

# EXHIBIT J

# BOE object of harsh words on racism

By David Patton  
Staff Writer

The South Orange-Maplewood Board of Education was the object of some harsh criticism from members of the community during its Monday evening meeting, most of the words addressing its actions, or perceived inaction, concerning a jury judgment handed down two weeks ago.

A jury of six people unanimously agreed that district physical education teacher and coach Johanna Wright had been discriminated against when Colombia High School Principal Judith Weiss and CHS Athletic Director Robert Curcio recommended that she be fired from her position as coach of Colombia's cheerleading squad in 1990.

Wright had resisted pressure from the administration to put more white students on the squad. The suit was filed by the South Orange-Maplewood Education Association.

Wright was awarded \$25,000 in punitive damages for pain and suffering, and also \$5,000 in punitive damages from Curcio and \$2,500 in punitive damages from Weiss.

Three area residents, all of whom were black, spoke during the meeting and called upon the board to take action to address the situation.

"Two senior members of this staff were involved in what I am calling a 'budding bias crime' and I ask what this board is going to do to address this matter," Francis Blackman said. "Nearly 35 percent of this district is minorities and we need to hear what this all-white administration and all-white Board of Education are going to do about this."

Board President John Bradley responded to Blackman, saying, "There is a resoundingly strong commitment by this board toward equal access and diversity in this district."

Blackman pointed out that in the past there has been concern by the board about some of the athletic teams being all white, but he said nothing was done.

Bradley said the board and administration are committed to equal access for all students.

Dr. Florence Eatman said there is not equal access for black children in the district.

"The discrimination has been proven and every black family knows it," Eatman said. "Why is the board approving of this racism? You cannot allow this to go on; it is immoral and unethical."

Bradley said the actions taken by the board "do not support racism." He said, however, the district has work to do in this area.

"Do not misinterpret what this action is," Bradley said.

The board has made a motion for a new trial and Bradley said the board may exercise its legal right to ask for a new trial, but is exploring it options.

"Six found for discrimination, with six others it may have been different," Bradley said, adding that his ability to comment on the issue was limited because it is a legal matter.

Board Member Shelley Slafkes spoke up and agreed that racism has not been eliminated from the district and expressed her interest in working with Eatman and other members of the community to find ways to eradicate racism.

"I would like to talk to you," Slafkes said.

Community member Bill Powell said the verdict speaks for itself.

"You have a right to appeal and we understand that, but you also have a right not to appeal," he said. "The board should bite the bullet and say we and our administrators were wrong, so we can move on."

Bradley pointed out that the decision to fire Wright had been recommended by Weiss and Curcio, but was approved by the administration and the board.

Board member David Ascher, who is the only member still on the board from when the action was taken against Wright, pointed out that there were two black members on the board at that time.

"There were several levels of review in the process," he said.

Powell also questioned the use of public funds to defend the case, which one member estimated to be nearly \$27,000 to this point.



## The Star-Ledger

### Students rally on racial issues

Columbia High protesters cite 'unprofessional' leaders, air frustration with academic gap

Thursday, March 30, 2006

**BY BARRY CARTER**

Star-Ledger Staff

At a rally reminiscent of student protests on college campuses, Columbia High School students in Maplewood gathered on their school lawn yesterday to protest a myriad of issues, including alleged racially insensitive remarks by their principal and a disparity in academic achievement between blacks and whites.

A racially diverse student body of more than 500 peacefully walked out of the building around 10 a.m. and sat down in front of the school as class leaders laid out their frustrations over a bullhorn.

"There are children that are coming into this school next year," said Melissa Montalvo, a senior. "We cannot allow these children to come into this school where there is racial tension, where there's leaders who are unprofessional and don't know how to deal with these children."

While race is an overriding issue, students said the protest has much to do with a lack of respect they feel from the administration about their concerns.

"If they don't listen to us now, then they won't ever listen," said Alicia Mountain, a senior. "We feel like we don't have a voice."

Superintendent Peter Horoschak acknowledged tension between students and Principal Renee Pollack, whom they accused of saying that black fathers are not present in the home.

The comment allegedly was made following a Black History Month program after a monologue by a black student talking about how she was affected by divorce.

When students questioned how the monologue was relevant to Black History Month, they said Pollack allegedly told them that statistics show black fathers are not in the home.

Horoschak, however, said Pollack's remarks were taken out of context. He said Pollack told him that she said the issue of fathers not in the home affected all families, not just African-Americans.

As with many districts across the country, Horoschak said South Orange-Maplewood does have an achievement gap, which is supported by statistics from the state Department of Education.

Last year, 97 percent of white juniors at Columbia High School passed the language arts portion of the state's high school proficiency test on the first try, compared with 83 percent of black students. On the math section, the gap widens, with 97 percent of white kids passing on the first try, compared with 74 percent of black students.

