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U.S. Department of Education
Office for Civil Rights
Customer Service Team
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To Whom It May Concern:

We are writing to file a complaint against the Newark Public School District under Title VI of the Civil Rights Act of 1964. The Newark Public School District's actions, as well as the criteria and methods of administering those actions, have the effect of discriminating against African American and Latino students because of their race in violation of Title VI and its implementing regulations.

The Newark Public Schools have been under state control since July 12, 1995 – one of the first state takeovers in the nation. For the past 10 years the graduation rates of its high schools has been on average 50% to 55%. In 2010- 2011 SY the enrollment of the Newark Public School (NPS) District was 33,279 and the demographics of the district consisted of 53% African- American and 38% Hispanics. At least 79% of the students received free lunch. Furthermore, the population also included 16% special needs students, 8% LEP and 1% homeless students. The current budget of the NPS District is over a \$717M dollars , along with private influences. This unlimited stream of private funds has developed battles between charter and traditional public schools, which has created a slow demise of the traditional public schools.

In recent years Newark has become the model of “education reform” based on the external influences of the \$100 million dollar gift from Face book owner- Mark Zuckerberg. The conditions of this support from Zuckerberg came with a price, which included school closures, co-locations, and the Newark 2020 Plan. The plan has produced displacement of students, larger class sizes (30-40 students), and an increase in violence, and destruction of neighborhood schools.

One of the recent actions of Newark Public School Superintendent Cami Anderson was to ignore the vote of the *elected* Newark Public School Advisory Board to lease properties of the District to seven charter schools. This has created a public out-cry. One of the schools affected by the vote of the Superintendent is the building for the school formerly known as Burnett Street Elementary School.

In 2007-2008 Burnett Street School met its Annual Yearly Progress (AYP) after it had been listed as needs improvement on the AYP list for two years. Accordingly, former Principal Jackson was acknowledged for exemplary work of removing Burnett Street School off the *needs improvement (NCLB)* list by the incoming Superintendent Clifford Janey. In the school year 2009-2010 Principal C. Jackson was removed from Burnett Street Elementary and sent to Ann Street to help improve the test scores there. Burnett Street was the recipient of a less productive principal. After Principal Jackson's departure the student mobility rate went from 29% (2008) to 51% (2011) Due to "under-utilization" of the Burnett Street Elementary the building was listed for closure.

The "Renew" Burnett Street School is now co-located in the building with Gray Oaks Charter School. In 2010- 2011 SY the population of the Burnett Street school was 211 and the demographics of the building consisted of 79% African- American and 20% Hispanics. At least 93% of the students received free lunch. Furthermore, the population also included 19.9% of special needs students, 4% LEP, and 5% homeless students. By the end of 2011-2012 SY Burnett Street School will no longer exist. The building will be occupied by Gray Oaks Charter and another charter school. Unless chosen through a lottery, the students no longer have a community school, special needs students are deprived of the supports they had, and there is no consistency or planning for the homeless students. The District has abandoned the children of Burnett Street School. This has become the status quo for school closings in Newark. Students are told to choose a school- but the nearest schools at times are at least 3 miles away.

Newark, along with NJDOE is gearing up to intervene in 75 predominately African American and Latino schools, taking action that could lead to massive school closings within three years. The schools targeted by NJDOE for closure are in very poor neighborhoods of color across the state and have served these communities for decades. The NJDOE plan for "aggressive intervention" and potential school closures is the centerpiece of a new "accountability" initiative launched by the Christie Administration after obtaining a U.S. Department of Education waiver from certain provisions of the federal No Child Left Behind Act (NCLB) in 2011. The waiver allows NJDOE to use test scores and graduation rates to create three new classifications of schools: "Priority," "Focus" and "Reward"

In early April, NJDOE released the list of schools in the new classifications:

- 75 schools are classified as Priority Schools based on low scores on state standardized tests; 97% of the students attending these schools are African American and Latino, 81% are poor, and 7% are English language learners. This compares to District demographics of 91% African American and Latino.
- 183 schools are classified as Focus Schools based on low graduation rates or large gaps on state tests; 72% of the students in these schools are African American and Hispanic, 63% are poor, and 10% are English language learners.
- 112 schools are classified as Reward Schools based on high achievement or high levels of growth on state tests; 20% of the students in these schools are African American and Hispanic, 15% are poor, and 2% are English language learners. (ELC/May 2012)

Needless to say, we have joined our community in fighting these actions through organization and advocacy. We have seen the impact similar actions have had on poor and working-class communities of color across the country. We have seen all of the harms that befall children whose educational lives are rendered unstable just as they so often face instability and upheaval in other aspects of their lives. We have seen spikes in violence and watched tragedies unfold on the evening news.

What is perhaps more disturbing is that we have not seen any improvement in the educational outcomes of our children in these cities. It is not surprising to us that there is simply no evidence that closing down schools, vital community institutions, and displacing students has a positive impact on those students' education. What is surprising is that Public School Districts like ours continue to take these ill-advised actions, despite the notably disparate impact that they have. Actions such as these, which have such a disparate impact on people of color, should be scrutinized. The Newark Public School District should be required to provide an explanation for their drastic actions. Thus far, they have not. Generalized appeals to the notion that our schools are "failing" and we must try something to remedy this situation are simply not sufficient. The fact that public schools already provide a subpar education to children of color does not justify compounding that problem by closing schools – a tactic that has never worked. In other words, we take issue with experimental reforms such as these when it is only children of color who are the subject of the experiment, and *especially* when the experiment has already failed.

The U.S. Department of Education has the power and the *responsibility* to enforce Title VI and put an end to these actions. For these reasons, I request that the USDOE immediately launch an investigation into the Newark Public School District's activities and bring a legal action to stop these closures immediately.

We also make my request in solidarity and conjunction with a number of other concerned parents, students, and community members from other cities that are part of an unfortunate trend of school closures in communities of color

Sincerely,

Donald Jackson

Sharon Smith