

Civil Rights Complaint from Franklin C.A.R.E.S. and the Latino Coalition of New Jersey

Pattern of Charter Schools Segregation Evident in Franklin Township Charter Schools

Introduction:

This is a civil rights complaint brought on behalf of Franklin C.A.R.E.S., a group of concerned parents of Franklin Township Public School students, and the Latino Coalition of New Jersey (“LCNJ”), a civil rights organization. We wish to draw attention to the pattern of segregation created by the charter schools in Franklin Township and New Jersey state policies that have fostered the creation of segregated charter schools across the state. Franklin Township is one of the worst cases of such segregation.

We request that the federal Department of Education and the federal Department of Justice investigate the implementation of New Jersey charter school policies and the impact they have had on creating segregated learning environments across the state. We also ask that the federal DOE and the federal DOJ investigate and take action on the specific cases in Franklin Township in Somerset County New Jersey involving Central Jersey College Prep [CJCP] and Thomas Edison Energy Smart Charter School [TEESCS].

Segregation:

There are several pieces to the segregation puzzle in Franklin Township. Below is a description on how charter schools have contributed to segregating school children in Franklin Township. In addition to the charter schools described below there is a new application for an additional charter school, Ailanthus Charter School. If approved, this additional school will perpetuate the pattern of segregation.

Central Jersey College Prep

First, our groups strongly oppose the expansion of the Central Jersey College Prep (CJCP) Charter School as requested in its application for a charter amendment, and have asked the New Jersey Department of Education (NJDOE) to deny the expansion. Based on the evidence provided below, we affirm that the student enrollment policies of CJCP are skewed in that its student body does not adequately represent the children of Franklin Township, vis a vis English Language Learners [ELL] and Special Education students. Franklin Township Public Schools (FTPS) educates children who come from homes where 65 different languages are spoken. Our school district, which currently consists of six elementary, one intermediate, one middle and one high school, financially supports two charter schools whose curricula have not provided a distinct educational experience for its students. The New Jersey Department of Education 2014-2015 report of School

Performance, which provides a metric for students' preparations for college and careers, shows that CJCP's enrollment of Students with Disability is 7% compared to 14.9% at FTPS. The data for English Language Learners is even less representative; CJCP did not admit any students in the 2014-2015 school year; whereas 5.6% of FTPS students were ELL. FTPS recently received a commendation by the NJDOE for its excellence in educating English language learners by designating FTPS's ESL and Bilingual programs at the high school and the elementary schools as "model programs".

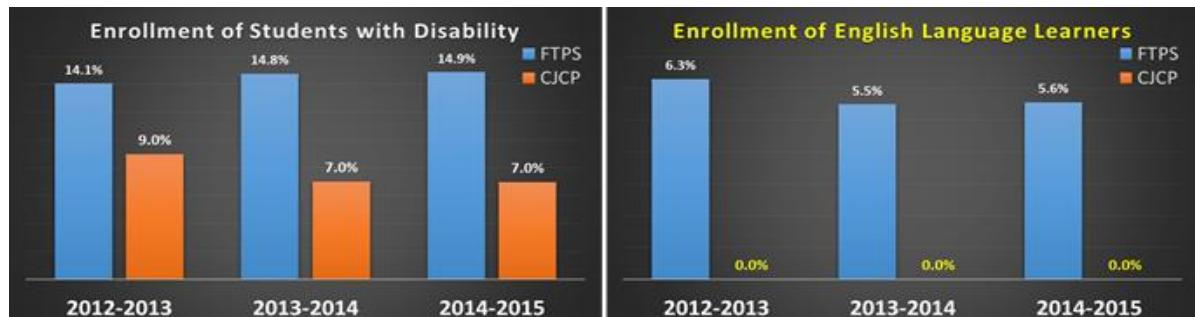


Fig 1: Enrollment for Three Consecutive School Years (2012 - 2015) of Students with Disability at Franklin Township Public School (FTPS) and Central Jersey College Prep (CJCP) Charter Schools

Fig 2: Enrollment for Three Consecutive School Years (2012 - 2015) of English Language Learners at Franklin Township Public School (FTPS) and Central Jersey College Prep (CJCP) Charter School

Our complaint is predicated on the undeniable fact the CJCP has an abysmal track record with enrollment of English Language Learners (ELLs) and students with Disabilities.¹ Despite its claims of engagement with these cohorts of students, CJCP's 2014-2015 enrollment data for ELL students was 0%, and that of students with disabilities only 7%. The data strongly suggests that CJCP is in violation of federal law and Article 1, Section 5 of the New Jersey Constitution, which guarantees that no person shall be segregated in public schools because of race, color, ancestry or national origin².

The New Jersey Constitution also requires that the Commissioner "take measures to prevent racial segregation in the public schools."³ And the New Jersey Supreme Court has held that the Commissioner has broad power and real responsibility to effect racial integration in public schools.⁴ This extends to charter schools as well. The Charter School Program Act of 1995 ("the Act")⁵ specifically mandates that charter schools "seek the enrollment of a cross section of the community's school age population including racial and academic factors."⁶ It also prohibits charter schools from discriminating in the admissions process. And to ensure that segregation does not develop during the course of a charter school's operations, the Act requires the Commissioner to annually "assess the student

¹<http://www.nj.gov/education/pr/1415/80/806018900.pdf>

² The promise of unsegregated schooling extends not only to de jure but to de facto segregation as well Jenkins v. Township of Morris School District, 58 N.J. 483 (1971)

³ In re Adoption of 2003 Low Income House Tax Credit Qualified Allocation Plan, 369 N.J. Super. 2, 21 (App. Div. 2004) (citing N.J. Const. art. I, para. 5)

⁴ 45 N.J. 161 at 173-74

⁵ N.J.S.A. 18A: 36A-1, et seq.