Over the past four years, students said they've become increasingly irritated with the administration's policy of leveling, where students are placed in academic tracks based on their performance on standardized tests.

More often than not, they said white students are steered toward honors and advanced placement classes while blacks dominate lower academic tracks. Students said the policy promotes segregation based on race and they want no part of it.

Geoff Gifford, a senior who is white, said he's been in every academic track and hardly knew any of the



other white kids when he was placed in advanced placement courses this year.

"The system they have in place is setting kids up for failure," he said.

Students said they are fed up with the policy, but they also want the district to improve other conditions affecting student morale. They said the overall physical conditions at the school are poor, including bathrooms in need of repair. They also are not pleased with budget cuts that caused the district to privatize the custodial staff. It plans to do the same in the fall with the security force.

Students, however, were orderly throughout the day and didn't return to class. At times, their demonstration took on the flavor of student protests in the 1960s as camera crews from local television stations covered the event.

As students chanted "We Want Change," motorists -- some of whom were classmates -- honked their horns to support the cause. They also gained support from the many parents who were on hand. Members of the school's gospel choir sang while another student strummed a guitar. Students also carried placards calling for Pollack's resignation.

The spirit of activism got a boost from Amiri Baraka, a playwright-activist, whose niece attends the school. He called on the students to fight racism and not let their school deteriorate because there are more minorities in the district.

"You have to fight that," he said. "You have to practice in school the way you're going to have to work in society."

The walkout had been brewing over the past several months. Last week, students walked to the board of education offices to protest Pollack, who has been embroiled in controversy since she came to the district in 2002. She has been characterized as a firm disciplinarian who has brought order to the school and as a polarizing figure who has brought down morale among students and staff.

Pollack has been accused in two lawsuits filed by teachers and students of using disparaging remarks against minorities during a fight in the school cafeteria three years ago.

Pollack did not comment on the protest or the students' concerns as Horoschak was serving as district spokesman.

© 2006 The Star Ledger

© 2006 NJ.com All Rights Reserved.

# NAACP Considers Suit Against South Orange-Maplewood School District

The Oranges & Maplewood NAACP passed a resolution June 15 it says is aimed at "ending racial segregation within the South Orange/Maplewood School District."

By [Marcia Worth](#), Patch Staff | Jul 13, 2010 1:08 am ET | Updated Jul 13, 2010 9:41 pm ET

The local unit of the National Association for the Advancement of Colored People (NAACP) passed a resolution on June 15 that is the first step in bringing a lawsuit against the South Orange-Maplewood School District to end what it calls "racial segregation" in the district.

"The goal is immediate deleveling from grades eight to 12, as quickly as possible," said Thomas Puryear, Unit President of the NAACP's Oranges and Maplewood Division. Puryear confirmed for Patch that the "Resolution in Support of Ending Racial Segregation Within the South Orange/Maplewood School District" passed a vote by the general membership unanimously.

The local unit's resolution was then sent to the national NAACP offices for review. (The full text of the resolution is below.) Should it pass—and Puryear expects "a favorable resolution"—the organization would file suit against the district for violating Title VI of the Civil Rights' Act of 1964 which "prevents discrimination by government agencies that receive federal funding. If an agency is found in violation of Title VI, that agency can lose its federal funding."



In a phone interview on July 12, Puryear described the current system of levels as "damaging." Noting that the district voted in June to de-level seventh grade in both middle schools, Puryear described that effort as "modest," and "not pro-active." The media release that Puryear gave out Monday explained further, stating "the Board's most recent attempt to provide equity for all students in the school district, is at best a very modest placement adjustment, while allowing past negative practices to continue. Such placement practices promote segregated classes which are illegal . . . ."

Leveling can be described as the separation of students into academic tracks by achievement. Students in the South Orange-Maplewood School District are placed in levels based on their scores on the state standardized test (NJ ASK), teacher recommendations and grades. The leveling begins in middle school, though the district removed leveling in Grade 6 in 2003, and, just this past June, the Board of Education voted to collapse levels 3 and 4 into one level in the 7th grade. At South Orange Middle School, in language arts, 63 percent of the students in Level 4 classes (the highest academic level) are white. In Level 3, 68 percent of the students are black. Level 2 classes are overwhelming comprised of black students—90 percent, according to district data.

The issue of the achievement gap in the district between black and white students received national attention with a radio documentary "[Mind the Gap: Why Good Schools Are Failing Black Students](#)." The report was produced for National Public Radio by journalist and local resident Nancy Solomon and explored the disparity at Columbia High School.

A 60-person task force was brought together last fall to propose remedies for closing the gap. Their recommendations—which also include changes at the

elementary schools and high schools—were presented to the Board of Education last month which adopted the recommendations in June.

