Jersey Minority Schools*

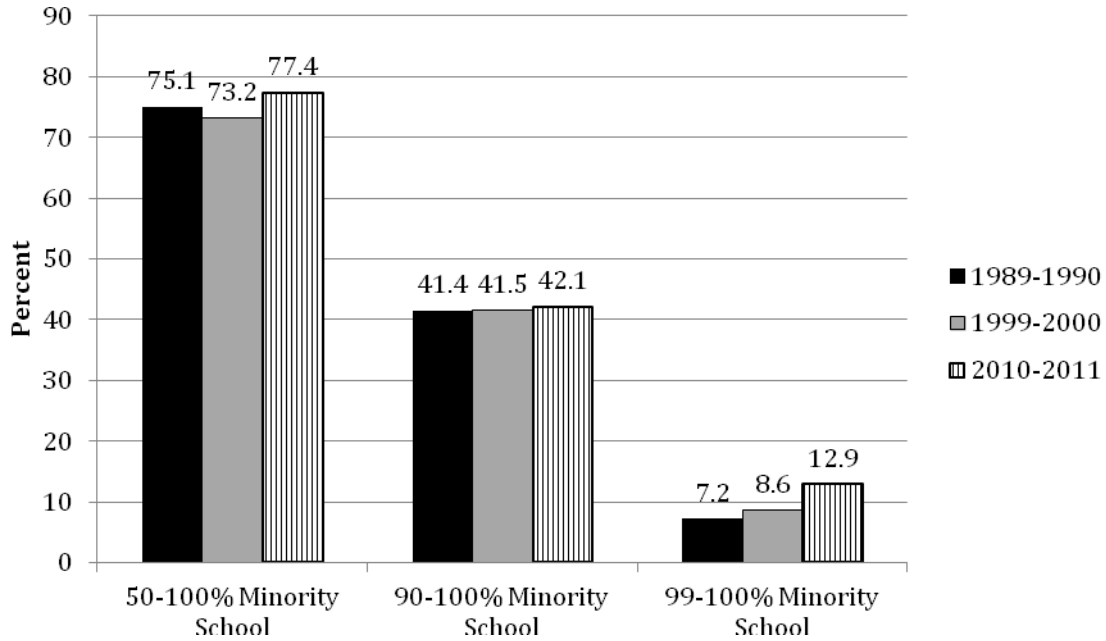


Note:

Minority school represents black, Latino, American Indian, and Asian students.

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD)

Figure 2. *Percentage of Latino Students in New Jersey Minority Schools*



Note:

Minority school represents black, Latino, American Indian, and Asian students.

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD)

Alarming as these statewide data are, however, they don't portray the whole story as dramatically as it warrants. There are various ways to drill deeper in order to present the educational and social realities of these statewide data. The following two tables seek to do so.

The first table (Table 2) shows the extent to which New Jersey's 20 largest school districts by pupil enrollment have intensely segregated schools and students. It tells a tale of two states with the historically urban municipalities dominated by intense segregation and the more recent growth areas quite the opposite. Nine of the 20 districts fall into the first category. In five of those nine, 100% of the schools and students are intensely segregated; in the other four, intense segregation ranges from 58.3% to 86.4%. That means in those nine districts 227 of the 273 schools (83.2%) and 135,839 of the 164,802 students (82.4%) are intensely segregated. By contrast, in the other 11 large enrollment districts, only three of the 190 schools (1.6%) and only 1,048 of the 138,075 students (.076%) are intensely segregated. One further point needs to be made here—the Civil Rights Project has not labeled schools with 90% or more white students as “intensely segregated,” although it might. It does note, though, the harm experienced by students isolated in such schools.

Table 2. *Top 20 New Jersey Districts By Enrollment with Intensely Segregated Schools and Students, 2010-2011*

	Total Intensely Segregated Schools	Total Schools	Percent Schools Intensely Segregated	Total Students in Intensely Segregated Schools	Total Students	Percent Students in Intensely Segregated Schools
2010-2011						
Newark	58	69	84.1%	26,577	33,393	79.6%
Jersey City	21	36	58.3%	14,865	27,407	54.2%
Paterson	38	44	86.4%	22,449	24,383	92.1%
Elizabeth	20	34	58.8%	15,066	22,737	66.3%
Toms River Regional	0	18	0.0%	0	16,762	0.0%
Hamilton Township	1	26	3.8%	230	15,765	1.5%
Edison Township	0	17	0.0%	0	14,178	0.0%
Passaic City	16	16	100.0%	13,281	13,281	100.0%
Woodbridge Township	1	24	4.2%	360	13,028	2.8%

