

EXHIBIT D



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Maplewood, New Jersey 07040

(201) 259-8375

September 20, 2017

Dr. Thomas Ficarra
Interim Superintendent
South Orange-Maplewood School District
525 Academy Street
Maplewood, New Jersey 07040

Re: Access and Equity

Dear Dr. Ficarra:

We are writing on behalf of [REDACTED], and her son, a freshman at Columbia High School. [REDACTED] has informed us that her son's teacher recommended his placement in an Honors World History class, and that request was denied by the guidance department. Her son's guidance counselor, Ms. Hicks, has been a strong advocate for him but the department's leadership is impeding students' access to courses. Per [REDACTED], the guidance counselor, in an e-mail communication, suggested that the department would pursue "alternate ways of meeting my child's level." This is an unacceptable response.

In this case we have a teacher, acknowledging the capabilities of the student, recommending the student's placement in a class at a more appropriate level. The denial of this request is a clear example of the district's practice of tracking African-American students into lower-level classes, beneath the breadth of their talents. It is unconscionable that a student would be held in a class that will have limited

value to their academic growth. What's more, the suggestion to a parent, a taxpayer, that some "alternate way" to meeting a child's potential is a satisfactory substitute for access to courses which the parent's tax dollars have supported, is an insult.

We cannot accept the continued relegation of African-American students to an inferior education and the denial of their legally entitled education commensurate with their white peers. The suggestion that the academic course load is incapable of absorbing such changes is a red herring given the district's allowance for students to level down. Further, at any time during the academic year new students enroll in the district and are placed in classes in which their presence was not accounted for at the start of the school year. So, the idea that having students level up, as opposed to leveling down, creates some great inconvenience is simply unacceptable. The burden falls upon the district to meet the educational needs of its students.

We are requesting that this student's teacher's recommendation is honored and acted upon without delay. Any further impediment to the student's academic progress will add to the evidence of the district's intentional discrimination and bias against African-American students. We are closely monitoring this process and are in communication with parents who have similar objections to the placement of their children in classes that do not meet their preferred level of academic rigor.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Fields", with a stylized, cursive script.

Walter Fields
Chairman
(973) 738-7876 – Direct

Cc: Mr. Robert Tarver, Esq., Legal Counsel, Black Parents Workshop
Mr. James Davis, Esq., Trustee, Black Parents Workshop

Elizabeth Baker, Board of Education



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September 17, 2017

Dr. Thomas Ficarra
Interim Superintendent
South Orange-Maplewood School District
525 Academy Street
Maplewood, New Jersey 07040

Re: Access and Equity

Dear Dr. Ficarra:

We are writing on behalf of [REDACTED], and his daughter [REDACTED], a sophomore at Columbia High School, who is seeking to enroll in an Honors geometry class and has been denied. The denial of her request is a blatant disregard of the U.S. Department of Education Office of Civil Rights (OCR) determination of the South Orange-Maplewood School District's practice of tracking and denying African-American students' access to advanced level and Advanced Placement (AP) courses. The Black Parents Workshop considers the denial of [REDACTED] request to be in violation of the spirit and intent of the Resolution Agreement the district signed with OCR, as well as district Policies 5755.1 (Access and Equity) and 2314 (Academic Placement).

[REDACTED] has informed us that the reason for the denial of his daughter's request given by Dr. Pamela Murray, Supervisor of Youth Development and Pupil Services, 6-12, and whose e-mail to [REDACTED]

██████ we are in receipt, is that students are not allowed to level up in September. Specifically, Dr. Murray writes, "All students had the opportunity to pick their courses and levels during the course selection process; students were also given the opportunity to come in during the summer to address scheduling questions/concerns, including level changes." Dr. Murray then suggests ██████ meet with her to "discuss ways to continue her passion for learning through enrichment opportunities, especially with the free 9th period in her schedule." At the same time, we know the Guidance Department accommodates student requests to level down.

