LATINO ACTION NETWORK; NAACP NEW JERSEY STATE CONFERENCE; LATINO COALITION; URBAN LEAGUE OF ESSEX COUNTY; THE UNITED METHODIST CHURCH OF GREATER NEW JERSEY; [redacted], a minor, by her Guardian ad Litem, COURTNEY WICKS; [redacted], a minor, by his Guardian ad Litem, RACHEL RUEL; [redacted], a minor, by her Guardian ad Litem, YVETTE ALSTON JOHNSON; [redacted], a minor, by his Guardian ad Litem, YVETTE ALSTON-JOHNSON; [redacted], a minor, by his Guardian ad Litem, ANDREA HAYES; [redacted], a minor, by his Guardian ad Litem, MARIA LORENZ; and [redacted], a minor, by his Guardian ad Litem, ELIZABETH WEILL-GREENBERG,

Plaintiffs-Appellants,

and

PLEASANTVILLE BOARD OF EDUCATION and WILDWOOD BOARD OF EDUCATION,

Intervenor-Plaintiffs,

v.

THE STATE OF NEW JERSEY; NEW JERSEY STATE BOARD OF

SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION

Docket No. A-003471-24

Civil Action

On Appeal from an Interlocutory Order of the Superior Court of New Jersey, Law Division, Mercer County

Docket No. MER-L-001076-18

Sat Below:
Hon. Robert T. Lougy, A.J.S.C.

EDUCATION; and LAMONT REPOLLET, Acting Commissioner, State Department of Education,

Defendants-Respondents,

and

NEW JERSEY CHARTER SCHOOLS ASSOCIATION, INC.; BELOVED COMMUNITY CHARTER SCHOOL; ANA MARIA DE LA ROCHE ARAQUE; TAFSHIER COSBY; DIANE GUTIERREZ; CAMDEN PREP, INC.; KIPP COOPER NORCROSS, INC.; and MASTERY SCHOOLS OF CAMDEN, INC.,

Intervenor-Defendants.

BRIEF OF AMICI CURIAE AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY, BROWN'S PROMISE, AND GEORGETOWN LAW'S RACIAL EQUITY IN EDUCATION LAW AND POLICY CLINIC IN SUPPORT OF PLAINTIFFS-APPELLANTS

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**Pro hac vice application forthcoming*

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INTEREST OF AMICI

The **American Civil Liberties Union of New Jersey** (“**ACLU-NJ**”) is a nonpartisan organization that operates on several fronts—legal, political, cultural—to bring about systemic change and build a fair and equitable New Jersey for all. It advocates for racial equity and for the rights of New Jerseyans, including children, to live free from discrimination. ACLU-NJ members and supporters include students and their parents and guardians.

Brown’s Promise fights to advance educational equity through integration, collaborating with partners to use research, litigation, and advocacy to create diverse, well-resourced schools for all children. Brown’s Promise is hosted by the Southern Education Foundation, a nonpartisan, nonprofit organization committed to advancing education policies and practices that elevate learning for low-income students and students of color.

Georgetown Law’s **Racial Equity in Education Law and Policy Clinic** engages student attorneys in legislative lawyering to address issues of racial equity in education, concentrating its work on pernicious areas of racial inequality in education, including resource inequities, school segregation, and discriminatory school discipline policies and practices. The Clinic works to advance equitable laws and evidence-based policies, with the hope of expanding access to quality educational opportunities for all children.

PRELIMINARY STATEMENT

Students across New Jersey attend racially and socioeconomically segregated schools. This reality is not coincidental. Decades of discriminatory zoning policies etched deep patterns of segregation in New Jersey's residential geography. Meanwhile, the New Jersey Legislature, Commissioner of Education, and Department of Education enacted laws and policies that require students to attend public schools where they live. Thus, predictably, residential segregation gave rise to school segregation, evidenced in undisputed school enrollment data. This is a structural problem with a structural solution.

A triumvirate of state constitutional provisions protect New Jersey's children from a segregated education. The New Jersey Constitution guarantees that "[n]o person shall be . . . segregated in the . . . public schools, because of religious principles, race, color, ancestry or national origin." *N.J. Const.* art. I, ¶ 5. Racial imbalance resulting from de facto segregation also offends the State Constitution's Thorough and Efficient and Equal Protection Clauses, *N.J. Const.* art. VIII, § 4, ¶ 1; *id.* art. I, ¶ 1. Alongside New Jersey precedents, examples from other states put the lie to any notion that state constitutional protections fail to supply workable legal standards for assessing and remedying school segregation (Point I).

Rather than contend squarely with these standards, the trial court faulted Plaintiffs for failing to show segregation in every district. But Plaintiffs never set out to meet this requirement because it is without legal basis. In characterizing school segregation in New Jersey as "statewide," Plaintiffs alleged systemic harm, describing a problem that is pervasive, produced by state-level policy choices, and redressable only by state-level actors. Across varied legal contexts, courts considering allegations of systemic constitutional violations accept proof that certain injuries are representative of structural inadequacies without demanding evidence that every component of the system is independently unconstitutional (Point II).

