



November 23, 2015

Mr. Wayne Eastman
President
South Orange Maplewood Board of Education
525 Academy Street
Maplewood, NJ 07040

Re: Policy 2314 Academic Placement

Dear Mr. Eastman:

We write to express our concerns, grave disappointment and opposition to the proposed Policy 2314 Academic Placement as currently written and introduced for first reading on Monday November 16, 2015. The policy represents the continuation and maintenance of a practice – leveling or “ability grouping” – that has been the root of discriminatory tracking of African-American students and an unacceptable racial achievement gap in the South Orange Maplewood School District for well over a decade. The proposed policy feigns ‘choice’ and suggests that ‘access’ alone is sufficient in ameliorating long-held patterns of racial discrimination when ‘equity’ warrants the dismantling of a system that facilitates such practices. Access but no equity is an unacceptable compromise given the horrendous history of racial profiling of African-American students in this district.

The Board’s proposed Policy 2314 Academic Placement is insufficient for the reasons outlined below:

1. The South Orange Maplewood School District has failed to provide the educational justification or necessity for its maintenance of a hyper-leveled curriculum
2. There is sufficient research to refute the claim that 'choice' will result in greater African-American student enrollment in advanced level courses (see Yonezawa attached)
3. The maintenance of a hyper-leveled curriculum has yielded offensive levels of tracking of African-American students that warranted an investigation by the U.S. Department of Education Office for Civil Rights
4. African-American parents have dutifully paid property taxes that the South Orange Maplewood School District has effectively used to discriminate against African-American children
5. The maintenance of a hyper-leveled curriculum and the strong evidence of racially defined tracking is suspect and likely in violation of Title VI of the federal Civil Rights Act and provisions in the New Jersey Constitution mandating school districts provide a "thorough and efficient education" and outlawing segregation in public education

If the district is sincere in its pursuit of 'restorative justice' measures in addressing the gross racial disparities in disciplinary actions taken against African-American students, the same standard must be applied to the racial profiling of these students in the academic programs of the district.

Access and Equity

The district would lead the public to believe that access and equity are one in the same. They are not. While 'choice' is a necessary principle on the pathway to equal opportunity, choice alone is insufficient to address the systemic discrimination evident in the South Orange Maplewood School District. Without the complete reform of the system, choice becomes just

another layer of deception used to avoid responsibility for the patterns of discrimination we describe later in this document. Access, as being offered in Policy 5755.1 Access and Equity and proposed Policy 2314 Academic Placement, is being presented as relief when what the policies represent are tepid accommodations to quiet the aggrieved and comfort elements in the community who refuse to acknowledge the role of race in the treatment of African-American students in the district.

Historically, civil rights leadership understood the distinction between access and equity. At the height of the civil rights movement African-Americans did not simply demand their constitutional right-to-vote, they, and white supporters, were relentless in their demand for the dismantling of Jim Crow. The right to vote was access, ending the structure of racial segregation was equity. Likewise, the world witnessed a similar campaign in South Africa when the African National Congress made clear that the extension of voting rights to Blacks and Coloureds without dismantling apartheid would betray democratic principles.

It is the systemic nature of exclusionary practices that puts African-American students in the South Orange Maplewood School District at a distinct disadvantage relative to their white peers. The district has had a choice policy in the past that yielded the very outcomes that are the source of our current grievances.

In the proposed Policy 2314 Academic Placement the district claims the non-binding nature of teacher and Guidance Department recommendations gives students and parents ultimate control over student placement in a preferred course(s). What the district refuses to acknowledge is that implicit bias in our schools has colored the belief and self-perception of African-American students even in African-American families; particularly in their ability to succeed in classes deemed “challenging” and “tough.” We have created a culture in our school district that is built upon a deficit assumption regarding the abilities of Black children. Without a system that automatically assigns all students to a solid core of academic classes, we believe African-American students by default will continue to be tracked into lower-level courses that

are insufficient in meeting the alleged goal of college and career readiness that the proposed policy purports to support. The burden of providing African-American children a high quality education should not be placed on the shoulders of students or their parents but on the school district charged with the responsibility to administer public education in a nondiscriminatory manner.

True equity represents the creation of structures of opportunity that are not colorblind but racially conscious; that creates an even plane and does not construct barriers based upon stereotypical and often racist perceptions of ability and capacity. It has been our intention from the outset to seek the wholesale reform of our school district to make certain that equal educational opportunity and a pathway to success is created for all students in our two communities. Proposed Policy 2314 Academic Placement falls far short of that goal.