Washington Township	0	21	0.0%	0	12,934	0.0%
Camden City	30	30	100.0%	12,599	12,599	100.0%
Freehold Regional High School	0	6	0.0%	0	11,864	0.0%
Monroe Township	0	13	0.0%	0	11,663	0.0%
Cherry Hill Township	0	17	0.0%	0	11,039	0.0%
Clifton	0	17	0.0%	0	10,905	0.0%
Union City	14	14	100.0%	10,595	10,595	100.0%
Perth Amboy	10	10	100.0%	10,468	10,468	100.0%
Middletown Township	0	17	0.0%	0	10,083	0.0%
East Orange	20	20	100.0%	9,939	9,939	100.0%
Franklin Township	1	14	7.1%	458	9,854	4.6%
TOTAL	230	463	49.7%	136,887	302,877	45.2%

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

The second table below (Table 3) captures another aspect of New Jersey’s intensely segregated educational system; it shows the breakdown of students by race and poverty in the state’s 12 districts where 100% of the schools are intensely segregated. The white population in those districts ranges from 0.0% to 3.8% and the Asian population ranges from 0.1% to 2.5%. The black population dominates in five of the 12 districts (68.8% to 95.6%), the Latino population dominates in four (89.4% to 95.2%), and in the other three there are sizeable percentages of both black and Latino students. In every district except Willingboro Township, the poverty level exceeds 60% in a state where the average is less than 33%, and it goes as high as 92.1%. Not surprisingly, all 11 high-poverty districts are “Abbott districts.” That means they have been classified by the state as “poor urban districts.”

In one of the early *Abbott* decisions, the court designated 28 districts as Abbott districts requiring special fiscal resources. It did so based on two of the state’s own pre-existing classifications—one identifying urban municipalities and the other grouping school districts largely by socioeconomic factors. This District Factor Grouping (DFG) system divided all the school districts into eight categories between A at the lowest end and J at the highest. To be designated an Abbott district originally, the school district had to be both urban as the state defined it and in the A or B grouping. In the intervening years, there have been minor legislative

and administrative adjustments to the list of Abbott districts, which most recently totaled 31. Of the 11 Abbott districts in the second table below, 10 were most recently categorized as A and one, Plainfield, as B. The only non-Abbott district, Willingboro, was in the DE grouping, the fourth from the lowest.

Not surprisingly, the 12 districts with 100% intensely segregated schools are mainly located in New Jersey's more urbanized counties with three in Essex, two in Hudson and one each in Camden, Mercer, Middlesex, Monmouth, Passaic and Union. Willingboro is an outlier in that regard, too, since it is located in more rural Burlington County. The state's other nine predominantly suburban and rural counties have no districts with 100% intensely segregated schools.

These tables dramatize the point that New Jersey has created and maintains a bifurcated educational system. One large and growing segment, predominantly urban, has an alarming degree of intense segregation, and even apartheid schools, coupled with distressingly high concentrations of poverty. This is a combination that, if unaddressed, makes successful education extremely difficult. All too often the result is low high school graduation rates and low or unsuccessful post-secondary attendance rates. The other segment is still predominantly white and suburban where educational success and college attendance are the norms.

Table 3. *New Jersey Districts with All Intensely Segregated Schools by Race and Poverty, 2010-2011*

District	Total Students	% Asian	% Latino	% Black	% White	% Poverty
Asbury Park	1,890	0.2%	28.0%	68.8%	2.9%	79.5%
Camden City	12,599	1.1%	47.8%	50.0%	0.6%	76.8%
City Of Orange Township	4,396	0.3%	20.5%	78.8%	0.4%	60.3%
East Orange	9,939	0.1%	4.3%	95.6%	0.0%	70.7%
Irvington Township	7,164	0.4%	8.5%	90.7%	0.1%	66.6%
Passaic City	13,281	2.5%	89.9%	6.6%	1.0%	86.4%
Perth Amboy	10,468	0.6%	89.4%	7.1%	2.8%	61.0%
Plainfield	6,381	0.5%	50.2%	48.4%	0.7%	76.2%
Trenton	8,705	1.6%	38.3%	57.6%	2.1%	66.1%
Union City	10,595	1.3%	95.2%	1.0%	2.5%	92.1%
West New York	6,671	0.8%	94.7%	0.7%	3.8%	75.6%

Willingboro Township	4,201	1.5%	6.9%	89.4%	2.1%	49.4%
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Note: Poverty indicates eligibility for free and reduced lunch program.