Finally, the trial court erred by basing its denial of Plaintiffs' motion for partial summary judgment as to liability on premature conclusions about remedies. Even were it appropriate for the court to determine remedial issues, the court's conclusions were unsupported. Jurisdictions across the country have implemented practical, successful, and lawful mechanisms for correcting school segregation (Point III).

This Court should reverse the trial court's denial of Plaintiffs' motion for summary judgment and help move New Jersey closer to fulfilling its constitutional mandate to provide every child with an equal, thorough, and efficient education.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

Amici curiae accept the facts and procedural history contained in the Plaintiffs-Appellants' Appellate Division brief.

ARGUMENT

I. State courts have found that segregation violates their state constitution.

State courts across the country have been tasked with determining the constitutionality of publicly funded schools that segregate students based on race and income. Though the claims brought are often viewed as novel and based on varied constitutional language, state courts approach these matters similarly. Absent an express prohibition against segregation, courts invariably assess whether a causal link exists between inputs from the State—such as inadequate staffing, facilities, technology, or other learning instrumentalities—and outcomes of the students to determine whether a constitutional violation exists. However, where an express prohibition against segregation exists, the threshold of what plaintiffs must demonstrate to adequately allege a constitutional violation is much lower and data alone should suffice as proof.

Article I, Paragraph 5 of the New Jersey Constitution states that segregation in public entities is prohibited. The State's constitution "prohibits

racial discrimination in schools regardless of cause." (Pa46[1]). It imposes a responsibility on the State to act to remedy segregation in public schools. Plaintiffs have detailed how this case demonstrates a violation of the State Constitution, and that conclusion is buttressed by similar decisions in other state courts. This Court should find that New Jersey has violated its constitution's Thorough and Efficient Clause, Equal Protection Clause, and Anti-Segregation Clause by allowing longstanding and intensive segregation of Black and Latino students in public schools and requiring that public school students attend schools in their municipality, insofar as it perpetuates such segregation.

A. The Connecticut Supreme Court found that racial segregation and high concentrations of poverty in Connecticut public schools violated the state constitution.

In *Sheff v. O'Neill*, 678 A.2d 1267 (Conn. 1996), eighteen school-aged children in Hartford, Connecticut and surrounding towns argued that racial and economic segregation, combined with educational resource disparities, deprived them of their right to a substantially equal educational opportunity. *Id.* at 1270-71. While minority students made up only 25% of the public school population statewide, over 92% of the Hartford public school system population were minority students, predominantly Black and Latino. *Id.* at 1272-73. The

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[1] "Pa" refers to Plaintiffs-Appellants' Appendix.
"SDb" refers to State Defendants' Brief in Opp. to Mot. for Leave to Appeal.
"Aa" refers to amici curiae's Appendix.

Connecticut Supreme Court recognized that "[t]he public elementary and high school students in Hartford suffer daily from the devastating effects that racial and ethnic isolation, as well as poverty, have had on their education." *Id.* at 1270. The court sought to determine whether, "under the unique provisions of our state constitution, the state, which already plays an active role in managing public schools, must take further measures to relieve the severe handicaps that burden these children's education." *Id.*

The *Sheff* plaintiffs asserted that the State violated the state constitution's Education Clause, *Conn. Const.* art. VIII, § 1, and Equal Protection Clause, which includes an explicit prohibition on segregation, stating that "[n]o person shall be denied the equal protection of the law *nor be subjected to segregation* or discrimination . . . because of . . . race," *Conn. Const.* art. I, § 20 (emphasis added), by, among other things, "maintain[ing] in Hartford a public school district that, by comparison with surrounding suburban public school districts: (1) is severely educationally disadvantaged; (2) fails to provide equal educational opportunities for Hartford schoolchildren; and (3) fails to provide a minimally adequate education for Hartford schoolchildren." *Sheff*, 678 A.2d at 1271-72. Similar to the instant case, the issue before the Connecticut Supreme Court was whether the State violated the Anti-Segregation Clause by enacting and enforcing statutes that established school district boundaries along city

boundary lines resulting in school-aged children being relegated to schools with high concentrations of poverty and racial segregation. *Id.* at 1277-78, 1270. In answering that question in the affirmative the court concluded:

> We are . . . persuaded that a fair reading of the text and the history of these amendments demonstrates a deep and abiding constitutional commitment to a public school system that, in fact and in law, provides Connecticut schoolchildren with a substantially equal educational opportunity. *A significant component of that substantially equal educational opportunity is access to a public school education that is not substantially impaired by racial and ethnic isolation*.
>
> [*Id.* at 1280 (emphasis added).]

