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March 19, 2018

Mr. Daniel Rufo
Director of Accreditation
Middle States Association of Colleges and Schools
3624 Market Street, 3 West
Philadelphia, PA 19104

Re: South Orange-Maplewood (NJ) School District

Dear Mr. Rufo:

I am writing as Chairman of the Black Parents Workshop, Inc. ("BPW"), a not-for-profit parental advocacy organization, established in 2014, and focused on addressing racial disparities in academic achievement and systemic bias in the South Orange-Maplewood (NJ) School District ("SOMSD"). Since our founding, the BPW has served as the leading voice for African-American families and their students in our school district.

Our purpose in communicating with Middle States Association of Colleges and Schools is to express our sentiment that the SOMSD has failed to meet several of your accreditation

standards. By doing so, and the data overwhelmingly supports our contention, the district has harmed, and continues to injure, African-American students and jeopardizes their futures.

The BPW recently filed a lawsuit against the school district in U.S. District Court in the District of New Jersey. *Black Parents Workshop v. South Orange-Maplewood School District* (Docket 2:18-cv-02726) alleges violations of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title I of the Elementary and Secondary Education Act of 1965, and two provisions of the New Jersey Constitution; one that prohibits segregation in public schools and the other mandating a “thorough and efficient” education for all students. Specifically, our claim is based on the ‘tracking’ and ‘leveling’ of African-American students into lower-level and less rigorous courses, and *de-facto* segregation in the SOMSD’s K-5 elementary schools.

In the lawsuit the BPW is seeking compensatory damages for the named plaintiffs and programmatic remedies in excess of \$12 million to address the disparate treatment of African-American students that the policies and practices of the SOMSD has enabled for over two decades. For these historic patterns, and the many instances of the current mistreatment of African-American students, the BPW is compelled to exercise its rights under the law.

As you may know, the U.S. Department of Education Office of Civil Rights (OCR) initiated an investigation of the SOMSD at some point in 2012. The inquiry was launched as a result of OCR determining that the district’s policies and practices, including the practice of excluding African-American students from advanced-level and Advanced Placement (AP) courses, and racially disparate outcomes in student discipline, ran afoul of federal law.

The SOMSD entered into a Resolution Agreement (OCR Docket No. 02-13-5003) with OCR in October 2014, agreeing to a set of measures to make substantive changes in the district’s policies and practices to ameliorate the racial disparities cited by OCR. Simultaneous to the district signing the Resolution Agreement, two national civil rights organizations filed a complaint with OCR against the SOMSD. The ACLU, and ACLU-NJ as the lead, and The Center for Civil Rights Remedies at The Civil Rights Project at UCLA, also alleged the SOMSD

was engaging in practices that resulted in the disparate treatment of African-American students identified by OCR. In addition to these two separate but related actions, the SOMSD is also a party to a consent decree (Docket 3:07-cv-02978-MLC-LHG) regarding the treatment of students with disabilities. The district was cited as one of the 10 worst school districts in New Jersey for the over-classification of African-American students in special education. The district is also the subject of an OCR Resolution Agreement (OCR Docket No. 02-16-1479) regarding its failure to properly maintain its website to accommodate individuals with disabilities, including but not limited to individuals with visual and hearing impairments. The complainant(s) lodged the complaint under OCR's jurisdiction to enforce Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131.

It is our contention that given its history and present-day practices, the SOMSD warrants increased scrutiny by the Middle States Association of Colleges and Schools. The district's accreditation should be contingent on it providing educational services in a non-discriminatory manner, as well as it meeting the quality criteria so stipulated by Middle States. We cite the following snapshot of inconsistencies with Middle States' Indicators of Quality, detailed in the MSA/CESS Standards For Accreditation, as demonstrative of the SOMSD's borderline alignment with compliance standards.

Indicators of Quality

The governing body and leadership ensure that the system:

3.2 Bases its strategic plan on longitudinal data regarding the achievement and performance of the system's students and the school's capacity to produce the level of student achievement and performance expected by its community of stakeholders.

3.3 Communicates regularly to its community of stakeholder's information about the system's planning process, strategic plan, and the results being achieved by implementing the plan.