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

New Jersey’s Apartheid Schools—the Most Extreme Examples

Predictably, New Jersey’s apartheid schools reflect the most extreme forms of both racial and ethnic isolation and concentrated and extreme poverty. Although statewide New Jersey had less than 33% low-income students eligible for subsidized lunches in 2010, far lower than many other states, the state’s apartheid schools had more than 79% poverty levels.

Table 4. *Percentage of Low-Income Students in Apartheid Schools*

	Overall Share of Low-Income Students	% Low-Income in 99-100% Minority Schools
New Jersey		
1999-2000	28.0%	78.7%
2010-2011	32.7%	79.4%

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

The basic approach of standards-based reform and state and federal (No Child Left Behind and Race to the Top) accountability policies has been to identify, focus urgent attention on, and to sanction “low performing” schools and their students and teachers. A great many apartheid schools cannot offer equal preparation for students and are very disproportionately sanctioned as “failing schools.” Often this adds insult to injury. Normally, however, nothing is done about the extreme segregation by race and poverty (and sometimes language background) these schools face.

These schools are not equally distributed across New Jersey. Again, the more urbanized counties have disproportionate numbers. Ten of New Jersey’s 21 counties, mostly suburban and rural ones, have no apartheid schools. Six other counties have fewer than ten schools each with this extreme segregation. Mercer and Union Counties have 12 and 13, respectively. Counties with small numbers of these schools could do something to alleviate the apartheid conditions without great effort. Three counties—Essex, Passaic and Camden--have large

concentrations of such schools, however, with Essex home to almost half of all such schools in New Jersey. In substantial but circumscribed portions of these counties apartheid conditions are the norm. This report will deal with the particulars of Essex County in a subsequent section.

Table 5. *New Jersey Counties with Apartheid Schools and Students, 2010-2011*

	Total Apartheid Schools	Total Schools	Percent Schools Apartheid	Total Students in Apartheid Schools	Total Students	Percent Students in Apartheid Schools
2010-2011						
Atlantic County	7	77	9.09%	3,107	45,570	6.82%
Bergen County	1	263	0.38%	198	129,865	0.15%
Camden County	28	163	17.18%	12,230	80,212	15.25%
Essex County	91	229	39.74%	44,030	118,763	37.07%
Hudson County	4	115	3.48%	1,475	79,011	1.87%
Mercer County	12	97	12.37%	2,960	51,515	5.75%
Middlesex County	9	182	4.95%	6,709	122,991	5.45%
Morris County	1	148	0.68%	149	77,495	0.19%
Passaic County	24	137	17.52%	16,850	77,741	21.67%
Salem County	1	28	3.57%	208	10,375	2.00%
Union County	13	158	8.23%	5,698	86,217	6.61%
TOTAL	191	1,597	11.96%	93,614	879,755	10.64%

Note: 10 counties are not listed because they have no apartheid schools

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

Apartheid Schools in the State-Operated Districts

The problems of apartheid schools are particularly apparent in the districts operating under direct state control. Three of these four districts have extraordinary levels of apartheid

education. These four districts account for 89 apartheid schools with almost 41,000 students. More than half of the apartheid schools and students are in Newark where 55% of all students attend such schools. The highest proportion is in Camden where the 28 schools account for 72% of all the district's schools and 79% of its students. Paterson has 12 schools serving almost a fourth of its students (23%). Just these three districts account for 43% of the New Jersey students in such schools. Jersey City's much lower percentage of apartheid schools probably reflects the gentrification of that city over the almost two and a half decades since the state assumed operating responsibility for it.

Obviously, these state-operated districts provide the most dramatic evidence of the state's failure to enforce its longstanding constitutional mandate for racial balance. Given the fact that the state has been in charge of three of these districts for an extended period of time—Jersey City since 1989, Paterson since 1991 and Newark since 1995—it is hard to conceive of how it can justify that failure.