This is an unacceptable and intolerable obstacle to eliminating the decades-long practice of preventing African-American student access to upper level courses. The district has acknowledged its history of engaging in this practice, yet it continues to allow the promulgation of procedures that are patently contradictory to the goal of achieving equity. Students should not be penalized for the district's failure to create systems that will facilitate the movement of students in the course structure or development of programs that encourage African-American student enrollment in upper level courses. To suggest the spring enrollment process, and families' failure to make decisions during the summer months, is a defense for denying course enrollment is unacceptable. If the schedule can accommodate students who 'level down,' it can accommodate students who 'level up.' Furthermore, suggesting "enrichment programs" to fulfill a students' academic goals is offensive to taxpaying adults. The district has now created a secondary level of discriminatory treatment by placing undue financial burdens upon parents for its failure to create systems to accommodate students legitimate and legally entitled access to courses. This is nothing more than an intentional effort to subvert student enrollment in these courses.

What further concerns us is that these rules have been set in place in a school in which African-American girls are disproportionately disciplined in comparison to their white peers. This policy not only frustrates the elimination of that disparity, but sets African-American girls up for under-achievement in school.

What signal is the district sending to African-American students and parents, when it continually imposes barriers to Black students' academic aspirations? It our expectation that this district will do everything possible, and then some, to repair the damage it has inflicted upon Black students' success. It is inconceivable that this policy and approach can be implemented in a district with this history.

Finally, we would like to receive copies of the reports the district has filed with the U.S. Department of Education Office of Civil Rights according to the Resolution Agreement. Reports were to be filed with

OCR by August 14, 2015, August 14, 2016, and August 14, 2017 according to Action Step VIII in the Agreement. We do not feel obligated to file an Open Public Records Act (OPRA) request to receive these documents since they are the result of a federal investigation, and should automatically be made public in the interest of transparency. In fact, requiring the filing of an OPRA request for these documents would be an indication of the district's failure to also comply with its public outreach requirement under the Agreement. These reports should be available on the district's website.

We are taking up the denial of [REDACTED] request as a matter for consideration by our legal counsel, and other interested parties. Her request should be immediately granted, and the policies currently in place for course enrollment changed. We look forward to your response.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. Fields", written in dark ink.

Walter Fields
Chairman
(973) 738-7876 - Direct

Cc: Mr. Robert Tarver, Esq. Legal Counsel, Black Parents Workshop
Mr. James Davis, Esq., Trustee, Black Parents Workshop

Elizabeth Baker, Board of Education

Law Offices of Robert L. Tarver, Jr.

66 SOUTH MAIN STREET
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September 27, 2017

Via Electronic and Regular Mail
Dr. Thomas Ficarra
Interim Superintendent
South Orange-Maplewood School District
525 Academy street
Maplewood, NJ 07040

Re: In the Matter of the Policies and Practices of the SOMA School District

Dear Dr. Ficarra;

This firm serves as counsel to the SOMA Black Parents Workshop. Recently, the organization has been made aware of two instances in which African American students at Colombia High School who have sought to be enrolled in Honors classes have been denied that opportunity. In each case, the students' movement to advanced level classes would have been appropriate and in one of those cases, the advancement was suggested by the student's instructor and guidance counselor. The parents of the students were informed that the existing policies of the South Orange-Maplewood School District precluded students from advancing into an advanced level course which would be appropriately challenging during the school year (a practice referred to as "levelling up"). This policy would resign students to languish in classes which are not academically challenging while simultaneously narrowing their college selection options. It is wholly inconsistent with efforts that the District should be taking to address inequities in educational opportunities.

As you are aware, based upon an extensive review of the policies, practices and procedures of the South Orange-Maplewood School District, the United States Department of Education's Office of Civil Rights has determined that there exists a pattern and practice of "tracking" and denying African American students access to advanced level and Advanced Placement (AP) courses. This pattern and practice systemically discriminates against African American children and results in an intolerable inequity in the educational experience between African-American children and their peers.

The knowing and purposeful actions of the District appear to be in violation of the spirit and intent of the Resolution Agreement between the District and the Office of Civil rights, as well as the District's own policies regarding Access and Equity (5755.1) and Academic Placement (2314). Further, these actions may constitute violations of federal and State law, including Title VI and New Jersey's Law against Discrimination.

Accordingly, please consider this correspondence as a formal demand that the District cease any and all actions which may constitute discrimination including, but not limited to, the denial of equal access to advanced level courses for African American students; the practice of "tracking" students; and any other action which may be discriminatory as identified by the United States Department of Education's Office of Civil Rights.