In reaching this conclusion, the court considered whether a "substantially equal educational opportunity" could be provided where there is extreme racial and ethnic isolation, ultimately finding that the constitution's anti-segregation provision made such isolation unconstitutional. *Id.* at 1281. The court highlighted two key factors that informed its conclusion: (1) that the constitutional obligation to provide a substantially equal educational opportunity is affirmative, rather than restrictive, and thus places a duty on the State to *act* to fulfill the obligation, *id.* at 1281; and (2) that the anti-segregation provision imposes upon the State the responsibility to remedy racial segregation. *Id.* at 1282-83. The court explained that "[r]eading these constitutional provisions conjointly, we conclude that the existence of extreme racial and

ethnic isolation in the public school system deprives schoolchildren of a substantially equal educational opportunity and requires the state to take further remedial measures." *Id.* at 1281. It was the existence of segregation, regardless of intent, that violated the constitution. *Id.* at 1283 ("We therefore hold that, textually, article eighth, § 1, as informed by article first, § 20, requires the legislature to take affirmative responsibility to remedy segregation in our public schools, regardless of whether that segregation has occurred de jure or de facto."). Further, the court recognized that public policy supports the interpretation, given the harms of segregation in schools.

> "[S]chools are an important socializing institution, imparting those shared values through which social order and stability are maintained." Schools bear central responsibility for "inculcating [the] fundamental values necessary to the maintenance of a democratic political system. . . ." When children attend racially and ethnically isolated schools, these "shared values" are jeopardized: "If children of different races and economic and social groups have no opportunity to know each other and to live together in school, they cannot be expected to gain the understanding and mutual respect necessary for the cohesion of our society."
>
> [*Id.* at 1285 (citations omitted).]

Having established the requirement that the State remedy racial segregation in public schools, the court turned to the data to find that the racial disparities in Hartford schools were "more than de minimis" and jeopardized

plaintiffs' constitutional right to an education. *Id.* at 1287. The data confirmed and the parties stipulated that significant disparities existed in the racial and ethnic composition of the students in Hartford public schools and the twenty-one surrounding neighborhoods. *Id.* at 1289. The court pointed out that more than 92 percent of students in Hartford schools were minorities, while the student populations of most of the surrounding towns were the inverse—90 percent white or more. *Id.* Reversing the lower court, the Connecticut Supreme Court held that the State's school districting and attendance statutes deprived plaintiffs of their right to a substantially equal educational opportunity, finding the districting statute to be the "*single most important factor* contributing to the . . . concentration of racial and ethnic minorities" in Hartford.[2] *Id.* at 1274.

Sheff shares several important similarities with the case at bar. Like Connecticut's districting statute, New Jersey's residency statute reproduces residential segregation in public schools. N.J.S.A. 18A:38-1. Both the Connecticut and New Jersey Constitutions explicitly prohibit racial segregation. Such a prohibition allows data alone to suffice as evidence of a constitutional

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[2] While the court believed the State had not intentionally segregated Hartford students by race or ethnicity, it found that "[t]he state ha[d] nonetheless played a significant role in the present concentration of racial and ethnic minorities" through its districting statute. *Sheff*, 678 A.2d at 1274. This was true despite increased resources and additional finances for Hartford schools and the State's efforts to support the needs of Hartford students and promote diversity in schools.

violation. *Id.* at 1288. Additionally, the racial disparities in Hartford schools compared with those of surrounding towns are similar to those in New Jersey—where 25 percent of Black public-school students attend schools that are 99 percent non-White, and nearly 50 percent of Black students statewide attend schools that are 90 percent or more non-White. (Pa107). The *Sheff* court found very similar numbers to violate the state's Anti-Segregation Clause and the State's obligation to provide an education "not substantially impaired by racial . . . isolation." *Sheff*, 678 A.2d. at 1280, 1287-89. Finally, both the *Sheff* plaintiffs and Plaintiffs here brought their claims under their state's Education and Equal Protection Clauses and anti-segregation provision in the aggregate. *Sheff* demonstrates how this Court should similarly find that New Jersey Constitution Article I, Paragraph 5, Article I, Paragraph 1, and Article VIII, Paragraph 4, taken together, render racial segregation in public schools unconstitutional. (Pa130).

Sheff plaintiffs sought declaratory judgment and injunctive relief, alleging that students in Hartford public schools were "burdened by severe educational disadvantages arising out of their racial and ethnic isolation and their socioeconomic deprivation." *Id.* at 1271. The court found that separation of powers required that the legislature, together with the executive branch, be given the opportunity to remedy the State's constitutional violations in this regard, at

least at first. *Id.* The court retained jurisdiction over the matter until a 2022 settlement agreement was finalized requiring the State to comply with a Comprehensive School Choice Plan that will ensure students who wish to attend a school choice program outside of Hartford have the option to do so. *Education: Case: Sheff v. O'Neill*, NAACP Legal Def. Fund, https://www.naacpldf.org/case-issue/sheff-v-oneill/ (last visited Feb. 10, 2026) (Aa2). This agreement continues to be a mechanism that the community can use to ensure equal educational opportunities for their students. Livi Stanford, *CT Meets Milestone in Desegregation Settlement. Why Educators Say Disparity Persists*, Hartford Courant (Dec. 9, 2025), https://www.courant.com/2025/12/09/ct-meets-milestone-in-desegregation-settlement-but-educators-say-disparity-persists/ (Aa16). The Hartford Regional Open Choice Program—one of the legislative remedies intended to decrease Connecticut's unconstitutional school segregation—continues to operate as a statewide open choice program that aims to: "improve academic achievement; to reduce racial, ethnic and economic isolation; [and,] provide all children with a choice of high quality educational programs." *Open Choice*, West Hartford Pub. Schs., https://www.whps.org/offices-and-programs/open-choice (last visited Feb. 10, 2026) (Aa18); *Why School Choice?*, Greater Hartford Reg'l Sch.