Table 6. *New Jersey State-Controlled Urban Districts with Apartheid Schools and their Students, 2010-2011*

	Total Apartheid Schools	Total Schools	Percent Schools Apartheid	Total Students in Apartheid Schools	Total Students	Percent Students in Apartheid Schools
2010-2011						
Camden	28	39	71.79%	12,230	15,398	79.43%
Jersey City	3	45	6.67%	1,110	30,205	3.67%
Newark	46	82	56.10%	21,640	39,525	54.75%
Paterson	12	46	26.09%	5,845	25,601	22.83%
TOTAL	89	212	41.98%	40,825	110,729	36.87%

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

The Implications and Impact of Apartheid Schools

Statewide the impact of racial segregation and concentrated poverty in apartheid schools varies dramatically by race, ethnicity and class. In all of New Jersey, only 314 whites attend such schools. Less than a thousand Asians and less than a hundred American Indians are locked into such education. On the other hand, there are 55,683 black students, who make up three-fifths of the state total, and 36,597 Latinos, who make up the vast majority of the rest. These schools have extreme poverty and educate 74,350 students living in poverty, the great majority

facing the dual barriers of race and poverty, compounded by doubly segregated schools almost entirely separated from the state’s mainstream middle class population.

Table 7. *New Jersey Students in Apartheid Schools by Race and Poverty, 2010-2011*

	Total Apartheid Students	Poor Students in Apartheid Schools	American Indian Students in these schools	Asian/ Pacific Islander Apartheid Students	Latino Students in Apartheid Schools	Black Students in Apartheid Schools	White Students in Apartheid Schools
2010-2011							
New Jersey	93,614	74,350	50	852	36,597	55,683	314

Note: Poverty indicates eligibility for free and reduced lunch program.

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

Such double segregation by race and poverty is systematically linked to unequal educational opportunities and outcomes. Research has shown for a half century that children learn more when they are in schools with better prepared classmates and excellent, experienced teachers, schools with strong well-taught curriculum, stability and high graduation and college going rates.³ Concentrated poverty schools, which are usually minority schools, tend to have a high turnover of students and teachers, less experienced teachers, much less prepared classmates, and a more limited curriculum often taught at much lower levels because of the weak previous education of most students. They have much higher dropout rates and few students prepared for success in college. The academic climate tends to be very different. The neighborhood the school serves is likely to have far fewer resources for the positive and educational out-of-school and summer experiences that enrich the learning of middle class students and neighborhoods. Students in segregated impoverished areas tend to experience serious summer learning loss.⁴

³ Darling-Hammond, Linda, *The Flat World and Education* (Teachers College Press 2011); Education Trust, *Building and Sustaining Talent: Creating Conditions in High-Poverty Schools that Support Effective Teaching and Learning* (2012) (<http://www.edtrust.org/dc/publication/building-and-sustaining-talent-creating-conditions-in-high-poverty-schools-that-support-effective-teaching-and-learning>).

⁴ Alexander, Karl L., Doris R. Entwisle, Linda S. Olson, “Schools, Achievement, and Inequality: A Seasonal Perspective,” *Educational Evaluation and Policy Analysis*, vol. 23, no. 2 (American Educational Research Association Summer 2001), pp. 171-191.

New Jersey has taken extraordinary steps to upgrade financial support for education in its poorest communities through the *Abbott* decisions, in contrast to the enormous gap in money in many poor communities in neighboring states. Money can buy important things such as good preschool training, strong facilities and educational resources, if it is well targeted, but it does not typically buy the same kind of teachers, curriculum, level of instruction, level of peer group academic support and positive competition, and stability of enrollment of classmates and of faculties that are usually found in white and stably diverse schools.

Sometimes extraordinary leaders and deeply committed faculties can overcome some of these obstacles, at least in preparation for the crucial state tests in a few fields, but the number of those schools that “break the mold” is very small, usually limited to elementary grades, and they are vulnerable to loss if key leadership or faculty members depart. Those successful schools should be supported and rewarded. We should end misguided accountability policies that simply brand the intensely segregated schools and their faculties as failures, increasing the incentive for the best teachers and principals to leave for schools with fewer challenges, as consistently happens. For the last half century federal and state policy has been focused on efforts to make highly disadvantaged schools more equal and hundreds of billions of dollars have been invested, but very intense educational inequalities remain. Obviously, in addition, it is impossible to learn how to function effectively across lines of race and class in schools and neighborhoods with zero diversity, but those skills are critical in college and later employment.