The SOMA Black Parents Workshop reserves the right to address the failure of the District to immediately end these practices and to take all actions necessary to ensure equal access to all areas of education for African American children.

Please be guided accordingly.

Very truly yours,
LAW OFFICES OF ROBERT L. TARVER, JR.

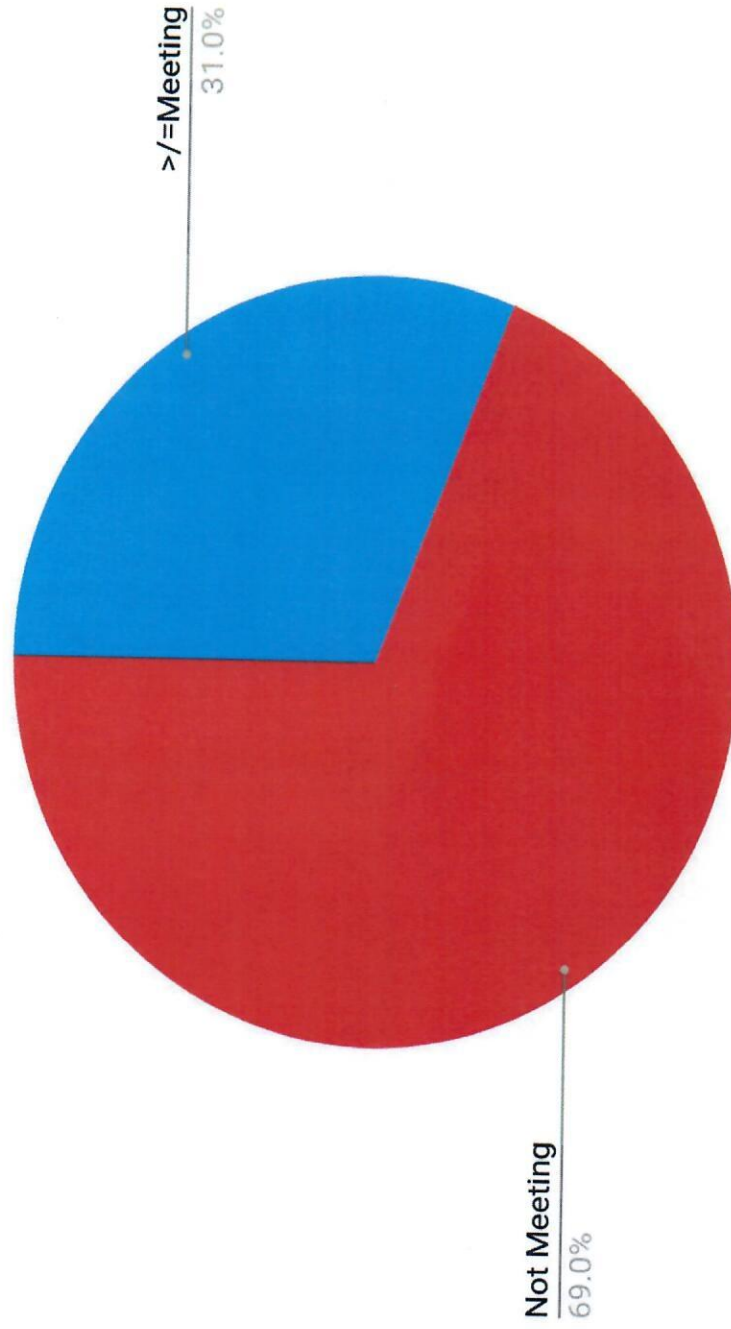
Robert L. Tarver, Jr., Esq.

