

**Testimony Of Education Law Center on S820
Establishing the Division of School Desegregation
in the NJ Department of Education**

February 3, 2022

Thank you, Senator Gopal and members of the Senate Education Committee, for the opportunity to testify on behalf of Education Law Center about Senate Bill 820.

In the 1970s and 80s, the New Jersey Department of Education (NJDOE) had designated staff and experts, whose sole function was to compile and analyze data on racial and socioeconomic segregation in New Jersey public schools and provide guidance, technical assistance and support to school districts and the Legislature on measures to fulfill the State's constitutional obligation to dismantle racial isolation and promote the opportunity for students to attend diverse schools. Unfortunately, over the last two decades, the NJDOE has largely abandoned any effort to address and remediate the intense patterns of racial and socio-economic segregation that persist in our public school system to this day.

Senate Bill 820, sponsored by Senator Joe Cryan, is a long overdue step to begin to rebuild the NJDOE's capacity to tackle the entrenched barriers that prevent our students – Black, Latino, Asian and White – from experiencing the benefits of integration and diversity in education.

The intense racial segregation in our schools is well documented – by the State itself. A renewed push is now underway to remedy the structural and policy barriers at the root of the problem, notably the pending lawsuit *Latino Action Network v. State of NJ*, the grassroots work of Building One America, and the many studies and recommendations emanating from Rutgers University and other important sources.

The parameters set forth in S820, and most importantly the requirement for the NJDOE to develop a strategic plan for “increasing and subsequently maintaining diversity in all school districts” within 180 days of the enactment of the bill, is a solid first step to inform and deepen our understanding of the extent of racial and socioeconomic isolation in our schools and potential solutions. We would, however, recommend this plan be updated

every three years – and not five – given the urgency of making progress, and sustaining that progress, in breaking down barriers to school desegregation.

But there are more sober, on-the-ground considerations that necessitate amendments that will strengthen the capacity at the NJDOE to achieve the desired and much needed goals of the bill. As ELC has documented, the NJDOE has suffered from intense disinvestment and shortages in staff and expertise at the agency. Our research has shown that in the period 2014 through spring 2021, total staff at the NJDOE was down a staggering 24%, or 165 total staff positions. These staffing shortfalls include a 37% and 40% reduction in management and supervisory personnel, respectively. Put simply, the NJDOE is now at a crisis point, unable to perform the most basic supervisory and oversight functions, let alone provide the timely data, research, guidance and technical assistance on desegregation called for in the bill.

Given this reality, we recommend the following amendments:

- 1) The Director of the newly created Division of School Desegregation should not be chosen from current Department staff, but rather hired by the Administration on the basis of demonstrated knowledge, experience, skill and expertise in leadership, research, strategic planning and DEI and on issues of education equity, school diversity and desegregation, and racial justice.
- 2) The new Division should be in, but not of, the Department of Education. The Division Director should have a separate budget and the ability to hire sufficient, qualified personnel to staff the Division.
- 3) The bill should authorize an appropriation to support the start-up and first year of the Division's work. We recommend an appropriation of at least \$5 million as an initial investment.
- 4) The Division should be expressly authorized to contract with and retain qualified outside consultants to support its research and work, including New Jersey's institutions of higher education.
- 5) The Division's authority should be extended beyond the Interdistrict School Choice Program to include all of the NJDOE's existing responsibilities on equity and segregation in the programs it is required to implement, including school consolidation, sending-receiving agreements, charter schools, vocational schools, within district and within school equity and diversity, school discipline and school climate and other matters. This should include a detailed report and publicly available data comparing the demographic characteristics of the district

of residence and the district of attendance for all students participating in any of New Jersey's current school choice models, i.e., charters, vocational schools, interdistrict choice, and out-of-district special education placements. Without this data it is impossible to determine the segregative impacts of existing models.

- 6) The Division's work should include an outreach, public hearing and community engagement program designed to disseminate data, research and information on segregation and the benefits of diversity. The bill should also require the Director to create a task force to work together with the Division to examine information compiled by the Division and to influence the eventual strategic plan.
- 7) The Division should be required to annually report to the Legislature on the challenges and progress made in advancing desegregation and diversity in the public schools and to advise the Legislature on actions necessary to achieve this goal, including steps that can be taken to comply with court orders.

We stand ready to work with the bill sponsors and this Committee on these and other needed amendments. We also applaud the sponsors for their leadership in bringing this issue forward and, with appropriate amendments, would urge the Committee to approve the bill. We look forward to its implementation.