

Justice Gary S. Stein (Ret.) Quoted in the Gothamist Discussing Segregation in New Jersey Public Schools

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Justice Gary S. Stein (Ret.) was quoted in the *Gothamist* article “Court weighs potentially landmark NJ school segregation case.” The article discusses the pending lawsuit against the State of New Jersey claiming that persistent segregation has violated the constitutional rights of hundreds of thousands of New Jersey’s students. The article notes that plaintiffs argue that New Jersey officials have permitted de facto segregation to persist by requiring students to attend schools in the municipalities where they live, and the state has a history of residential segregation.

“It’s not that the Department of Education didn’t know about it. Of course they knew; they just have not done anything about it,” said Gary Stein, a retired state Supreme Court Justice who formed the New Jersey Coalition for Diverse and Inclusive Schools and decided to take the state to court.

“The idea that New Jersey, a modern, progressive state in the Northeast should have such segregated schools was horrifying,” Stein said.

Stein says before World War II, the state’s cities boasted the best schools: Newark, Jersey City, Trenton, Elizabeth, Camden and New Brunswick.

But after the war, while white people began to leave the cities, Black people were banned from buying homes in certain communities or from qualifying for federally backed mortgages. That shaped what New Jersey’s neighborhoods — and schools — looked like.

“The cities lost their tax base, and the state continued to fund public schools based on local taxes. With the result that the cities could no longer afford their great teachers to maintain their good schools and

good facilities,” Stein said. “Our state had turned its back on the urban school districts.”

Stein was also behind one of New Jersey’s most lauded and far-reaching court decisions on school equity: Abbott vs. Burke. In a series of decisions starting in 1985, the state Supreme Court said that poorer districts were entitled to the same per pupil funding as wealthier districts that have more money to fund their schools from higher property taxes.

The series of Abbott decisions became the central tenet in the state’s school funding formula, which directs additional state aid to lower-income urban districts which are often educating more children needing free or reduced lunch, with special needs or who don’t speak English.

But Stein said as transformational as those rulings were, they “didn’t go far enough.”

He said no one mentioned the racial make-up of the urban schools at the time.

To view the full article, [click here](#).