RLT/ce

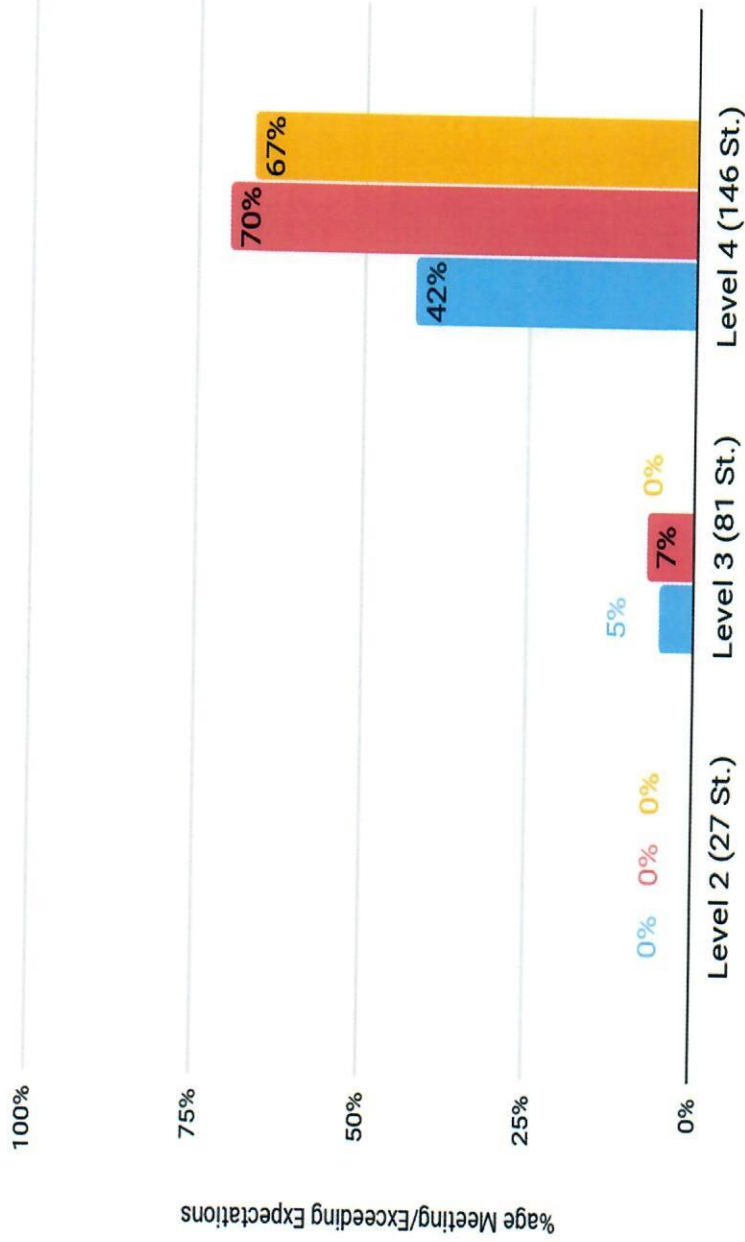
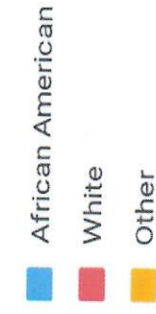
- c: Elizabeth Baker, President SOMSD Board of Education, via electronic mail
Sidney Sayovitz, Board Attorney, via electronic mail
Walter Fields, Black Parents Workshop, via electronic mail