Choice Off., https://www.chooseyourschool.org/en/content/why-rsco (last visited Feb. 10, 2026)(Aa100).

The *Sheff* court emphasized that "[f]inding a way to cross the racial and ethnic divide has never been more important," and that public schools are "a most vital civic institution for the preservation of a democratic system of government." *Sheff*, 678 A.2d at 1289-90. The same is true today.

B. Even in the absence of an anti-segregation clause, the Minnesota Supreme Court found racial imbalance could violate the state's Education Clause.

In *Cruz-Guzman v. State*, 998 N.W.2d 262 (Minn. 2023), the Minnesota Supreme Court considered a claim by parents of school-age children that Minnesota's racially imbalanced schools resulting from district lines aligned with municipal boundaries violated their rights under the Minnesota Constitution's Education Clause and Equal Protection Clause. The Education Clause in Minnesota's Constitution requires the legislature to "establish a general and uniform system of public schools" and "make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state," *Minn. Const.* art. XIII, § 1, but the Minnesota Constitution, unlike New Jersey's, lacks an express anti-segregation clause.

The plaintiffs pointed to the prevalence of highly segregated schools in Minneapolis and St. Paul where children of color made up 80 percent or more

of the school's enrollment, versus surrounding suburban schools in which 60 percent or more of the students were white. *Cruz-Guzman*, 998 N.W.2d at 266. Plaintiffs alleged these imbalances contribute to worse outcomes for students of color and highlighted research showing that students perform better in racially integrated schools. *Id.*

The lower courts had denied the plaintiffs' motion for partial summary judgment, with the intermediate appellate court holding that a racially imbalanced school system caused by unintentional segregation did not in itself violate the Education Clause. *Id.* at 270. In remanding the case to the trial court, the Minnesota Supreme Court made two crucial decisions. First it rejected the State's argument that it had no liability for educational inadequacies at the district level, holding that "the ultimate responsibility for fulfilling the legislature's *constitutional* duty cannot be delegated" and "education is a duty and responsibility imposed upon the state." *Id.* at 275. Second, it held that, even in the absence of an anti-segregation clause, plaintiffs need not prove that the State *caused* the alleged segregation for a constitutional violation to exist, but may prevail by proving that "racially imbalanced schools are a substantial factor in causing their children to receive an inadequate education." *Id.* at 277.[3]

[3] New York, whose constitution also lacks an anti-segregation clause, has not recognized segregation claims without proof of a causal connection between segregation and educational inadequacies. *See Paynter v. State*, 797 N.E.2d

New Jersey's constitutional protections against segregation in schools are, of course, more robust than Minnesota's. In that context, *Cruz-Guzman* serves to underscore the strength of Plaintiffs' claims in the case at bar. Where, as here, a state constitution includes an express prohibition on racial segregation, the State must heed it regardless of causation and intent, and data demonstrating the existence of racially imbalanced schools can suffice to prove a violation.

II. The trial court erred by imposing an unreasonable and unsupported evidentiary burden on Plaintiffs based on their characterization of New Jersey's systemic segregation problem as "statewide."

Systemic constitutional violations may turn on proof that certain injuries are representative of structural inadequacies; they need not follow from evidence that every component of the system is independently unconstitutional. Plaintiffs here proved what the law requires: that profound inter-district racial segregation exists among New Jersey schools; that these conditions are pervasive, interconnected, and the foreseeable result of statewide policy choices; and that only state-level actors have the power to remedy them. In

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1225, 1228 (N.Y. 2003); *IntegrateNYC v. State*, No. 75, 2025 WL 2979535, at *5 (N.Y. Oct. 23, 2025). This requirement is contrary to New Jersey law as well as the holding of the seminal *Brown v. Board of Education*, 347 U.S. 483, 495 (1954). *See IntegrateNYC*, 2025 WL 2979535, at *20 (Rivera, J., dissenting: "Defendants' alleged conduct . . . flies in the face of *Brown v. Board of Education*'s promise of an integrated public education serving as a gateway to social and economic mobility").

demanding proof of segregation in every district, the trial court imposed a standard untethered from precedent and hostile to constitutional enforcement.

Plaintiffs presented several measures of the scope of segregation in the state. For example, during the 2016-17 school year, roughly a quarter of Black students in New Jersey attended public schools that were over 99% non-white. (Pa107 ¶ 24). That amounts to 52,959 children. *Id.* Almost two-thirds attended schools that were over 75% non-white. *Id.* That translates to approximately 140,679 children. *Id.* Nearly half of all Black and Latino students, or 371,243 children, attended public schools that were more than 90% non-white. (Pa107-08 ¶ 27). And at least 23 districts, in eight different counties throughout the state, encompassing 210,306 children, were intensely segregated on the basis of race. (Pa116-Pa118 ¶¶ 39-40).