Puryear noted that other districts may also face legal action from the local NAACP. "There are 10 in our domain," he noted. South Orange-Maplewood is the current focus because a great deal of information about the district was easily obtained. "There is a vast amount of information," said Puryear. In addition, Puryear cites anecdotal evidence, including visual cues. He has been told, though he said he has not seen for himself, that classrooms at Columbia High School don't appear to be fully integrated.

Puryear, when asked about damages that might accrue from a potential lawsuit, replied, "The damage is already being done. Students are victims of a segregated school district." He added that "only some are rising," and "some criteria [for placing students] is arbitrary."

Instead, Puryear, speaking for the local unit of the NAACP, is pursuing an unlevelled district, with particular focus on grades eight through 12. The next step in the pending lawsuit belongs to the NAACP's legal team at the national level. Puryear supported his request with "30 to 40 documents" about the South Orange-Maplewood School District. Those documents include the Task Force report issued earlier this year, as well as the May 2008 Leveling Criteria, the 2008-09 State of the District Report, and school superintendent Brian Osborne's "Welcome Back to Staff," dated September 2008. In addition, Puryear sent numerous articles to the national staff.

The national staff of the NAACP has not yet responded. This week is the organization's national convention, so no action is expected immediately. In the meantime, the local unit's media release includes a request for parents, guardians and students "who are willing to share their specific negative



impacts as it relates to the lack of equity within the South Orange/Maplewood school district."

Patch has contacted the Community Coalition on Race and school district superintendent Brian Osborne for comment. Osborne's official comment on July 13 is as follows: "I have not seen details," said Osborne, referring to Mr. Puryear's and the NAACP local unit's complaint. "I look forward to working with all stakeholders to help insure the South Orange Maplewood School District is excellent and equitable for every single child."

The text of the NAACP Resolution:

**RESOLUTION IN SUPPORT OF ENDING RACIAL SEGREGATION  
WITHIN THE SOUTH ORANGE/MAPLEWOOD  
SCHOOL DISTRICT**

**Whereas**, the South Orange/Maplewood school district has declared that its current educational enterprise lacks equity for all of its students; and

**Whereas**, a segregated school district does not promote equal opportunities for all students; and

**Whereas** the most recent proposed changes to "leveling", provides only modest modification to the existing school enterprise; and

**Whereas**, the proposed changes do not generate an immediate solution to the lack of equity, which exists within the South Orange/Maplewood school district; and

**Whereas**, the Oranges and Maplewood, NAACP believes that the existing segregated school district's policies are in violation of Title VI of the Civil Rights' Act 1964 which " . . prevents discrimination by government agencies



that receive federal funding. If an agency is found in violation of Title VI, that agency can lose its federal funding . . ." ; and

**Therefore, Be It Resolved** on this 15th day of June, 2010 that the General Membership of the Oranges & Maplewood NAACP seeks the assistance of the National Office of the NAACP in order to determine the appropriate legal remedies to address the segregated school environment, which exists within the South Orange/Maplewood school district.

# Osborne: School District Documented Achievement Gap, Worked to Fix It

Superintendent says administrators pointed out the achievement gap between white and black students—and worked to address the problem.

By [Mary Mann](#), Patch Staff | Jul 13, 2010 8:23 pm ET | Updated Jul 14, 2010 1:46 pm ET

The South Orange Maplewood School District may face a lawsuit from the National Association for the Advancement of Colored People alleging segregation, but much of the documentation being used to pursue the issue was produced by the district itself as the district worked to address and bridge the achievement gap.

Thomas Puryear of the NAACP of the Oranges and Maplewood told media on July 12 that he has found a great deal of documentation that segregation exists in the district at the high school level. Much of the documentation he cited has been produced by the district itself over the past few years in efforts to be transparent and work to overcome the "achievement gap"—the difference in test scores, AP placements and academic achievement between white and black students.

To address that gap, the district participated in the formation of the Task Force on Excellence and Equity in 2009—a coalition of educators, students, parents and community leaders tasked with presenting solutions to overcome the achievement gap.



This spring, the Task Force unveiled its recommendations, which were endorsed by Superintendent of Schools Brian Osborne and approved by the Board of Education at its June 2010 meeting. The changes will include modifications to the 6th grade curriculum which shore up core curriculum classroom time, combining Levels 3 and 4 at the 7th grade level and more minor changes in earlier grades and at the high school level. The changes will go into effect in September.

Superintendent Osborne has called the district's efforts to de-level "modest." And information available on the [district website](#) shows that the district has a long way to go in bridging the achievement gap.