EXHIBIT E

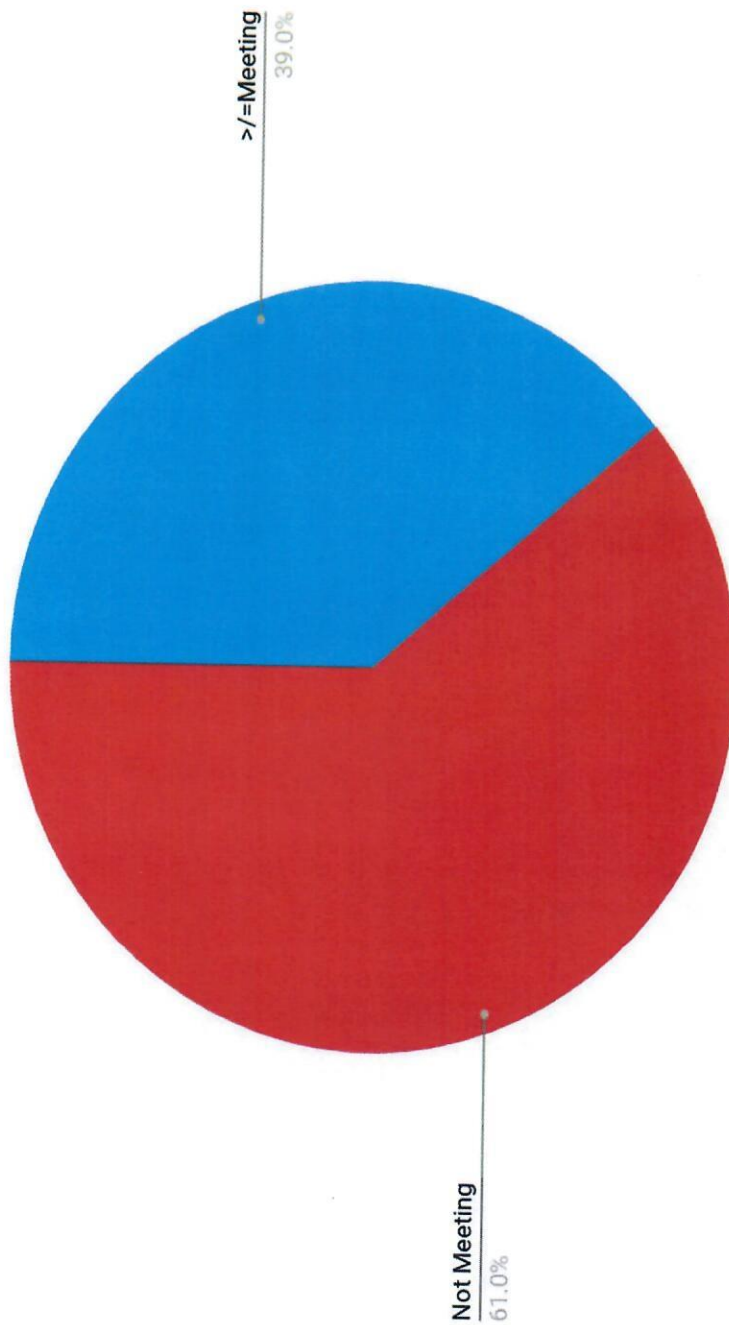
Algebra I PARCC 2017: CHS