Reasonably, Plaintiffs characterized this problem as a "statewide" one. But the trial court imbued this descriptive term with unfounded legal significance. It triggered, according to the decision on summary judgment, a requirement that Plaintiffs demonstrate unconstitutionality "across all districts, across all regions." (Pa59). This requirement reflects a misunderstanding of Plaintiffs' claims and the applicable law.

By "statewide," Plaintiffs meant *systemic.* The concept of systemic harm animates many areas of law. Free speech law, for example, attends not just to

individual speakers, but to how restraints on expressive activity may disturb the marketplace of ideas. *See, e.g.*, *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964); *Garrison v. Louisiana*, 379 U.S. 64, 74-75 (1964). In employment discrimination cases, courts often evaluate the adequacy of the structures an employer created to prevent and remedy discriminatory conditions. *See Faragher v. City of Boca Raton*, 524 U.S. 775, 778, 807-08 (1998) (providing an affirmative defense to a hostile environment harassment claim if the employer took reasonable steps to prevent and eliminate harassment); *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742, 764-65 (1998) (same). More concretely, courts considering allegations of systemic constitutional violations take a unique approach to proofs. They do not focus, as the trial court did here, on the number of individual examples of harm a plaintiff can adduce, but on what an individual harm or set of harms says about a system as a whole.

Take, for example, the seminal *Holt v. Sarver*, "the first time that convicts have attacked an entire penitentiary system in any court, either State or federal." 309 F. Supp. 362, 365 (E.D. Ark. 1970), *aff'd and remanded,* 442 F.2d 304 (8th Cir. 1971). There, the court looked at the "overall conditions in the Arkansas penal system," comprised of two institutions. *Id.* at 366, 373. Even though the "situation" at one of the facilities was "much better," *id.* at 382, and the "conditions may operate fortuitously on particular individuals," *id.* at 373, the

court deemed the entire statewide penal apparatus an unconstitutional system of cruel and unusual punishment, *id.* at 382. The court also held that "racial discrimination in the Penitentiary System, including racial segregation of inmates, is a violation of the Equal Protection Clause of the Fourteenth Amendment," *id.*, even though one of the facilities was "essentially integrated" and so were "certain aspects of prison life" at the other, *id.* at 381. Clearly, the court did not demand proof of unconstitutional practices in every part of the system to reach these conclusions; that some areas did not reflect the problems otherwise plaguing the system simply informed the contours of the injunctive relief to be ordered. *Id.* at 382; *see also Brown v. Plata*, 563 U.S. 493, 505 n.3 (2011) (Plaintiffs' claims based on "systemwide deficiencies in the provision of medical and mental health care" in California's prisons did not require proof of individual harm).

Courts evaluating the constitutionality of statewide public defender systems have applied similar logic. In a Sixth Amendment challenge to Idaho's system, for example, the Idaho Supreme Court held that the plaintiffs "need not establish harm in each of Idaho's 44 counties to prevail." *Tucker v. State*, 484 P.3d 851, 866 (Idaho 2021). While "specific examples of widespread deficiencies throughout the 44 counties (or even a significant portion thereof)" may carry "persuasive weight," it was "not required." *Id.* The court reasoned

that "when there is a challenge to a statewide system, the trier of fact may find injury based solely on generalized findings of systemic inadequacies." *Id.* at 863. Requiring plaintiffs to prove that "specific constitutional violations exist in every county misses the point that the counties exist within one system, and that larger system is the subject of this case." *Id.*; *see also Kuren v. Luzerne County*, 146 A.3d 715, 744 (Pa. 2016) (Injunctive relief may be appropriate when, "on a system-wide basis, the traditional markers of representation" are compromised and "structural limitations" undermine representation); *Luckey v. Harris*, 860 F.2d 1012, 1016 (11th Cir. 1988) (Rejecting requirement that plaintiffs alleging systemic deficiencies prove "an across-the-board future inevitability of ineffective assistance.").

The concept of systemic harm has also taken root in litigation concerning state public school systems. In *Idaho Schools for Equal Educational Opportunity v. State (ISEEO V)*, parents challenged Idaho's public school system, alleging that funding methods and levels failed to deliver "a general, uniform and thorough system of public, free common schools," as constitutionally required. *Idaho Schs. for Equal Educ. Opportunity v. State*, 129 P.3d 1199, 1202 (Idaho 2005). The trial court made several generalized factual findings; for example: "Idaho's schools, particularly those in rural areas, are stretched to the breaking point in meeting the educational needs of their

charges." *Id.* at 1204. The State argued that such generalizations were inapposite, and the plaintiffs needed to prove "specific facts to determine if particular facilities in specific school districts provided a safe environment conducive to learning." *Id.* The Idaho Supreme Court rejected that argument, disparaging the State's "attempts to refocus this litigation into small, district-by-district battles instead of addressing the larger, overall issue of the Legislature's constitutional duty towards public education in Idaho." *Id.* The State had "fail[ed] to grasp the relevance of the adage 'the whole is greater than the sum of its parts.'" *Id.* Because "the issue is systemic in nature," the court explained, the trial court did not "commit any error in making some generalized findings about facility problems, after pointing out some specific and illustrative examples." *Id.*