The schools in New Jersey actually are more segregated than the neighborhoods. Let us repeat that—school segregation in New Jersey is worse than residential segregation! One has to ponder what demographic quirks or educational policies have led to that unexpected, and presumably remediable, result. Of course, that doesn’t mean residential segregation is no longer a problem. Families with children are less likely to live in diverse neighborhoods and use schools if the schools are segregated by race and poverty. The absence of schools that are diverse and stable limits long-term settlement of middle class families of any race with children, even in gentrifying neighborhoods.

Taking a Closer Look at the Problem through the Lens of Essex County

By many measures, Essex County is the most intensely segregated of New Jersey’s 21 counties. As indicated, it has almost half of all the apartheid schools in the state; and it has more districts with 100% intensely segregated schools than any other county and 25% of all such districts in the state.

Essex County is compact (third smallest of all the counties in area at 126 square miles) and populous (third largest of all the counties at 783,969). Its 21 school districts include the largest in New Jersey (Newark with 33, 393 students) and one of the smallest (Essex Fells with 242 students). Those 21 districts break down into three distinct categories:

- § Those four districts whose schools are all (East Orange, Irvington and Orange) or overwhelmingly (Newark, 84.1%) intensely segregated and whose poverty levels are between 60.3 and 86.4%;
- § Those 12 districts without a single school that is intensely segregated in terms of minority student enrollment, but where the district enrollment shows intense or nearly intense reverse “segregation” (eight have 90% or more white and Asian enrollment, the others have 85.4%, 88.4%, 89.1% and 89.8%) and whose poverty levels, with one exception, are miniscule (five have 0.0%, six range from 0.6 to 3.1%, and one has a rate of 9.2% still substantially less than one-third the state average); and
- § Those five districts that are more diverse (three have no intensely segregated schools and the other two have one each) with the white population ranging from 19.2% to 51.1%.

Table 8. *Essex County Districts By Enrollment with Intensely Segregated Schools and Students Based on Minority Enrollment, 2010-2011*

	Total Intensely Segregated Schools	Total Schools	Percent Schools Intensely Segregated	Total Students in Intensely Segregated Schools	Total Students	Percent Students in Intensely Segregated Schools
2010-2011						
Belleville	0	9	0.0%	0	4,738	0.0%
Bloomfield Township	1	10	10.0%	425	5,912	7.2%
Caldwell-West Caldwell	0	6	0.0%	0	2,584	0.0%
Cedar Grove Township	0	4	0.0%	0	1,618	0.0%
City Of Orange Township	10	10	100.0%	4,396	4,396	100.0%
East Orange	20	20	100.0%	9,939	9,939	100.0%
Essex Fells	0	1	0.0%	0	242	0.0%
Fairfield Township	0	2	0.0%	0	692	0.0%
Glen Ridge	0	4	0.0%	0	1,897	0.0%

Irvington Township	12	12	100.0%	7,164	7,164	100.0%
Livingston Township	0	9	0.0%	0	5,709	0.0%
Millburn Township	0	7	0.0%	0	4,904	0.0%
Montclair	0	11	0.0%	0	6,572	0.0%
Newark	58	69	84.1%	26,577	33,393	79.6%
North Caldwell	0	2	0.0%	0	661	0.0%
Nutley	0	7	0.0%	0	3,912	0.0%
Roseland	0	1	0.0%	0	447	0.0%
South Orange- Maplewood	0	9	0.0%	0	6,384	0.0%
Verona	0	6	0.0%	0	2,155	0.0%
West Essex Regional	0	2	0.0%	0	1,589	0.0%
West Orange	1	11	9.1%	396	6,713	5.9%

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

Table 9. Essex County Districts By Enrollment by Race and Poverty, 2010-2011

District	Total Students	% Asian	% Latino	% Black	% White	% Poverty
Belleville	4,738	11.5%	53.7%	9.5%	19.2%	42.4%
Bloomfield Township	5,912	9.5%	33.3%	25.7%	31.3%	33.9%
Caldwell-West Caldwell	2,584	5.0%	7.1%	2.0%	85.6%	2.7%
Cedar Grove Township	1,618	6.1%	4.1%	0.9%	88.8%	2.1%
City Of Orange Township	4,396	0.3%	20.5%	78.8%	0.4%	60.3%
East Orange	9,939	0.1%	4.3%	95.6%	0.0%	70.7%