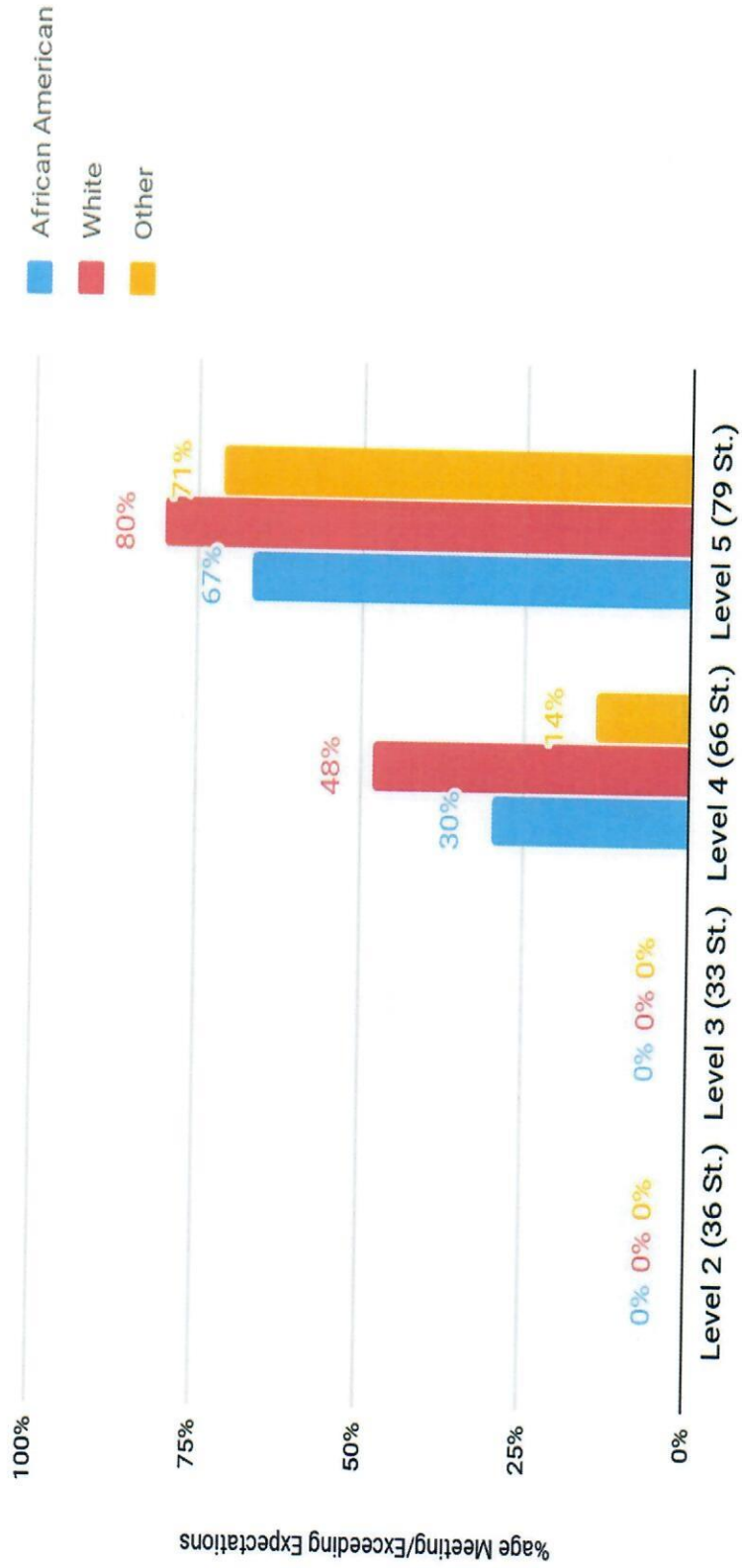
Algebra I: PARCC Pass Rates by Levels & Sub-Groups - 16/17