A National Dilemma of Ability Grouping and Tracking

The South Orange Maplewood School District is not alone in embracing this flawed educational philosophy. While some 60 percent of school districts across the nation maintain some degree of ability grouping and tracking, our school district has been particularly hypocritical in supporting a racially taxing system while touting 'diversity' as a defining attribute of the district.

There has been an impressive array of qualified opposition to this practice that the South Orange Maplewood School District either is unaware or chooses to ignore. Among the organizations and bodies that have formally denounced this practice are:

- The National Governor's Association
- The College Board (see the attached Equity 2000 summary)
- The National Education Association
- The American Federation of Teachers
- The National Association of School Psychologists (see the attached document)
- The American Civil Liberties Union
- The Children's Defense Fund

- NAACP Legal Defense and Educational Fund
- The United States Civil Rights Commission
- The U.S. Department of Education Office for Civil Rights

Despite the strong opposition to this practice of tracking students and research that shows its harmful effect upon children of color, school districts such as ours cling to ability grouping without offering any evidence of its merits and denying the data that confirms disastrous outcomes for African-American children. At the root of this stubbornness is a failure to honestly confront systemic racism and defaulting to practices and behaviors that further stigmatize and entrench racial disparities in society.

In recent years at the post-secondary level we have witnessed institutions of higher learning coming to terms with racial bias with the abandonment of requirements for standardized admissions tests such as the SAT and ACT, with well over 800 colleges doing so. Educators have long raised concern over cultural bias embedded in standardized tests used for college admission. Among the institutions taking this route are George Washington University, Wake Forest University, Franklin and Marshall College, Bowdoin College, Sarah Lawrence College, Rowan University and Old Dominion University. Just this year the University of Pennsylvania dropped the requirement of SAT Subject Tests and the essay requirement for applicants. The conversation on equity is taking root in higher education as educators understand the implications of bias on the economic fortunes of our nation. We must follow suit at the elementary and secondary school levels to ensure a pipeline of academically prepared children of color who in less than two decades will comprise the nation's majority and be depended upon to maintain America's political and economic standing in the world.

Proposed Policy 2314 Academic Placement

This proposed policy sets in place the conditions for student placement into courses in the school district. While Policy 5755.1 mandates 'open access' to all courses, and Policy 2314 echoes the mandate of 'open access,' the Academic Placement Policy is a mirage because it keeps in place the hyper-leveling of the curriculum that has resulted in the tracking of Black

students and the racial disparities that have existed in the district for over a decade. While on its face Policy 2314 seems to hold students harmless, it does not eliminate the structural impediments that have been at the root of the discriminatory treatment of Black students in the district. In fact, it puts significant emphasis on advice for course selection on a Guidance Department that has been complicit in the tracking of Black students. And while under the proposed policy the recommendation of the Guidance Department (and teachers) is nonbinding upon the student, the historical behavior of Black parents has been to cede to the advice of school personnel despite the implications of course selection on their children's future.

In the same vein, Policy 5755.1 Access and Equity mandates 'access' but equity is non-existent if the structure of inequity is allowed to persist. While access to certain courses has been an issue, the bigger issue is the maintenance of a system that enables, facilitates and maintains racial discrimination.

The National Education Association (NEA), the nation's largest association of teaching professionals, has officially opposed tracking or "ability grouping" (NEA Resolution B-16) dating back to 1998. The district is again ignoring the advice and counsel of the very professionals who have been trained and licensed, and charged with the responsibility of teaching our children.

In a historic study, "A Common Destiny: Blacks and American Society," published by the National Research Council (1989) the issue of tracking and "ability grouping" or leveling is exposed for its harmful effect upon Black students.

"The most common sources of resegregation are ability grouping and tracking of students into separate academic programs, compensatory educational services, and special education, and discipline practices. To the extent that race is correlated with the

criteria used to sort students, ability grouping or tracking results in racial imbalance of classes.”¹

The Evidence of the Deleterious Impact of Racially Discriminatory Tracking in the South Orange Maplewood School District.