Essex Fells	242	0.8%	0.8%	1.2%	97.1%	0.0%
Fairfield Township	692	2.5%	5.5%	0.0%	91.8%	0.0%
Glen Ridge	1,897	5.7%	3.6%	5.5%	84.1%	0.0%
Irvington Township	7,164	0.4%	8.5%	90.7%	0.1%	66.6%
Livingston Township	5,709	22.9%	3.7%	2.8%	69.4%	1.0%
Millburn Township	4,904	18.9%	2.7%	1.5%	76.0%	0.6%
Montclair	6,572	4.1%	7.9%	33.6%	51.1%	6.3%
Newark	33,393	0.8%	37.9%	51.4%	7.8%	86.4%
North Caldwell	661	3.5%	3.9%	0.8%	91.2%	0.0%
Nutley	3,912	10.1%	13.0%	1.5%	75.3%	9.2%
Roseland	447	8.1%	6.3%	4.3%	81.0%	3.1%
South Orange- Maplewood	6,384	3.9%	5.5%	40.1%	48.3%	18.2%
Verona	2,155	4.9%	7.8%	2.1%	83.5%	0.0%
West Essex Regional	1,589	4.4%	5.8%	0.9%	88.4%	2.2%
West Orange	6,713	7.6%	24.1%	42.9%	24.6%	36.2%

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

Among the five more diverse districts are Montclair and South Orange-Maplewood, two of a handful of New Jersey districts that have made a sustained and relatively successful effort to achieve and maintain racially, ethnically and, to some degree, socio-economically diverse schools with all the strengths and challenges that are involved.

The first two categories of Essex County school districts present the nub of the problem. Co-existing in a single, compact county are a dozen virtually all white and Asian suburban districts with tiny poverty levels and four urban districts with virtually no white or Asian students and staggeringly high poverty levels. Surely if New Jersey's twin constitutional commands of equalizing educational opportunities and assuring racial balance wherever feasible are to have any real-world meaning, this is a county where the state must act.

Choice Won't Solve This Problem. There's only one thing to add. Although school choice, through magnets or even charter schools, can play a positive role if it is animated by a

civil rights/diversity agenda, school choice per se is hardly a panacea. Essex County has 17 charter schools, most in Newark. But as Tables 10 and 11 show, all 17 are intensely segregated with nine having 0.0% white students, four having between 0.1-0.3% white students and four having 0.8-2.5% white students. Fourteen of the 17 have black student enrollments of 84.7%-100% and the other three have Latino student enrollments of 59.7%-72.1%.

Table 10. *Essex County Charter Schools By Enrollment with Intensely Segregated Schools and Students, 2010-2011*

	Total Intensely Segregated Schools	Total Schools	Percent Schools Intensely Segregated	Total Students in Intensely Segregated Schools	Total Students	Percent Students in Intensely Segregated Schools
2010-2011						
Adelaide L Sanford Charter School	1	1	100.0%	282	282	100.0%
Burch Charter School Of Excellence	1	1	100.0%	182	182	100.0%
Discovery Charter School	1	1	100.0%	62	62	100.0%
East Orange Community Charter School	1	1	100.0%	470	470	100.0%
Gray Charter School	1	1	100.0%	261	261	100.0%
Greater Newark Charter School	1	1	100.0%	167	167	100.0%
Lady Liberty Academy Charter School	1	1	100.0%	456	456	100.0%
Maria L Varisco-Rogers Charter School	1	1	100.0%	380	380	100.0%
Marion P Thomas Charter School	1	1	100.0%	555	555	100.0%

New Horizons Community Charter School	1	1	100.0%	441	441	100.0%
Newark Educators Charter School	1	1	100.0%	243	243	100.0%
Newark Legacy Charter School	1	1	100.0%	119	119	100.0%
North Star Academy Charter School	1	1	100.0%	1,262	1,262	100.0%
Pride Academy Charter School	1	1	100.0%	239	239	100.0%
Robert Treat Academy Charter School	1	1	100.0%	525	525	100.0%
Team Academy Charter School	1	1	100.0%	1,277	1,277	100.0%
University Heights Charter School	1	1	100.0%	221	221	100.0%

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

Table 11. *Essex County Charter Schools By Enrollment by Race and Poverty, 2010-2011*

District ⁵	Total Students	% Asian	% Latino	% Black	% White	% Poverty
Adelaide L Sanford Charter School	282	0.0%	0.0%	100.0%	0.0%	74.1%
Burch Charter School Of Excellence	182	0.0%	2.2%	97.3%	0.0%	79.1%
Discovery Charter School	62	9.7%	59.7%	25.8%	0.0%	80.6%

⁵ Under New Jersey law, each charter school is considered a separate school district.

