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NJ School District Segregation and Discrimination Lawsuit Settled

Black Parents Workshop announces Historic Settlement

(Maplewood, NJ) – The Black Parents Workshop, Inc., (BPW) today announces the settlement of its federal lawsuit against the South Orange-Maplewood School District over the treatment of Black students in the New Jersey school district. The settlement culminates 6 years of advocacy by the Black Parents Workshop to call attention to the degree Black students in the South Orange-Maplewood School District are marginalized and the unlawful segregation of the district’s K-5 elementary schools.

Black Parents Workshop Inc. founder and Chairman of its Legal and Policy Committee Walter Fields stated, “This is a historic victory for Black students and families in the communities of South Orange and Maplewood. It is one of the rare instances in the nation when the grievances of Black students have been litigated and resolved in a manner that addresses patterns and practices that have undermined Black students’ success. However, it should not have taken a lawsuit for this school district to agree to the measures in this settlement. We do commend the South Orange-Maplewood Board of Education for coming to terms on the issues we raised and hope we are entering a new phase of cooperation and collaboration in the spirit of providing all children an excellent education. This is not the end, but the beginning of a process to inculcate equity in this district. It is our expectation that a real effort we now be put forth to close the

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unacceptable racial achievement gap in this school district. The real work now begins.”

Fields added, “Black children in this community have endured a seemingly endless string of abuses. Black children have been racially profiled by police and local merchants. Black children have been assaulted by the police. Black boys have been sexually assaulted by a white female teacher, who pled guilty. Black students have been stigmatized by teachers. Black children have been denied access to a quality education. It is time for South Orange and Maplewood to put into actions its supposed belief that Black lives matters. We are hopeful that this agreement jumpstarts that process.”

At the 1947 state constitutional convention the only Black delegate, attorney Oliver Randolph, the first Black admitted to the bar in New Jersey and a Republican legislator from Essex County, convinced delegates to include a provision barring segregation in public education in the new state constitution. Thus, New Jersey became the only state in the nation with a constitutional prohibition against segregation. This was 7 years before the historic United States Supreme Court ruling in *Brown v. Board of Education*. The fact that today we are announcing an Essex County school district’s agreement to integrate its schools brings the work of Oliver Randolph full circle.

Fields declared, “This is an important moment for Black parents and families outside this particular community and school district. Too often, across the country, the concerns of Black families regarding the care and education of their children is disregarded as ‘complaining’ or ‘rabble rousing.’ Black children sit in classrooms every day and know that they are being mistreated, marginalized, and not receiving an education equivalent to their White peers. I encourage you to visit the Instagram page [blackatsomds](#) and read the stories of our children’s experiences in this school district. What we achieved in the South Orange-Maplewood School District is a template for school districts across the nation, in urban and suburban communities.”

The organization’s Legal Counsel Robert L. Tarver, Jr. added, “I am extremely gratified that we were able to resolve this matter for the benefit of the District’s Black children. The settlement is,

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I believe, landmark in its scope and represents what can be accomplished through strategic advocacy and cooperative action.”

The Black Parents Workshop, Inc. filed its lawsuit in advance of the *Latino Action Network v. New Jersey* lawsuit that challenges statewide public-school segregation in the state. Settlement discussions in that lawsuit have broken down, leaving the matter of public-school segregation ripe for challenges at the district level. Fields said, “We hope the public will not sit back and wait for a larger consensus to develop on desegregating schools and addressing systemic barriers harming Black children in New Jersey. It is incumbent upon individual communities to declare their intent to educate all children in an integrated environment in keeping with federal and state law.”

The settlement agreement includes monitoring of the South Orange-Maplewood School District by retired New Jersey Supreme Court Justice John E. Wallace, Jr., counsel to the law firm Brown & Connery, LLP. Justice Wallace will monitor the district’s integration plan and programs implemented to support Black students’ success. Fields remarked, “Justice Wallace is one of the most respected members of the New Jersey Bar who has served on the state’s highest court. He is uniquely qualified to serve in this role as monitor and the school district and community will be aided tremendously by his input and guidance.”

Tarver observed, “Since the filing of our lawsuit, the South Orange-Maplewood School District has taken some steps to remedy some of the issues we raised in our complaint, including; the reassignment of principals we identified as ill-equipped to meet equity goals, moving toward the full implementation of the state-mandated Amistad Black History curriculum, and ceasing the practice of calling police into Columbia High School for disputes best handled by school staff. We have also had two successive superintendents acknowledge our claim that the district’s K-5 elementary schools are unlawfully racially segregated. These steps are commendable and should point us in the direction of larger systemic reforms.”