In its memorandum to the district (Case No. 02-13-5003) dated October 28, 2014, the U.S. Department of Education Office for Civil Rights (OCR) details the findings of its compliance review. The review served as the basis for the Resolution Agreement the district voluntarily entered; a tacit admission that the district has been complicit in discriminating against Black students. In the memorandum, OCR notes:

- For the school year 2012-2013, African-American students represented 36.3% (159 out of 438) of the District’s total enrollment in grade 5 in the four elementary schools offering pull-out math enrichment but only 9.0% (12 out of 133) of the students enrolled in the District’s mathematics Enrichment Program. **In contrast, white students represented 51.7% (229 out of 443) of the District’s total enrollment in grade 4 in the four elementary schools offering pull-out math enrichment, but 74.4% (128 out of 172) of students enrolled in the District’s fourth grade mathematics Enrichment Program.**
- For the school year 2012-2013, African-American students represented 39.1% (201 out of 514) of the District’s total enrollment in grade 7, but only 11.9% (10 out of 84) of students enrolled in honors, advanced honors and accelerated grade 7 mathematics courses. **In contrast, white students represented 50.9% (262 out of 514) of the District’s total enrollment in grade 7, and 72.6% (61 out of 84) of students enrolled in honors, advanced honors and accelerated grade 7 mathematics.**
- During school year 2012-2013, there were 791 AP opportunities in the District’s high school. OCR determined that for school year 2012-2013, African-American students

¹ The National Research Council, “A Common Destiny: Blacks and American Society” (1989), 82

represented 51.5% (946 out of 1838) of the District's total high school enrollment, but only 18.7% (148 out of 791) of the District's high school AP course takers. **In contrast, white students represented 38.4% (706 out of 1838) of the District's total high school enrollment, and 69.8% (552 out of 791) of the District's high school AP course takers.** Using a Chi Square test, OCR determined that African-American high school students were underrepresented in AP courses to an extremely statistically significant [emphasis added] degree.

Similarly, the complaint filed by the American Civil Liberties Union (ACLU) and the UCLA Civil Rights Project details how Black students are over-represented in disciplinary actions.

"In the 2011-2012 academic year, SOMSD students experienced clear racial disparities in out-of-school suspensions. Overall, Columbia High School's suspension risk was 10.7 percent. While White students at Columbia High School had a 3.5 percent suspension risk during that academic year, the risk for Black and Hispanic students was 15.9 and 7.1 percent, respectively. This makes Black students 4.5 times more likely to face out-of-school suspension than White students, and 1.5 times more likely to be suspended than the overall student population...Black males have a 21.2 percent suspension risk, Hispanic males have a 12.5 percent suspension risk, and White males have a 5.9 percent suspension risk. Black females have a 12.2 percent suspension risk versus a 1.1 percent suspension risk for White females."

In addition, the work of SAGE Educational Consultants, hired by the district per the stipulation in the Resolution Agreement signed by the district and the U.S. Department of Education Office for Civil Rights, has uncovered a disturbing pattern in post-diploma routes of African-American children. For the graduating Class of 2013 the data reveals that among the 238 African-American graduates of Columbia High School 103 went on to 4-year colleges but 71 went to 2-year colleges and 64 did not enroll in college and can be presumed working or unemployed. By comparison, of the 175 white graduates of the Class of 2013, 138 went on to 4-

year colleges, 19 to 2-year colleges and just 18 did not pursue higher education and can be presumed working or unemployed. This is the collateral damage of tracking and leveling in our school district.

The data confirms the discriminatory nature of ability grouping and tracking in the South Orange Maplewood School District. **Racial profiling has been effectively at play in limiting African-American students' success and their categorization as serial disciplinary offenders.**

The Coded Language Supporting Exclusionary and Discriminatory Practices

Unlike the overt racial bias that came to define the 20th century, present practices are more benign and defenders of structural racism hide behind a colorblind façade to create the impression of supporting equity when in fact, they do not. If we could build a physical model of this resistance it would look like a Hollywood movie set where the façades of buildings on a street give the impression of being habitable when they are simply propped up from behind by braces. While there are those who approach this issue with honorable intentions, many engage with the express intent of maintaining systems and structures that are known to produce inequality and seek to create a mirage of equity.

A language has been developed to defend these discriminatory practices and we offer several themes that surface when systemic racism is confronted in public education.

“The ideal of Knowledge – not guesswork, not mere careless theory; not inherited religious dogma clung to because of fear and inertia and in spite of logic, but critically tested and laborious gathered fact marshalled under scientific law and feeding rather than choking the glorious world of fancy and imagination, of poetry and art, of beauty and deep culture.” (Du Bois, p. 79)²

² William Edward Burghardt, “The Education of Black People: Ten Critiques, 1906-1960” (1973), 79

Absence of Rigor: It has become popular for those who support ability grouping and tracking to suggest that there will be a loss of academic rigor if such groupings are abandoned, and more heterogeneous classes are created. Further, it is frequently inferred that African-American students and parents want to ‘water down’ the curriculum and that students of high ability (white students) will suffer.