The Supreme Court of Kentucky applied a similar framework in finding that the state violated its constitutional mandate to "provide an efficient system of common schools." *Rose v. Council for Better Educ., Inc.*, 790 S.W.2d 186, 189 (Ky. 1989) (quoting *Ky. Const.* § 183). The court determined that Kentucky's public education system was "underfunded and inadequate." *Id.* at 197. The court did not indicate that test scores, student-teacher ratios, curricular offerings, and resources were deficient in all the state's 177 school districts. *Id.* Such a finding would have made little sense alongside the related evidence that

the school system was "fraught with inequalities"; that "[s]tudents in property poor districts receive inadequate and inferior educational opportunities as compared to those offered to those students in the more affluent districts." *Id.* Thus, rather than isolate district-by-district harms, the court focused on the "overall inadequacy" of the school system, recognizing the essential relationship between the districts with severe problems and those faring better. *Id.* at 213. Similarly, appreciating that "particular statutes drafted by the legislature in crafting and designing the current school system are not unconstitutional in and of themselves," the court ordered them to be "reenacted as components of a constitutional system," likening them to "the crumbling schoolhouse which must be redesigned and revitalized for more efficient use, with some component parts found to be adequate, some found to be less than adequate." *Id.* at 215.

Just as the harms of unconstitutional school funding schemes are best understood in systemic rather than atomized fashion, so too are the harms of unconstitutional school segregation. *Keyes v. School District No. 1, Denver*, although it concerned de jure segregation, is illustrative.[4] 413 U.S. 189, 200 (1973). There, the Court explained that it had "never suggested that plaintiffs in

[4] Justice Douglas, joining the opinion of the Court, and Justice Powell, concurring in part and dissenting in part, each wrote separately to express the view that "there is, for the purposes of the Equal Protection Clause of the Fourteenth Amendment as applied to the school cases, no difference between de facto and de jure segregation." *Keyes*, 413 U.S. at 214-15 (Douglas, J.).

school desegregation cases must bear the burden of proving the elements of de jure segregation as to each and every school or each and every student within the school system." *Id.* Rather, plaintiffs need only prove that school authorities have carried out a "systematic program of segregation affecting a substantial portion" of the system to establish "a predicate for a finding of the existence of a dual school system." *Id.* at 201.

The Court pointed to the "reciprocal" effects of segregative policies to support this conclusion. For example, "it is obvious" that "structuring attendance zones" in ways that concentrate Black students in certain schools "has the reciprocal effect of keeping other nearby schools predominantly white." *Id.* at 201. Thus, "[i]nfection at one school infects all schools." *Id.* at 201 n.12 (quoting *United States v. Texas Educ. Agency*, 467 F.2d 848, 888 (5th Cir. 1972) (Widsom, J., concurring in part and dissenting in part)). Simply, "school segregation is system-wide in nature and must be remedied by system-wide measures." *Texas Educ. Agency*, 467 F.2d at 888 (Widsom, J., concurring in part and dissenting in part) (criticizing arguments speaking of "incidents" or "pockets of discrimination" as employing "euphemisms to avoid desegregating the *system*" and rejecting a requirement to "identify the school or schools which are segregated" and support that identification with "findings of fact.").

Plaintiffs here amply demonstrated the "reciprocal," systemic nature of school segregation in New Jersey. Plaintiffs' expert, Dr. Ryan Coughlan, testifying to an "extremely high degree of racial and socioeconomic segregation," noted that if one "move[s] from district-to-district," they will see "certain districts with very high populations of white, sometimes white and Asian students, usually very, very low levels of poverty. And very close proximity to other school districts with very high proportion of black or black and Hispanic students and typically high levels of poverty." (Pa28 (quoting Coughlan Dep. at 51:20-21, 55:5-11)). New Jersey's segregation problem can only be properly viewed at the system level: "focusing the statistics on a single school district may not show segregation, but when the geographic area of focus is expanded, perhaps to several school districts, the statistics are more likely to indicate whether there is segregation." *Id.* (citing Coughlan Dep. at 51-69).

In sum, the statistical evidence Plaintiffs adduced, including evidence showing severe segregation in 23 districts, provides representative proof of a systemic problem affecting the entire state. A requirement that Plaintiffs show segregation in *every* district in order to meet their burden misapprehends how segregation operates. Segregation does not arise or persist in isolation. It is a quintessential systemic harm demanding a system-wide remedy.

III. Remedies to reduce the Plaintiffs' demonstrated claims of racial and socioeconomic segregation have been successfully implemented in school systems across the United States.

The question of remedy is not before this Court, as liability and remedy are bifurcated. However, the trial court appeared to decline to find the State liable, at least in part, based on its view that there may be "no practical solution" to the constitutional violations alleged. (Pa59; *see also* Pa77). Because Defendants have also suggested that federal constitutional law forecloses meaningful relief, SDb25-26, SDb32, amici provide context here to clarify that practical, lawful solutions exist and that the Court need not resolve remedial questions to determine liability.