The State of the District report—which Puryear is sending to the central NAACP as documentation of segregation in the South Orange-Maplewood School District—shows that, at the high school level, 40.5% of white students were taking at least one Advanced Placement (AP) course as of June 2009, while only 9.9% of black students were enrolled in at least one AP course. At the same time, 30.6% of white students were taking at least one Level 5 (advanced) course compared to 5.5% of black students (and 10% of Hispanic students and 24.1% of Asian students).

The number is more dramatic when comparing the percentage of students in high school taking at least one AP course and one Level 5 course: 53.1% of white students, 12.3% of black students (and 27.8% of Hispanic and 55.6% of Asian students).

The graduation rate from Columbia High for white and black students is virtually identical, though slightly higher for white students: 97.3% in 2009 for white students as compared to 95.2% for black students.

In the NJ ASK (Assessment of Skills and Knowledge) testing in 2009, 41.9% of white students at Columbia High were "advanced proficient" compared to 6.6% of black students in language arts. In math, 56.8% of white students tested advanced proficient compared to 8.8% of black students.

When the district measured the college success of students graduating from Columbia High in 2005, about half the white students who went on to college graduated by 2009 while less than 20% of black students pursuing college degrees from that class had completed a bachelors by 2009.

Overall, the SOMA district is about 47% white, 44% black, 5% Hispanic and 4% Asian, according to the 2009-10 State of the District report. At the high school level, the student body is more than 50% black: In June 2009, Columbia had 702 white students registered, 1,003 black students, 90 Hispanic students, 54 Asian students, 3 American-Indian and 4 students listed under "mixed race" for a total of 1,856.

The district also documented the gap at the middle school level. For example, district data show that at South Orange Middle School, in language arts, 63 percent of students in Level 4 classes are white. In Level 3, 68 percent of the students are black, while in Level 2—the lowest level—90% of students are black.

Due to efforts at transparency, all this information is available on the district's website, [under "district information" in the State of the District report appendices](#). Patch has also attached the 2009/10 appendices here. You'll notice the high school AP numbers starting on page 18 and the NJ ASK information starting on page 28.

In a letter of introduction to the 2009/10 State of the District report, Board of Education President Mark Gleason extolled the accomplishments of the



district but lamented, "At the same time, our schools continued to fail too many students." Gleason continued: "These students, mostly black, have not achieved proficiency on state assessments of learning that do not set the proficiency bar very high. While they are a small segment of the overall student population, they are far too large a number in light of our mission to educate every child. As we have for each of the 15 years I've lived here, we struggled with the achievement gap."

Gleason goes on to talk of the district's efforts to provide greater transparency with regard to the gap. Gleason noted in his letter, "Yet transparency doesn't necessarily mean clarity." Gleason pointed to the data in the appendices of the State of the District report, writing that the data do not "make clear how and why our many attempts to narrow this gap over the years have failed to make a dent."

Ultimately, Gleason did not vote for the Task Force's recommendations in June saying, "This looks like reform but it really isn't." However, Gleason said he did feel the superintendent was moving the district in the right direction.

At a forum in late May, Superintendent Osborne called the plan to "level-up" 7th grade "modest" and said that the "deleveling will create classes that reflect our district roughly." Osborne explained that that would mean classes that were 50-50 black and white or—more accurately—45-45-10 in terms of black, white and Latino/Asian/Indian/mixed race.

"People come here for the diversity and to celebrate that diversity and then we have these segregated classes," said Osborne. Still, he stressed, "the education element must be the driver."

In a letter to district parents sent on June 8, 2010, Osborne said of the efforts to de-level 7th grade, "All these efforts are beginning to improve student learning, and yet we have miles to go."



# Resident Asks BOE What is Being Done for High-Achieving Students

In a meeting that lasted well beyond midnight, the BOE discussed English Language Arts curriculum changes and addressed a parent's concern over the lack of attention paid to the district's brightest pupils.

By [Danielle Elliot](#), Patch Poster\_| Jul 20, 2010 5:05 pm ET | Updated Jul 20, 2010 5:37 pm ET

In a meeting that lasted nearly five hours Monday evening, the South Orange-Maplewood Board of Education discussed curriculum revisions, questioning how they effect both under-performing and high-achieving students.

The only member of the public to speak at the meeting, Sabine Hack, urged the board to look at what is being done for the district's brightest students.

"The needs of our high-achieving grade school students, and we have more than our fair share in this community, are being ignored," she said.

Her comments come a week after the local NAACP chapter made the initial steps towards suing the school district and seeking de-leveling (the removal of separation of students by tracks) in the high school. .

"Unlike some, I don't think that these changes are modest. I was alarmed by United's letted in the News Record which calls for further de-leveling, without any mention of seeing what has already been done will yield positive results," said Hack.

Hack is a practicing child and adolescent psychiatrist whose four children attend school in the district. She says her oldest child, a rising 4th grader at Jefferson, was "miserable" in school this year, with nothing to keep him