On the first point we offer the experience of South Side High School in Rockville Center Long Island, a school that has been nationally recognized for its success in eliminating academic levels and tracking. Last year the SOMA Black Parents Workshop led a group of South Orange Maplewood Board of Education members and staff to visit South Side High School. The principal of the school, now retired, Dr. Carol Burris, is a nationally recognized educator and author, and she has taken a strong stand against ability grouping and tracking. South Side High School, a racially mixed school that draws Black students principally from a public housing complex in the district, was de-leveled under Dr. Burris’ leadership. The result has been a high school in which 8th grade students enter having already passed the New York Regents exam for mathematics, a requirement for high school graduation, and are enrolled in advanced level courses across the curriculum.

In her book, “On the Same Track: How Schools Can Join the Twenty-First Century Struggle Against Resegregation,” Dr. Burris addressed the ‘red herring’ of ‘lowering standards’ that is used by parents and some educators to defend leveling. Describing a meeting she chaired to inform parents in the Rockville school district of her decision and determination to de-level South Side High School, Dr. Burris notes:

“We showed data that demonstrated how results had always gone up with detracking, while top scores had not gone down. We spoke of our support classes and how they fill the learning gaps for struggling students. We explained that we would create grading systems that rewarded student effort, so that every student could be successful. Finally,

we discussed our commitment to academic challenge, assuring parents that the goals of the curriculum would not be lowered.”

Her comments were reinforced by the teacher facilitator of the South Side High School IB program, John Murphy.

“This is not about raising the ceilings for some students. This is about ripping the ceiling off for everyone.”

South Side High School is but one example, there are others in closer proximity. The school districts of Elizabeth and Hackensack, two districts with significant populations of African-American and Latino students, have been recognized nationally for their success in elevating the academic achievement of students of color.

There is also a body of literature, research and experts that confirm high achieving students are held harmless in a de-leveled school. It is disturbing that a school district proposes policies based upon anecdotes and fear when there is research and data that provide guidance in how to effectively educate all children. We must either assume that the district is operating in a bubble or simply sees discrimination as a reasonable cost of doing business to satisfy the desires of a segment of its white population.

Hidden behind the suggestion that African-Americans seek to dilute the curriculum is a not so subtle attack on Black family values. This is a red herring that is used to subliminally create the perception of a pathology of non-achievement and failure in African-American families. It is offensive and racist, and is refuted by a history of African-Americans not only pursuing education with rigor but succeeding against the odds when structural barriers have been placed in our way. Polling has consistently shown the high priority placed by African-Americans on the education of their children. If African-Americans did not want a rigorous and quality education for our children, we would not have sent our children into schools where they

were cursed and spat upon by white adults or bussed them miles from home to attend schools where we believed they would receive a better education simply because they would be in the company of white children. And we would not have moved to a school district in communities with notoriously high property taxes to pursue a mediocre education for our children.

“There is ample evidence that there are psychological differences between Negroes and whites. Moreover, these differences are, today, of about the same magnitude as they were two generations ago. These differences are not the result of differences in social and economic opportunities, and they will not disappear as the social and economic opportunities of Negroes and whites are equalized.” (Kilpatrick, p. 4)³

Overtaxing African-American Children: This is a theme that is recurrent, and sadly echoed by some well-meaning African-American parents. We often hear comments that, and I paraphrase, “we don’t want [Black] children to get frustrated in classes in which they struggle” or “it would be unfair to force [Black] children into classes for which they are unprepared.” Both trains of thought are racially offensive and reveals the deep-seated bias held by many who take offense when they are called out for their racially construed beliefs.

If we truly believe in academic rigor, then we should also accept that a high-quality and rigorous curriculum will cause many students to struggle, and that is consistent with the process of *learning* and tackling complex materials. As is the fact that underperformance and failure is often the best teacher, motivator and catalyst for improved academic performance. This supposed empathetic, compassionate and sincere expression for the welfare of African-American children is not only deeply suspicious but often tinged with sinister beliefs in the lack of intellectual capacity of African-Americans that has its roots in eugenics. We witnessed this in New Jersey in 1995 when the then president of Rutgers University, Francis Lawrence, was caught on audiotape suggesting:

³ James Jackson Kilpatrick, “The Southern Case for School Segregation” (1962), 4

"The average SAT for African Americans is 750. Do we set standards in the future so that we don't admit anybody with the national test? Or do we deal with a disadvantaged population that doesn't have that genetic hereditary background to have a higher advantage?"