The Black Parents Workshop, Inc. was founded in 2014 after the experience of a South Orange-Maplewood School District Black student Jordan Fields, whose parents, with the assistance of

the ACLU and the UCLA Civil Rights Project, filed a complaint against the district with the U.S. Department of Education Office for Civil Rights. Jordan had been denied entry into advanced-level mathematics courses despite having met all the existing criteria at the time for inclusion. Following the settlement of that complaint, Jordan's father, Walter Fields, joined a small group of Black parents and launched the Black Parents Workshop, Inc.

Fields remarked, "We are indebted to Attorney Robert Tarver for his commitment and passion in pursuing substantive remedies for Black children in the South Orange-Maplewood School District. I have known Mr. Tarver for decades, we once served side-by-side as contributors on MSNBC, and his work as a legal analyst and anchor for television networks is well known within the legal profession. He answered our call when we had a Columbia High School student, a victim of an assault by the Maplewood police, and represented that young man successfully. The Black Parents Workshop is fortunate to have him guide our legal strategy and we look forward to working together going forward."

Fields added, "We also want to thank our experts who helped guide our advocacy during this process. They include Dr. Ryan W. Coughlan, who conducted an extensive statistical analysis of segregation in the school district and residential segregation in the two towns. We are also indebted to nationally recognized and award-winning educator Dr. Carol Burris, who has been a source of information and support dating back to our visit to South Side High School in Rockville Centre, Long Island when she served as principal of that school; noted for its success in ending academic tracking and closing the achievement gap. I must also thank Dr. Michelle Fine, who I have known for years and who is well versed on issues confronting Black students in the South Orange-Maplewood School District. Our efforts were substantially aided by having access to these scholars."

From its founding the Black Parents Workshop, Inc, sought to work with the South Orange-Maplewood School District to eliminate the practice of academic tracking, the targeting of Black students for disciplinary infractions, the failure to implement the state-mandated Amistad Black History curriculum, the dearth of Black teachers in the district and the insensitivity of key administrators to the needs of Black students. Our efforts included advocating for open and

unrestricted access to all classes offered in Columbia High School, bringing district personnel to South Side High School in Rockville Centre, Long Island to observe a school that has been successful in closing the achievement gap, additional visits to equity-focused schools in Silver Spring, Maryland and Jersey City, New Jersey, arranging a meeting with the School of Education and Urban Studies at Morgan State University to discuss creating a pipeline to recruit Black teachers and meeting with the NAACP Legal Defense and Educational Fund to discuss the civil rights organization's willingness to assist the district. The Black Parents Workshop also supported the creation of the Black Student Union at Columbia High School and sponsored a student-run Board of Education candidates' debate during the 2017 local election.

The Black Parents Workshop, Inc., filed a lawsuit in 2018 against the district in U.S. District Court in the District of New Jersey. The lawsuit alleged Black students' lack of access to advanced level courses in Columbia High School, racial disparities in student discipline in the district's schools, the segregation of the district's K-5 elementary schools as a violation of federal and state law, the lack of supports for Black students seeking to enroll in advanced-level courses, the failure to fully implement the state-mandated Amistad Black history curriculum and the lack of transparency in publicly reporting instances of student discipline and the racial composition of classes. The lawsuit also included several individual plaintiffs, who in their specific cases, had mistreatment in the district.

BPW founder Walter Fields noted disappointment with the South Orange-Maplewood community's desire to hold the school district legally accountable. While some groups championed integration' and others feigned 'outrage,' we encountered nothing but lip service when it came to addressing the student achievement gap and other systemic failures. We have witnessed some Academy Award worthy performances of outrage, lawn signs and banners, faux advocacy, and Facebook social justice but a quiet complicity with a system that undermines Black children. Talk is cheap and through the years we have heard a lot of cheap talk in South Orange and Maplewood. This is why I want to give special recognition to Board Member Johanna Wright for her tireless and courageous advocacy for equity. Board Member Wright has consistently spoken up while others have remained silent and she has too often come under attack by factions of this community that have invested little time, work, or effort to champion

the cause of Black children. We must also give thanks and show our appreciation to Columbia High School teacher T J Whitaker, who has been a strong advocate for our children, an excellent teacher, and a voice of conscience in our community. The district would be well-served to provide T J a leadership role in equity efforts related to this Agreement. We also want to thank former South Orange Trustee Deborah Davis-Ford who was supportive of our work and showed real leadership in confronting an ill-advised Black history lesson taught in one of our elementary schools. We would also like to acknowledge and thank former interim Superintendent Dr. Thomas Ficarra for his work and commitment toward equity. Dr. Ficarra is a man of his word and acted honorably during his tenure as the leader of this school district. We sincerely appreciate his service to our children. Lastly, I want to thank school Board counsel David Rubin, Esq. and Howard Mankoff, Esq. for their professionalism and the leadership they exhibited during this exhaustive process. This was never a contentious or adversarial negotiation and both men acted ethically in their determination to resolve this litigation.”