Scholars and researchers have recognized the value of school diversity for advancing the democratic goals of public education. *See* Erika K. Wilson, *Racialized Religious School Segregation*, 132 Yale L. J. F. 598, 602 (2022). School districts may adopt desegregation policies aimed at fostering student diversity, including using race-conscious methods that have been found to be constitutionally permissible. *See* Suzanne Eckes, *Diversifying K-12 Public Schools: A Federal Court Finds Admission Plan Unconstitutional*, 70 UCLA L. Rev. Discourse 302, 311-12 (2023) (discussing Justice Kennedy's controlling concurrence in *Parents Involved*, which recognizes racial diversity as a permissible objective and identifies race-conscious means, that do not rely

solely on individual student race, that districts may use). These diversity interventions may include strategic school siting decisions, attendance-zone design informed by neighborhood demographics, targeted outreach to and recruitment of families historically underrepresented in the school, and programmatic resource allocation—without assigning students based on individual racial classifications. In states and school districts throughout the country, educators and community members have implemented programs to address the racial and socioeconomic segregation that Plaintiffs experience and detail in their claims. As documented below, some of these socioeconomic and related integration policies decrease the educational and social consequences of concentrated poverty and segregation within existing school assignment and governance structures.

These methods to achieve diversity are valuable because a broad consensus of social science literature recognizes that integrated schooling environments are associated with academic, social, and civic benefits for all students, a conclusion reflected in an amicus brief submitted by more than 550 social scientists in *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007). Janel George & Linda Darling-Hammond, *The Federal Role and School Integration: Brown's Promise and Present Challenges*, Learning Pol'y Inst. 8, 11-12 (2019) (summarizing social science

research cited in the *Parents Involved* amicus brief identifying benefits of integrated schools). These benefits include increased likelihood of college attendance, better preparation for participation in a global workforce, and improved likelihood of access to quality educational resources. *See* Kathy Mendes & Chris Duncombe, *Addressing the Lasting Impacts of Racist Choices in Virginia's Education System*, The Commonwealth Inst. (Nov. 12, 2020).

To achieve desegregation and diversity goals, districts use administrable tools such as socioeconomic balancing, attendance-zone design, and controlled choice to deconcentrate poverty and expand opportunity without relying solely on race-based assignments. Sean F. Reardon & Lori Rhodes, *The Effects of Socioeconomic School Integration Policies on Racial School Desegregation*, *in Integrating Schools in a Changing Society* 196-204 (Erica Frankenberg & Elizabeth DeBray eds., 2011) (describing common policy mechanisms and emphasizing the importance of plan design). The following illustrate the plurality of programs, including policies under court order or oversight, to achieve racial and socioeconomic desegregation used throughout the United States.

A. Hartford, Connecticut continues to implement court-ordered interdistrict magnet and Open Choice programs that demonstrate a long-standing, practical model for reducing racial and economic isolation.

Examples of court-issued remedies to redress racial and socioeconomic segregation seed the implementation of education programs that create the student and institutional diversity shown to provide the academic, social, and civic benefits possible to redress the harms Plaintiffs raised. As explained above, in *Sheff v. O'Neill*, the Connecticut Supreme Court held that racial and ethnic isolation in Hartford public schools violated the state constitution and required the State to pursue remedies that meaningfully reduce isolation, establishing the legal foundation for regional desegregation strategies. *Sheff*, 678 A.2d at 1270. On remand, the Superior Court retained jurisdiction to oversee the development of remedies in response to the constitutional violations identified by the Connecticut Supreme Court. *Id.* at 1291; *Sheff v. O'Neill*, 733 A.2d 925 (Conn. Super. Ct. 1999).

Through subsequent oversight and court-approved settlement agreements, that remedial process resulted in the creation and expansion of interdistrict magnet schools and voluntary cross-district enrollment options. *See, e.g.*, Stipulation and Order, *Sheff v. O'Neill*, No. X03-89-0492119S (Conn. Super. Ct. Jan. 22, 2003); Stipulation and Order, *Sheff v. O'Neill*, No. HHD-X07-CV89-4026240-S (Conn. Super. Ct. April 4, 2008). Following the Connecticut

Supreme Court's liability ruling, the parties entered into a series of settlement agreements that committed the State to reducing racial and ethnic isolation through the creation and expansion of interdistrict magnet schools and voluntary interdistrict transfer programs, including what later became known as Open Choice. Stipulation and Order, *Sheff v. O'Neill*, No. X03-89-0492119S (Conn. Super. Ct. Jan. 22, 2003); Stipulation and Order, *Sheff v. O'Neill*, No. HHD-X07-CV89-4026240-S (Conn. Super. Ct. April 4, 2008); Stipulation and Order, *Sheff v. O'Neill*, No. HHD-X07-CV89-4026240-S (Conn. Super. Ct. Feb. 23, 2015) (establishing reduced-isolation enrollment goals and expanding interdistrict magnet and transfer options).

