

## **Legal Settlement FAQs**

### **1. What is the Black Parents Workshop, Inc.**

**Answer:** The BPW is a not-for-profit, education equity public policy advocacy organization that focuses on education equity and the quality of life for Black children and families.

### **2. Why was the lawsuit filed in the first place?**

**Answer:** The lawsuit, filed in February 2018, was initiated due to the failure of the South Orange/Maplewood School District to fully comply with a U.S. Department of Education Office for Civil Rights (OCR) Resolution Agreement to remedy the exclusion of Black students from advanced-level classes and racially disproportionate suspensions and expulsions.

### **3. Who are the plaintiffs?**

**Answer:** The plaintiffs represent students impacted by the school district's failure to remedy systemic discrimination. The plaintiffs include a student that was denied entry into an AP class; students who were unjustly disciplined and a student (who happens to be White) with a learning disability that was not provided with adequate accommodations required by federal law. BPW filed the lawsuit on behalf of these specific plaintiffs as representatives of the issues plaguing Black students and learning impaired children in the South Orange/Maplewood school district.

### **4. Why did the lawsuit take over two years to settle?**

**Answer:** It is unclear why the district took two and half years to settle the lawsuit with BPW. The final Settlement Agreement approved by the district on July 13, 2020 reflects the issues we initially raised when we filed the lawsuit in U.S. District Court.

### **5. Who received monetary payment?**

**Answer:** The individual student plaintiffs received payment. The consultant and monitor will be compensated, under separate contracts, with the district. The district will also pay our attorney's fees related to this lawsuit. There were no other payouts made by the district.

## **6. What does the lawsuit mean for the integration plan?**

**Answer:** BPW has been in discussions about the district's integration plan since 2017 with Dr. Ficarra, the former interim Superintendent. We commend Dr. Taylor for continuing the work started by Dr. Ficarra. Per terms of the Settlement Agreement, Dr. Edward Fergus will help guide the integration of the district's elementary schools. We will remain vigilant that the district avoids undue delay in getting the integration plan and any other settlement commitments in place.

## **7. Who is Dr. Edward Fergus and what is his connection to the lawsuit?**

**Answer:** Dr. Eddie Fergus is an applied researcher at Temple University. His work explores the effects of educational policy and practice as it intersects the lives of populations living in vulnerable conditions. More specifically, his policy work extrapolates the relationship between discipline codes of conduct, gifted program practice, and academic referral processes and the educational outcomes of low-income and racial/ethnic minority student populations. This work also outlines policy and practice changes in order for schools to develop as protective environments for vulnerable populations. Dr. Fergus consults on these policy and practice changes with state departments of education (e.g., California and Texas) and the U.S. Department of Justice on disproportionality. Additionally, his publications include basic research on educational outcomes of populations in vulnerable conditions, and data workbooks focused on monitoring policy and practice changes. The BPW agreed and supports the district's selection of Dr. Fergus as an equity consultant and looks forward to working with him.

## **8. Who is John E. Wallace and what is his connection to the lawsuit?**

**Answer:** John E. Wallace Jr. is a former Associate Justice of the New Jersey Supreme Court. He has actively served on the New Jersey Supreme Court Task Force for Minority Concerns, the New Jersey Ethics Commission, the Judiciary Advisory committee on Americans with Disabilities Act, the Supreme Court Special Committee on Matrimonial Litigation, and the Appellate Division Rules Committee.

Wallace was nominated by Governor of New Jersey, James E. McGreevey, on April 12, 2003, to serve as a justice of the New Jersey Supreme Court. He was confirmed by the on May 19, 2003. Justice Wallace is one of the most respected members of the New Jersey Bar.

Former Associate Justice Wallace will monitor the progress of the district's implementation of programs and processes that are proposed by Dr. Fergus to ensure the district is meeting its commitments on certain metrics and other milestones.