

Race Desegregation in Englewood: The history behind the Commissioner's report

The Desegregation Lawsuit:

The Englewood case began in 1985, when the Board of Englewood Cliffs sought to end a contract with Englewood. Under this contract, Cliffs sent its graduating eight graders to DMHS. Instead, Cliffs wanted to send its students to Tenafly High School. The Englewood Board opposed Cliffs' motion and filed a claim of its own: to combine the three districts (Englewood, Cliffs, and Tenafly) into one single district.

In court, Englewood argued that the issue for Cliffs was race, not the quality of DMHS. For example, evidence presented in court included an interview with a Cliffs' student who stated that she regularly heard her classmates using terms like "Dwight Nigger" and "Black Morrow" to refer to DMHS students. This student also described the Cliffs' students' misconceptions about DMHS. These misconceptions included fears that students would be raped and subjected to drug abuse and unsafe restrooms, and their property stolen.

Court Rulings:

Under law, when a district seeks to end such a contract, the Commissioner of Education must assess the impact that this action will have on the racial balance of the student population.

The courts agreed with Englewood that "racial prejudice" and Cliffs' desire to avoid integration was the main issue for Cliffs. The courts also found that the exit of Cliffs' students from DHMS had a significant impact on the racial balance at DMHS. From a high of 69% in 1980-81, the number of Cliffs' students attending DMHS fell to a low of 4% in 1987-88. At DMHS the racial balance went from 32% White and 3% Asian to 12% White and 4% Asian during these years; and from 56% Black and 10% Hispanic to 66% Black and 18% Hispanic.

Accordingly, the courts issued an order preventing Cliffs from breaking its contract with Englewood and sending its students instead to Tenafly. But the courts declined to combine the three districts, as Englewood had requested. Instead, the courts ruled that Englewood and the Department of Education should design a "cooperative solution which would also contribute to educational improvement" to address the problem of racial segregation at DMHS.

In 1998, Englewood told the courts that a "cooperative solution" similar to the Academies@Englewood would "not achieve the level of desegregation required." In Englewood's view, only the combination of districts would have this effect. By 2001, however, Englewood had decided to try this cooperative approach and, in 2002, established the Academies.

In 2003, Englewood asked the courts (State Board) to lift the order it had placed preventing Cliffs from sending its students to Tenafly. The State Board agreed. However, the Board found that there "was not sufficient data. . .to draw any conclusions as to the likely effect of the Academies@Englewood program on the racial and ethnic composition of the student body at DMHS." For that reason, the State Board ordered the Commissioner of Education to submit regular progress reports.

Chronology of Events:

- 1988: Commissioner's decision (1) prevents Cliffs from breaking its contract with Englewood and sending its students instead to Tenafly; (2) denies Englewood's claim to combine the three districts into one single district
- 1990: State Board decision upholds Commissioner's 1988 decision, stating: "we recognize that it is our responsibility to ensure that the situation is in fact corrected."
- 1991: State Board resolution approves Commissioner's proposal to study different ways of combining the districts.
- 1992: Superior Court decision upholds the Board's 1990 decision and 1991 resolution, stating "No one could seriously believe that racial prejudice and circumvention of integration is not at play here. . .to deny relief here would be to make the state a 'passive participant' in private discrimination." NAACP local, state, and national branches file papers with the court to support the combination of districts.
- 1993: Supreme Court decision upholds the 1992 Superior Court decision.
- 1994: New Commissioner of Education orders outside studies of different possible combinations of districts, including 20 communities in East Bergen County.
- 1995: Public hearings conducted on the plans to combine school districts.
- 1997: State Board accepts Commissioner's recommendation against combining districts. Instead, the Board orders the Department of Education to develop a "cooperative solution which would also contribute to educational improvement."
- 1998: State Board resolution places "initial responsibility" on Englewood to develop a voluntary plan to integrate DMHS – for example, a magnet school approach.
- 1998: Englewood Board develops a magnet-school plan for integration in response to the Board's order. But Englewood tells the court that "it will not achieve the level of desegregation required" absent the combination of districts.
- 2000: Superior Court decision upholds Board's resolution against combining districts. However, it finds that the Commissioner "bears a heavy responsibility" to help Englewood develop a magnet-school plan.
- 2001: Superintendent of Englewood (Joyce Baynes) explores a partnership with John Greico's Bergen Academies. Englewood Board visits the Bergen Academies and is impressed. Department of Education pledges money for the partnership and Bergen County pledges an additional \$1 million if Englewood drops the lawsuit.
- 2001: Greico becomes Superintendent of Englewood.

- 2001: Englewood Board drops the issue of the combination of districts before the Supreme Court.
- 2002: Supreme Court decision holds that the Commissioner and the State Board – not Englewood – “retain the ultimate responsibility for developing and directing” an integration plan.
- 2003: Englewood seeks to lift the State Board’s 1990 prohibition on Cliffs sending its students to Tenafly instead of DMHS. Among other reasons given, Englewood explains to the State Board that lifting the prohibition will allow it to apply for the \$1 million for the Academies from the County.
- 2003: State Board lifts the prohibition on Cliffs in response to Englewood’s request. In so doing, the Board determines that there “was not sufficient data. . .to draw any conclusions as to the likely effect of the Academies@Englewood program on the racial and ethnic composition of the student body at DMHS.” The Board also explains that “the action we are taking today is conditioned on the continued progress of the Academies@Englewood in ameliorating the racial imbalance at DMHS.” For that reason, the State Board requires the Commissioner to issue semi-annual reports on progress toward integration at DMHS.
- 2003-present: Commissioner submits three reports to the State Board showing NO progress on racial integration at DMHS, outside of the Academies. No further action is taken in court.