In the 21st Century we continue to confront white supremacy in the form of a widely held belief that African-Americans are naturally intellectually inferior and do not possess the capacity to compete academically. This is a belief not simply held in the states of the Deep South that comprised the Confederacy but in northern states and communities, and prominently in suburban communities like South Orange and Maplewood where African-Americans have migrated to in large numbers in the last two decades. It is why there is such a significant drop-off in white students attending public high schools in these school districts.

"Because the society, with unmitigated cruelty, has made the Negro's color anathema, every Negro child suffers a traumatic emotional burden when he encounters the reality of his Black skin." (King, p. 116)⁴

Advancement Must Be Based on Merit: This is the most frequent defense of ability grouping and tracking that suggests that if African-American students simply *earned* their way, we would not see racial disparities in the enrollments of advanced-level courses. This is a smokescreen that purposely ignores patterns of implicit bias that begin at the elementary school level and shadows African-American students throughout their educational experience in this school district. It also dismisses a body of research and experiences in this nation that clearly demonstrate that "merit" is a moving target, defined by a white majority population that has clung to entitlement as an heirloom and coopted seemingly objective processes through closed social networks and "insider trading" that make supposed rules flexible when to the advantage of the majority. It is why there is a dearth of African-American PhDs as tenured faculty on the campuses of our nation's universities, the absence of African-American teachers in our school

⁴ Martin Luther King, Jr. "Where Do We Go From Here: Chaos or Community" (1967), 116

district, shamefully low numbers of African-Americans in the technology field despite a nationwide push to produce more Black professionals in STEM, and why African-Americans still represent only 4% of all lawyers and doctors, and about 5% of engineers nationally. Merit has never been the issue. The issue is opportunity.

The Alternative and Morally Correct Choice is Equity

“And even in the North, the will to preserve the status quo maintains a rocklike hardness underneath the cosmetic surface.” (King, p. 141)⁵

If the South Orange Maplewood Board of Education fails to address the core cause of the racial disparities harming African-American children, it will by default compel aggrieved parties to seek judicial relief⁶. It also causes us to explore options under state education law⁷ to create locally based and publicly provided alternative educational settings in lieu of this district’s reluctance to fully reform its practices. As African-American parents and taxpayers we have done the heavy lifting of advocating for the rights of our children at great expense in time and labor. It is not our responsibility to fix this school district. That responsibility rests with the Board of Education, and particularly incumbent Board members who presided over this district as these disparities deepened.

During the Board meeting on November 16 2015 alternate Student Representative to the Board Filip Saulean courageously spoke out against the tracking of Black students, leveling and racial disparities. The regular Student Representative Nina Kambili has also been very vocal about racial disparities in Columbia High School and the need for immediate change. Many students echoed those sentiments at the recent Education Summit. Our young people are keenly aware of the unfairness of the current academic structure and empathize with the plight of their peers who have been stigmatized by their assignment to courses of lesser academic

⁵ Martin Luther King, Jr. “Why We Can’t Wait” (1963), 141

⁶ See Welner and Oakes attached

⁷ The Charter School Program Act of 1995 (P.L. 1995 c. 426, N.J.S.A. 18A: 36A)

value. At a recent student forum there was widespread dissatisfaction with racial profiling in the high school and frustration expressed over the continuation of such practices. Students in the district understand the harm of such a racially polarizing system and have called upon adults to act responsibly and show real leadership.

We strongly suggest that the Board yield in adopting proposed Policy 2314 Academic Placement until it authorizes the Superintendent to create a timetable for the restructuring of the K-12 curriculum, a plan to de-level Columbia High School with clear deadlines and within a two-year period, and the convening of a blue ribbon Curriculum Review Task Force consisting of teachers, parents, community members and national experts.

Our interest is in a true paradigm shift; the creation of a public school system that values effective teaching, is innovative in the manner in which are children are educated, provides high-quality courses that prepare all students for college and careers, and does so in a structure that does not accept labels or categories as necessary in defining the life chances of children.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Fields", written in a cursive style.

Walter Fields
Convener

cc: Board of Education Members
Dr. John Ramos
Mr. Phillip Stern
SAGE Educational Consultants
ACLU
UCLA Civil Rights Project
U.S. Department of Education Office for Civil Rights

Attachments