East Orange Community Charter School	470	0.0%	2.3%	96.8%	0.0%	81.1%
Gray Charter School	261	1.9%	13.4%	84.7%	0.0%	74.7%
Greater Newark Charter School	167	0.0%	7.2%	92.8%	0.0%	82.6%
Lady Liberty Academy Charter School	456	0.0%	11.8%	87.7%	0.2%	88.2%
Maria L. Varisco- Rogers Charter School	380	2.9%	72.1%	23.4%	1.3%	92.6%
Marion P. Thomas Charter School	555	0.0%	3.2%	96.8%	0.0%	83.4%
New Horizons Community Charter School	441	0.0%	7.7%	92.1%	0.2%	89.1%
Newark Educators Charter School	243	0.0%	9.9%	89.3%	0.8%	89.3%
Newark Legacy C Charter School	119	0.0%	12.6%	85.7%	1.7%	82.4%
North Star Academy Charter School	1,262	0.6%	13.5%	85.4%	0.3%	78.1%
Pride Academy Charter School	239	0.0%	2.5%	97.5%	0.0%	87.9%
Robert Treat Academy Charter School	525	1.1%	71.2%	25.0%	2.5%	69.3%
Team Academy Charter School	1,277	0.0%	5.2%	94.6%	0.2%	84.5%
University Heights Charter School	221	0.0%	13.6%	86.0%	0.0%	88.7%

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data

Solving the Urgent Problem of Apartheid and Other Intensely Segregated and Extremely Poor Schools and the Communities in which They Exist

American education is confronting a virtual perfect storm. One important dimension—the main focus of this report—is the extreme segregation of many urban communities and their schools by race, ethnicity and poverty. That issue is achieving greater prominence, perhaps because of next year’s 60th anniversary of *Brown v. Board of Education* or perhaps because U.S. Secretary of Education Arne Duncan has recently said that “the need for integration and more integrative schools is very real, and that there are things that we can do,”⁶ or perhaps because the U.S. Supreme Court’s decision in *Fisher v. University of Texas* has raised again the educational value of student diversity.

Of course, the perfect storm has other dimensions. Among the most prominent is the concern about American competitiveness in a global world. Amanda Ripley’s recent book, in particular, has stirred up a vigorous debate about how American education reform approaches compare to those in countries whose educational success in recent years has far outstripped ours.⁷

But there also is the accumulating evidence of the United States’ growing social rigidity, increasing inequality and escalating poverty.

Finally, there are the demographic shifts making it apparent that, before long, many states and the country as a whole will be “majority-minority.”

Whether one confronts this perfect storm through the lens of equity or the lens of unabashed pragmatism and self interest, the result should be the same—we need to turn our focus to how we calm the turbulent seas and prepare for a better day.

With regard to the main theme of this report, apartheid and other intensely segregated schools are very serious obstacles to the health and vitality of a community and substantially reducing their numbers must be part of any serious plan to revitalize urban communities. Schools integrated by race and class are attractive to both families and teachers, who are more likely to make long-term commitments to the community.

Apartheid schools are an extreme form of segregation in unequal schools. New Jersey now has no plan to alleviate this shameful record that has long affected the lives of a large share of the state’s African Americans and is now rapidly increasing among the quickly growing

⁶ <http://www.edsource.org/today/2013/secretary-duncan-says-integration-can't-be-forced-and-there-is-need-to-do-more>.

⁷ Ripley, Amanda, [The Smartest Kids in the World: And How They Got That Way](#) (2013)

Latino population. The state should carefully examine actions at any level of government that increase this level of isolation and develop a series of initiatives to give students now locked into such schools options to enroll in schools less isolated by race and class.

There are a number of ways to do so, all focusing on a serious and sustained commitment to New Jersey's longstanding constitutional imperatives of equality of educational opportunity and racial and socioeconomic diversity in the schools, as well as to enlightened self-interest.

First, magnet school and regional transfer and magnet plans with integration goals and civil rights policies to increase parent information and opportunities to transfer their children to more successful and more diverse schools in other districts would be one positive step. Connecticut's success in creating integrated regional magnet schools with long waiting lists of African American, white and Latino students desiring special educational opportunities deserves New Jersey's attention.

