

Lawsuit Seeks Statewide Remedies for New Jersey's Segregated Public School System

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On the 64th anniversary of the landmark U.S Supreme Court case *Brown v. Board of Education of Topeka*, which ruled government-mandated segregation of students unconstitutional, Pashman Stein Walder Hayden and Gibbons a coalition of civil rights groups, filed a complaint in Mercer County Superior Court 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 Latino Action Network, the NAACP New Jersey State Conference and other plaintiffs allege that New Jersey has been "complicit" in creating and maintaining "one of the most segregated public school systems in the nation." The complaint is available [here](#).

The desegregation effort is led by the New Jersey Coalition for Diverse and Inclusive Schools, a nonprofit organization formed in 2016 and chaired by former state Supreme Court Justice, and special counsel to Pashman Stein Walder Hayden, Gary S. Stein. In addition to the civil rights groups, the plaintiffs include nine children of various racial backgrounds. The plaintiffs are represented by Michael Stein and Roger Plawker, partners of Pashman Stein Walder Hayden, and Lawrence Lustberg of the Gibbons law firm.

At a press conference in Trenton, retired Justice Stein said, "New Jersey's segregation results from a longstanding failure of state educational policy that's legally and morally indefensible."

The lawsuit contends that "Because educational opportunity is, as a result, undermined for students in schools that are often characterized by intense poverty and social isolation in numerous, well-documented ways, these segregative state laws, policies, and practices deny an alarming number of Black and Latino students the benefits of a thorough and efficient education."

The complaint also states that all pupils, “including white students,” are harmed by “homogeneous learning and social environments” that “produce a two-way system of racial stereotyping, stigma, fear, and hostility that obscures individuality and denies all concerned the recognized benefits of diversity in education.

The lawsuit seeks judgment as follows:

- Declaring that New Jersey’s longstanding and intensive segregation of Black and Latino public-school students to be unlawful and violative of the New Jersey Constitution.
- Declaring that a New Jersey statute is unlawful and violative of the New Jersey Constitution insofar as they compel New Jersey school children to attend public schools in the municipality in which they reside and insofar as such residency requirement furthers racial segregation in New Jersey’s public schools.
- Declaring that certain New Jersey statutes mandating that charter schools prioritize enrollment of students from the district in which they reside are unlawful, and violate the New Jersey Constitution.
- Enjoining the continued assignment of public school students, including those attending charter schools, solely on the basis of municipal attendance boundaries and mandating that the Legislature, the Commissioner of Education and the State Department of Education adopt a replacement assignment methodology that will timely address and remediate racial segregation in New Jersey’s public schools, including in charter schools.
- Ordering that the Commissioner of Education prepare and submit to the Court within three months a detailed remediation plan designed to achieve comprehensive desegregation and diversification of New Jersey’s public schools within and among school districts.

The complaint has received extensive media attention.

Links to media coverage:

- May 17, 2018, The Wall Street Journal, “**Lawsuit Seeks to Better Integrate New Jersey Schools.**” To read article please click here.
- May 17, 2018, The New York Times, “**New Jersey Law Codifies School Segregation, Suit Says.**” To read the article please click here.
- May 17, 2018, The Philadelphia Inquirer, “**N.J. schools among 'most segregated' in nation, suit says.**” To read the article please click here.
- May 17, 2018, NJ.com, “**N.J. schools are among the most segregated in U.S. This lawsuit could change that.**” To read the article please click here.
- May 17, 2018, Associated Press, “**Civil rights groups sue New Jersey to desegregate schools.**” click here.

- May 17, 2018, The Observer, "**Group Sues New Jersey to Desegregate Schools.**" To read the article please click [here](#).
- May 17, 2018, NorthJersey.com "**Segregated schools? Group challenges where NJ kids go to school, arguing system is biased.**" To read the article please click [here](#).
- May 18, 2018, New Jersey Law Journal, "**Suit Aimed at Ending NJ School Segregation Targets Role of Charter Schools.**" To read the article please click [here](#).