Geometry PARCC 2017: CHS



Geometry: PARCC Pass Rates by Levels & Sub-Groups - 16/17

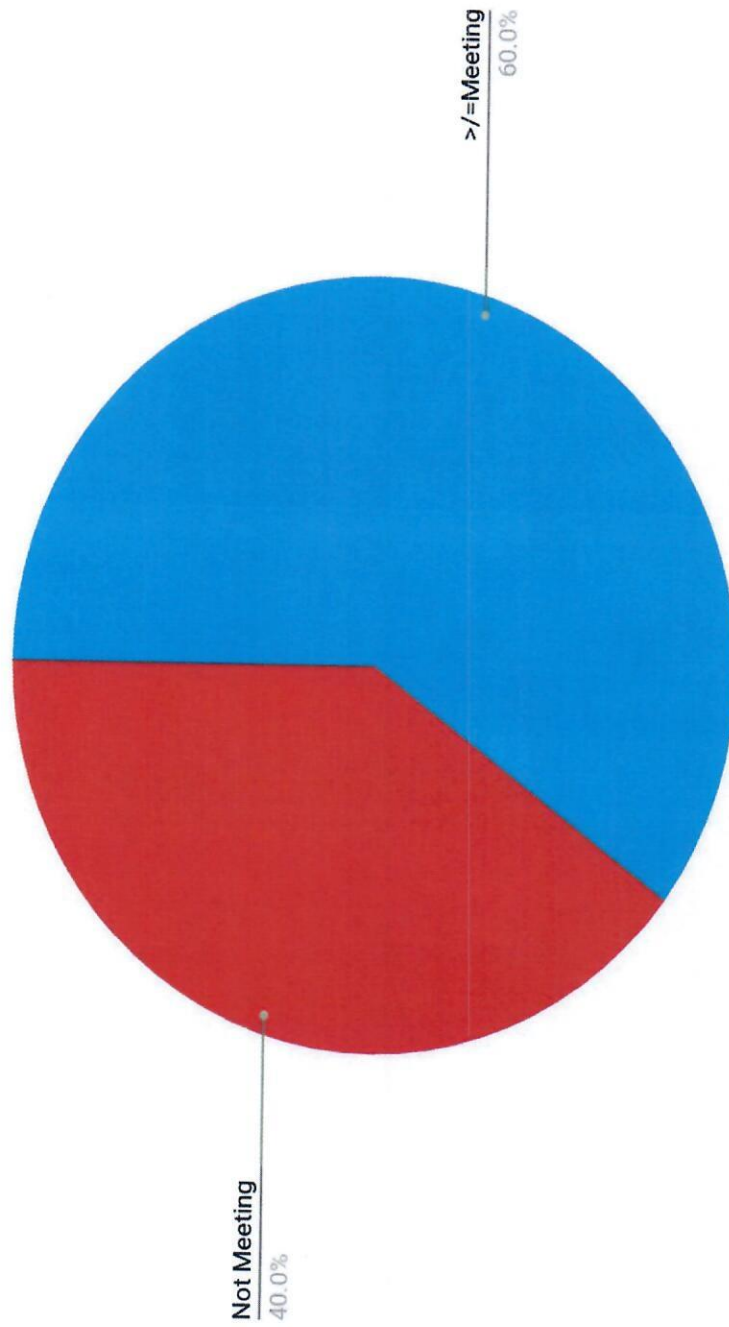


Geometry

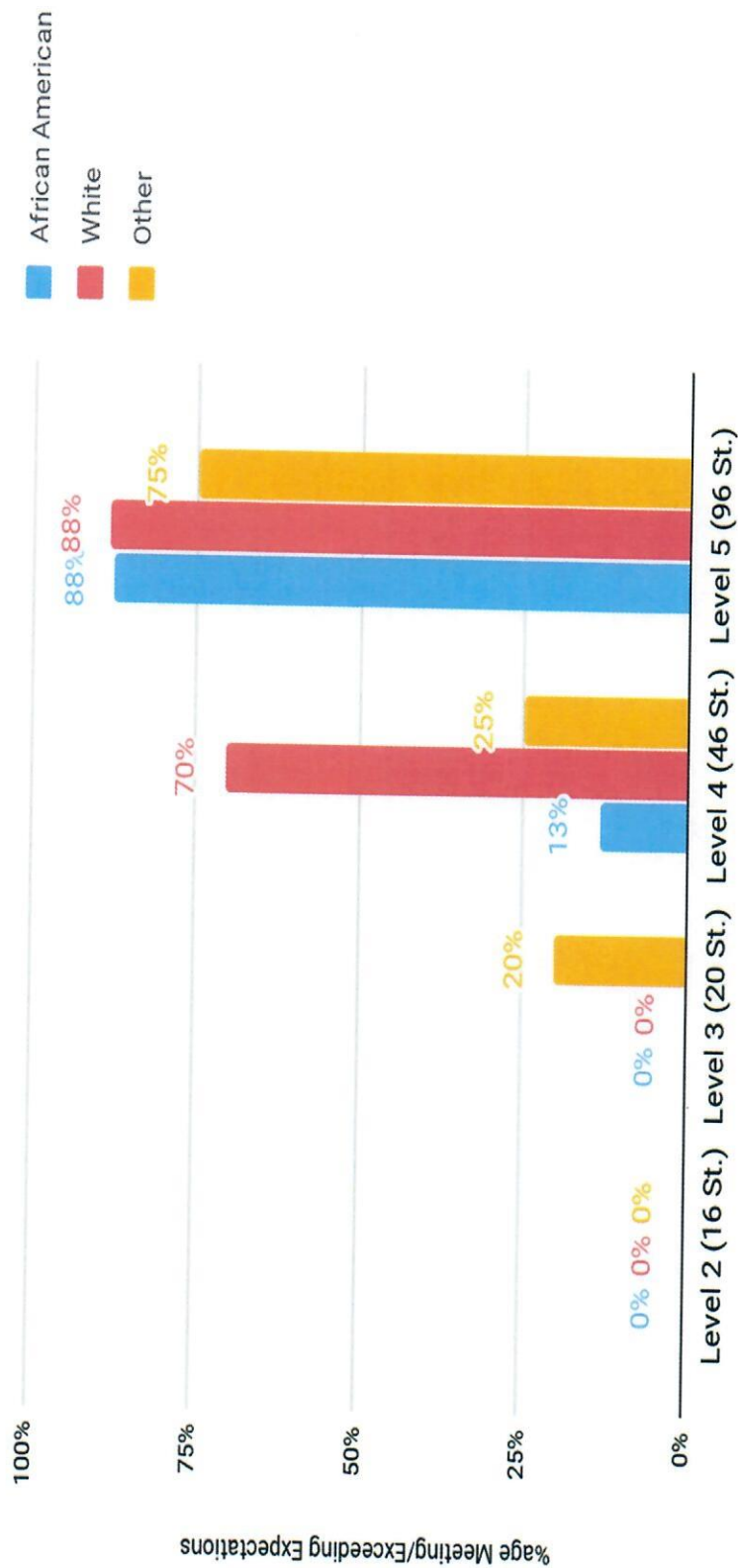


- Sixty-five (65)% of all African American students taking Geometry at CHS in 2016-17 were assigned to Levels 2 or 3.
