



NEW JERSEY DESEGREGATION CASE COULD MAKE WAVES



While the federal court system is, for the foreseeable future, unlikely to be a welcoming place for education rights litigation, many states have legal precedents and judiciaries that will give serious consideration to constitutional claims grounded in state-level provisions. On the 64th anniversary of the U.S. Supreme Court's *Brown v. Board of Education* decision, a coalition of New Jersey-based plaintiffs **announced** such a school desegregation lawsuit, with the potential to enact major change.

The suit alleges [[complaint here](#)] that that state has violated the constitutional rights of hundreds of thousands of New Jersey children by requiring them to attend public schools in the often-segregated towns where they live, when the law requires that the defendants takes steps to remedy the situation.

New Jersey legal precedent, dating back to 1971, is that *de facto* segregation is unconstitutional, violating the provision in the state constitution guaranteeing a thorough and efficient education. While the U.S. Constitution has been held to only prohibit formal, legally mandated (or *de jure*) segregation, thus requiring federal courts to essentially ignore segregation when there is no proof of government intent to discriminate, New Jersey courts can step in whenever children are racially separated by enrollment into different schools.

In fact, such *de facto* segregation is prevalent in New Jersey, which is home to some of the nation's most segregated schools. A [report](#) co-authored by NEPC fellow [Gary Orfield](#) found that New Jersey was the sixth most segregated state in the nation for black students and the seventh most segregated state for Hispanic students.

“It’s very hard to get ready for college in a school where almost everybody is nonwhite, and almost everybody is poor,” Orfield told the [Philadelphia Inquirer](#). Integration “makes a big difference not just for your education, but for your life.”

A [National Academy of Education report](#) co-edited and co-authored by NEPC director [Kevin Welner](#) identifies multiple research-based benefits of racial diversity, including:

- African American student achievement is enhanced by less-segregated schooling
- Inter-group relations are better in racially diverse schools
- Long-term benefits of desegregation include greater levels of tolerance and better inter-group relations among adults

NEPC Resources on School Segregation

The National Education Policy Center (NEPC), housed at the University of Colorado Boulder School of Education, produces and disseminates high-quality, peer-reviewed research to inform education policy discussions. Visit us at: <http://nepc.colorado.edu>