- The SOMSD has failed in the collection and maintenance of longitudinal data and allowed a persistent racial achievement gap that is below the level of achievement and performance of African-American students expected by their parents, and the larger community. This failure is directly attributed to the lack of guidance and policy setting by the SOMSD Board of Education.
- The lack of transparency by the SOMSD is appalling. Its website is notorious for not being user-friendly and the district does little to communicate with segments of the community beyond regularly scheduled Board of Education meetings.

The governing body and leadership ensure that the system:

5.1 Provides sufficient and appropriate facilities for all aspects of the system's educational programs, activities, and services including:

5.2 Provides an effective and aesthetically pleasing learning environment which supports the educational goals and effective teaching.

5.3 Includes in its budget the resources needed for facilities, equipment, and materials to support its educational program, services and activities.

5.4 Conducts regular and systematic assessments of the adequacy of its facilities, equipment and materials.

5.5 Plans for, funds, and schedules regular preventive measures, repairs, and maintenance of its facilities, equipment, and materials.

5.6 Considers the capacities of its facilities and equipment before adopting new programs and in its strategic planning.

5.10 Makes safe drinking water available for the students, the staff and visitors to the system

- The SOMSD's physical plant is antiquated, over-capacity and inadequate to meet the needs of a diverse student population.
- The SOMSD also jeopardizes the safety and security of segments of the student population by the manner in which certain 'temporary' facilities, outside a secure zone, are used as overflow classroom space at elementary schools.

- The SOMSD has also allowed the quality of drinking water in its schools to degrade to the point where testing has revealed unacceptably high levels of lead.
- The lack of cleanliness caused by poor maintenance has also resulted in mice infestation in certain schools.

The governing body and leadership ensure that the system's staff:

6.24 Enforces the student code of conduct fairly and uniformly

- Data confirms that the SOMSD engages in racially disparate discipline with African-American students routinely subjected to punishment for offenses similarly committed by their White peers, without similar consequences.

The governing body and leadership ensure that the system's educational program includes:

8.8 Opportunities that promote global awareness and understanding of diverse cultures and lifestyles.

- The SOMSD has failed to fully implement the mandated New Jersey Amistad African-American History Curriculum despite it being state law since 2000. This failure has resulted in several incidents that exposed a lack of racial sensitivity and historical grounding in the school district. (See attached article)
- The SOMSD has also failed to recruit, hire and retain African-American teachers resulting in an overwhelmingly White teacher corps despite African-American students representing over one-third of the district's student population.

The governing body and leadership ensure that the system's educational program:

8.9 Is delivered using documented guides that are current, functional, available to and used by teachers, and that reflect current research and proven practices.

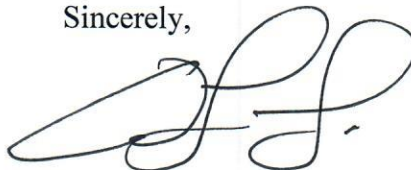
8.10 Defines expected outcomes for student learning and performance in terms of knowledge, understandings, attitudes, skills and habits to be demonstrated.

- The SOMSD has failed to keep current with state mandated curriculum and there is no evidence that its curricula reflect current research and proven practices.
- The use of 'tracking' and 'leveling' betrays African-American students' knowledge, understandings, attitudes, skills and habits necessary for college and career readiness.

We present this snapshot of inconsistencies with accreditation standards, along with documentation of our federal lawsuit, to request an audit of the systems, policies, practices and Board governance of the South Orange-Maplewood School District. At a minimum, given the historical evidence of racially disparate outcomes in this district, we believe it is incumbent upon the Middle States Association of Colleges and Schools to provide a formal opportunity for African-American students and their parents to share their grievances with the association. The persistence of these practices suggests an intentionality that is purposefully discriminatory and violative of African-American students legally entitled education.

We are hopeful you will consider this request and we look forward to engaging in a direct conversation regarding the responsibilities of the South Orange-Maplewood School District to African-American students and their tax-paying families.

Sincerely,

A handwritten signature in black ink, appearing to be 'W. Fields', written in a cursive style.

Walter Fields
Chairman

cc: Dr. Henry G. Cram, Ed.D., President, Middle States Association of Colleges and Schools
Elizabeth Baker, President, South Orange-Maplewood Board of Education
South Orange-Maplewood Board of Education Members
Dr. Thomas Ficarra, Interim Superintendent, South Orange-Maplewood Board of Education
Robert Tarver, Legal Counsel, Black Parents Workshop