Second, any state-supported choice plan, such as charter schools and New Jersey's public school interdistrict choice program, should have explicit goals and procedures designed to ensure that they actually promote racial and socioeconomic diversity. Related to that, choice plans should not be permitted to systematically screen out limited English proficient or special education students.

Third, the state and local governments should not build or subsidize more low-income housing in areas where students must attend apartheid schools and often live in apartheid neighborhoods. Indeed, all state and local legislation, regulations and policies should be screened to ensure that they promote, rather than impede, racial and socioeconomic diversity of communities and their schools.

Finally, New Jersey should seriously consider school district consolidation to promote civil rights and racial balance goals. In recent years, consolidation and shared services have begun to be instituted largely for fiscal reasons. Those moves are long overdue. For decades, New Jersey's crazy quilt of far too many school districts, many too small to operate a full K-12 program and some having too few students to even operate a single school, has been widely criticized, but rarely addressed in a serious way. For more than 50 years, blue ribbon commissions, at least once a decade, have recommended comprehensive school district and municipal reorganization and consolidation, but these recommendations have been scuttled by the political process.

This is a time to address seriously the need not only to achieve greater fiscal efficiencies, but also to make good on the state's longstanding constitutional commitment to equal educational opportunity for all students delivered in a racially balanced setting. Apartheid schools simply are incompatible with that constitutional commitment.

Consolidation could take various forms. One successful model already exists. The Morris School District was created 40 years ago by mandate of the state commissioner of education out of the adjacent Morristown and Morris Township districts, the former

increasingly populated by black students and the latter by predominantly white students. An overriding goal was to achieve and maintain racial balance. That goal has been realized since the consolidated district continues to be one of New Jersey's most diverse. It also sends 93% of its students on to post-secondary education and is widely given credit for the flowering of Morristown as the county seat of Morris County.

Consolidation could take a broader and more ambitious form by using the county school district model employed by many states. The recent unprecedented educational success of New Jersey's county vocational school district magnet high schools may lend credence to such an approach. In a recent US News and World Report ranking of New Jersey's high schools, five of the top 10 were operated by county vocational districts, three by Monmouth County. Clearly, the county-wide catchment areas of those high-tech magnet schools have enabled them to attract students and provide them with extraordinary educational opportunities. County-wide attendance areas also could facilitate the achievement of racial and socioeconomic diversity from school to school.

Despite these and other positive steps that New Jersey could take to substantially reduce the number of apartheid and intensely segregated schools, we do not claim that there is either a feasible way to desegregate all of these schools in the near term, or that desegregation without other changes in schools, families and communities, could eliminate all educational gaps.

Obviously, the situation could be improved dramatically if black and Latino students currently in apartheid and other intensely segregated schools got access to more diverse and better schools and were treated fairly there. What good policy could do, where feasible, would be to give a better opportunity to as many as possible of students confined in schools where they have very limited chances and a high probability of failure. Some of these schools should be "turned around" into successful magnet schools with appropriate civil rights policies. The Civil Rights Project's recent book, *Educational Delusions? Why Choice Can Deepen Inequality and How to Make Schools Fair* (Univ. of California Press, 2013), shows the advantage of magnet schools with civil rights policies and the problems of extreme segregation in charter schools, which usually lack such policies and whose academic record is the same as the regular public schools.

Giving students who face many other obstacles an opportunity to enroll in a more successful school does not guarantee that the school will successfully integrate its classrooms and its many activities, but it provides a real chance. There are effective ways to train teachers how to work with diverse students without in any way damaging the success of privileged students. (Segregated white students are also unprepared for the diversity of future college and work experiences.)

When realized, integration can be a transformative chance, a bridge into another life in the mainstream of our diverse middle class society. Many readers who have had success in college can remember some transformative teachers in exciting classes; some remember a high school where everyone was expected to go to college and the school was effectively organized

to make college success very likely. Too many students who attended apartheid schools remember an experience where college success for students was rare and where even the very best students found themselves massively behind if they got to college, regardless of their potential talent and their intense desire to succeed. Figuring out how to offer a real path to lifetime opportunities for students facing apartheid conditions is a mark of a fair and decent society, as well as a society that is pragmatic about advancing its own collective self-interest.