- None of the students in Levels 2 or 3 met or exceeded expectations on Geometry PARCC 2017.

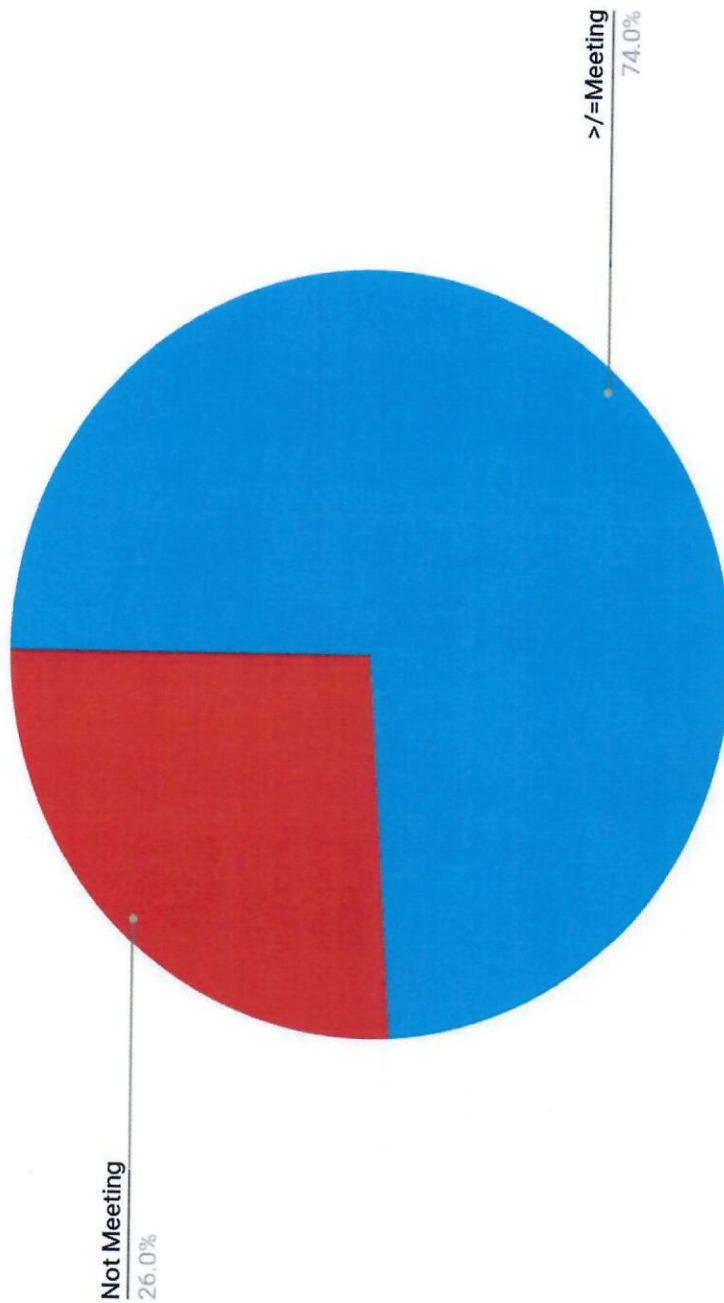
Algebra II PARCC 2017: CHS



Algebra II: PARCC Pass Rates by Levels & Sub-Groups - 16/17



Biology NJBCT 2017: CHS



Biology: NJBCT Pass Rates by Levels & Sub-Groups - 16/17