Attorney Tarver reflected, “As we witnessed during our fight on behalf of Black children who were assaulted by the Maplewood police, the reality of living while Black for children in suburban communities like South Orange and Maplewood is fraught with obstacles and challenges. This litigation was never about money, as some alleged, but it was about securing an equitable future for Black children. This settlement represents the end of a legal dispute and the beginning of an accountability process. The Black Parents Workshop Inc. will remain vigilant and hold those elected to oversee the education of our children accountable to the fullest extent of the law.”

Current Black Parents Workshop Chairman James H. Davis, III. has been instrumental in the revision of the school district’s Student Code of Conduct and focused on compliance issues within the district as it relates to Board of Education policies.

Davis declared, “As a homeowner, parent of Black children in the South Orange-Maplewood School District and attorney, I view this settlement agreement as an opportunity for the school district to engage in an honest, open and transparent relationship with Black families in the

communities of South Orange and Maplewood. When you look at the declining numbers of Black families in our two towns and how our towns have become noticeably White and homogeneous in recent years, no one can deny that the status of our public schools is the cause of the re-segregation of our community. Perhaps by rehabilitating our public-school district we can once again be the type of community that is attractive to Black families.”

Black Parents Workshop Trustee Narda Chisholm Greene shared that sentiment. My joining the Board of this organization was in the spirit of wanting to see substantive change in the South Orange-Maplewood School District. The time had come to end from going School Board election to School Board election and never seeing any real change in the district’s regard for Black children. Today is the start of that substantive change.”

Black Parents Workshop Founder Walter Fields reflected, “With this agreement I have completed my mission and will resign from the Board of the Black Parents Workshop, and all activity with the group, effective July 17, and leave the organization fully in the capable hands of James H. Davis, III. It is now incumbent upon Black parents in these two middle-class suburban communities to fight for their children and to stop assuming that their class status assures that their children will receive a quality education. We must end the hypocrisy in the towns of South Orange and Maplewood. For too long, many middle-class Black parents in South Orange and Maplewood have been quietly complacent in reacting to the mistreatment of their children. Our Black children have been vocal about their mistreatment. It is time parents and the community started to listen. White residents must take responsibility for their silence and stop trading upon their privilege to the detriment of Black children and Black families in the two communities. Local organizations must stop pretending that they stand for justice and equity when they are really nothing but self-serving social media clubs and never confront patterns of discrimination and institutions that harm Black children. Not one community group stepped up to file a brief in support of this litigation, including the Community Coalition on Race. In fact, more energy was spent on childish attacks upon the leadership of the Black Parents Workshop. No faith leader in the two communities took a stand on the issues we raised in this litigation. That is a failure of moral leadership. Local groups have been complicit in the harm done to our children. And, the

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two local governments must stop funding an organization such as the Community Coalition on Race (CCR) that has achieved little in its two decades of existence except peddling ‘integration’ and ‘diversity’ as panaceas to address racism, and even failing at that as its own data reveals.”

Fields continued, “It is time for local civic and government leaders to step-up and hold the school district accountable. The excuse that the school district is ‘not our jurisdiction’ is no longer sufficient or acceptable. It’s time to stop using “Black Lives Matters’ posters and banners to mask the failure to address systemic racism. I have relocated to Maryland to continue to work on issues related to education equity. I am forever thankful to my wife Donna Wharton-Fields for her support of our daughter during her years in the school district and the work of the Black Parents Workshop. As a former resident of the state and the place where I received my college education, Maryland holds a special place in my heart. I look forward to working on a project with my Alma Mater, Morgan State University in Baltimore, to develop a larger institutional framework for Black parents’ advocacy and engagement with public school districts and schools. It is my firm belief that strengthening the Black family and supporting Black parents is the most prudent and effective way to elevate Black children’s academic performance and create effective pathways to college, career, and civic success. It is a mission that I fully embrace and commit myself to as we confront and remedy inequality in the United States. As we witness calls for change in America, there is no better place to start than in a local community. Black lives do matter and it is time for this school district, community and others to acknowledge that fact.”

The Black Parents Workshop will hold a press briefing on Thursday July 16 to discuss the findings of its expert, Dr. Ryan Coughlan. The event will be announced on the organization’s Facebook page.

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