⁶ N.J.S.A. 18A: 36A-8(e)

composition of a charter school and the segregative effect that the loss of the students may have on its district of residence.”⁷ The Act goes one step further, requiring the Commissioner to conduct a comprehensive review when charter schools request a renewal of their charters every five years to ensure that the charter school’s continued operation will not exacerbate racial segregation. So from the initial application through the entire course of a charter school’s operations, the Commissioner is charged with evaluating the segregative impact that charter schools have on their host school districts.

Despite all of these mandates, and based on the data presented above, there is no question that the CJCP is causing segregation among various cohorts of students in Franklin Township. It’s obvious that the approval of CJCP’s application for expansion would be tantamount to rewarding discriminatory practices and the continued separation of our students.

CJCP is engaging in segregative practices as it relates to the enrollment of Students with Disabilities and English Language Learners. According to its ‘About Us’ section of its website, <http://cjcollegeprep.org/index.php/about-us>, “CJCP motivates every student, without exception.” However, the evidence cited in our complaint clearly demonstrates that Students with Disabilities and English Language Learners, which are the most difficult to educate and which constitute a significant population of the Franklin Township Public Schools, are not being adequately represented in CJCP’s student population. The graphical display of historical data⁸ (shown above) accurately captures CJCP’s distinct pattern of non-enrollment of English Language Learners (ELLs), and the declining recruitment of Students with Disabilities. By means of comparison, the Franklin Township Public Schools (FTPS) educates at least twice the (percentage) number of students with disabilities as does CJCP during the same time period (Fig 1), and in one of its nine schools, the percentage of students is as high as 20%.⁹ The data for ELLs is just as daunting. During the period of 2012-2015, the enrollment of English Language Learners in FTPS was at least 5.5%; whereas, during that same time period CJCP failed to educate any of the district’s ELLs. And during the 2014-2015 school year, the ELL student population of one FTPS elementary school was 36%.¹⁰

Thomas Edison Energy Smart Charter School (TEECS)

Second, an equally important piece of the segregation puzzle is the Thomas Edison Energy Smart Charter School (TEECS) which was granted a five-year renewal through June 2021. TEECS’ enrollment data (shown graphically below) strongly indicates that its enrollment policies play a major role in segregating the students of Franklin Township. The demographic profile for Franklin Township¹¹ consists of 20% Asian Americans, yet TEECS’ enrollment of Asian students is a whopping 67%, compared to FTPS’ 17%. The African American and

⁷ N.J.S.A. 6A:11-2.2(c)

⁸ <http://www.nj.gov/education/pr/>

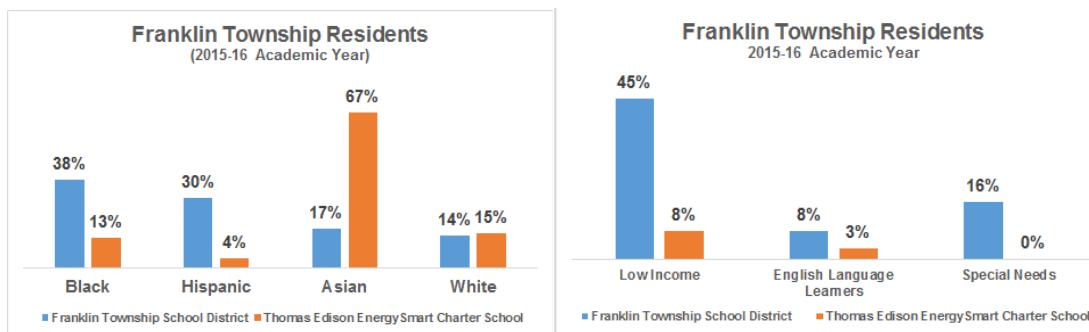
⁹ <http://www.nj.gov/education/pr/2013/35/351610080.pdf>

¹⁰ <http://www.nj.gov/education/pr/1415/35/351610140.pdf>

¹¹ <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

Hispanic population of Franklin Township is 26.5% and 12.9% respectively; FTPS educates 38% African American students and 30% Hispanic students compared to TEECS' 13% and 4% respectively. Likewise, only 8% of the Thomas Edison Charter School's students qualify for free and reduced lunches, an indicator of poverty, while 45 percent of the students in the Franklin Township schools qualify for the nutritional program. [See graphs below].

Additionally, TEECS does not educate special education [special needs in graph] students; on average, FTPS educates at least 16% of this cohort of students. Like special education students, Limited English Proficiency [LEP] students present unique challenges to educate and FTPS has risen to this challenge creating effective programs as mentioned earlier that were designated by the NJSDPE as "model Programs." FTPS provides resources and dedicated staff to educate these students at a much higher percentage --(8%)-- of its student body compared to (3%) at Thomas Edison. The segregation occurring at Thomas Edison was acknowledged by former NJ Education Commissioner David Hespe in a letter dated February 29, 2016. In the letter, Hespe acknowledged the lack of diversity and took the extraordinary step of limiting enrollment. We recommend that TEECS should be closed and its students reintegrated into the Franklin School District. We are continuing our research into the Thomas Edison Charter School and its segregative practices and additional information will be provided at a later date.



Conclusion:

Franklin C.A.R.E.S adamantly opposes the expansion of CPCP and demands the denial of its charter amendment application. We respectfully ask the Civil Rights Division of the U.S. Department of Justice and the Office for Civil Rights of the U.S. Department of Education to conduct an investigation into the discriminatory impact of New Jersey charter school policies on Franklin Township and across New Jersey.

We respectfully ask the U.S. Department of Justice and the U.S. Department of Education to take any and all steps necessary to reverse the segregation (by demographics, economics, and funding) at CJCP and the Thomas Edison Charter Schools.