Connecticut structured these remedies around voluntary interdistrict participation rather than compulsory racial assignment, which design scholars have identified as legally viable under contemporary equal protection doctrine. Casey D. Cobb et al., *Legally Viable Desegregation Strategies: The Case of Connecticut*, *in Integrating Schools in a Changing Society: New Policies and Legal Options for a Multiracial Generation* 139-56 (Erica Frankenberg & Elizabeth DeBray eds., 2011). For example, the Hartford-area interdistrict magnet and Open Choice programs operate through centralized application and lottery systems, state funding incentives, and state-supported transportation, illustrating an administrable structure for state-controlled voluntary cross-

district desegregation. *Sheff History: School Choice in the Greater Hartford Region*, Conn. State Dep't of Educ., https://portal.ct.gov/sde/school-choice/rsco/regional-school-choice-office-home-page/sheff-history (last visited Dec. 20, 2025) (Aa22); Conn. State Dep't of Educ., *Comprehensive School Choice Plan (CCP)* (Jan. 27, 2022).

Empirical evidence from Connecticut shows that interdistrict desegregation policies produce durable participation and improved integration outcomes. Independent academic research documents changes in school integration patterns in Connecticut following the implementation of *Sheff*-related policies, including increased access to racially diverse learning environments relative to regional segregation trends. Gary Orfield & Jongyeon Ee, *Connecticut School Integration: Moving Forward as the Northeast Retreats*, UCLA C.R. Project (2015) (finding that Hartford-area magnet and interdistrict choice schools exhibit greater racial integration than surrounding districts). Even within the participating districts, research demonstrates that, for urban students from Hartford, New Haven, and Waterbury, interdistrict magnet schools have increased levels of racial integration as compared to the schools they otherwise would have attended. *See* Robert Bifulco, Casey Cobb & Courtney Bell, *Can Interdistrict Choice Boost Student Achievement? The Case of Connecticut's Interdistrict Magnet School Program*, 31 Educ. Evaluation &

Pol'y Analysis 323, 323, 327-29 (2009). Implementation data reported through the court-supervised remedial process show sustained voluntary family participation in interdistrict magnet and Open Choice programs, including placement of approximately ninety-six percent of Hartford applicants in entry-grade choice seats under the Sheff Comprehensive School Choice Plan. *See* Press Release, Conn. State Dep't of Educ., Connecticut Exceeds First Major Benchmark in Sheff v O'Neill Settlement Agreement, Meeting Entry Grade Demand for School Choice Options (Nov. 24, 2025), https://portal.ct.gov/sde/press-room/press-releases/2025/ct-exceeds-first-major-benchmark-in-sheff-v-oneill-settlement-agreement (Aa20). Connecticut's efforts to sustain and expand its diversity initiatives from *Sheff* demonstrate the impact that a court's oversight and demand for redress can have in order to ensure that a state fulfills its constitutional obligation not to operate and finance systems of segregation.

B. Case studies from multiple regions illustrate both the promise and the limits of socioeconomic and controlled-choice integration policies.

Controlled-choice systems allow districts to balance parental preference with diversity goals through algorithms that consider socioeconomic status or geography rather than individual racial classifications. Erica Frankenberg, *Preferences, Proximity, and Controlled Choice*, 93 Peabody J. Educ. 378, 378

(2018).

1. Students in Cambridge, Massachusetts, Champaign, Illinois, and Berkeley, California, are assigned under district-wide controlled-choice plans that sustain socioeconomic diversity.

In Cambridge, Massachusetts, a longstanding districtwide controlled-choice plan permits families to rank school preferences while the district assigns students using structured criteria rather than automatic neighborhood enrollment. Genevieve Siegel-Hawley, *Is Class Working? Socioeconomic Student Assignment Plans in Wake County, North Carolina, and Cambridge, Massachusetts*, *in Integrating Schools in a Changing Society* 171, 175-76 (Erica Frankenberg & Elizabeth DeBray eds., 2011) (describing Cambridge's transition toward socioeconomic and geographic assignment factors and use of socioeconomic-based controlled choice). Beginning in the early 2000s, Cambridge revised its controlled-choice plan to make socioeconomic status (SES) the primary assignment factor, maintaining districtwide diversity goals through school-level benchmarks tied to free- and reduced-price lunch eligibility rather than individualized racial classifications. *Id.* at 176-80. At the same time, empirical analysis of Cambridge demonstrates that partial implementation, political resistance, and limitations inherent in SES proxies constrained the effectiveness of these policies, with enrollment data reflecting declines in racial balance relative to prior race-conscious desegregation efforts. *Id.* at 180-83.

Nevertheless, the study concludes that SES-based integration strategies remain preferable to no desegregation policy, even if they cannot fully replicate the outcomes achieved under direct consideration of race.

Champaign Community Unit School District No. 4 in Illinois operates a districtwide controlled-choice assignment system for elementary schools that replaced residence-based enrollment with a structured process in which families rank school preferences. Halley Potter, *Champaign Schools: Fighting the Opportunity Gap*, The Century Found. 15 (Oct. 14, 2016). The district originally incorporated racial balance guidelines in its assignment algorithm, but following *Parents Involved in Community Schools v. Seattle School District No. 1*, it revised its policy in 2009 to rely on socioeconomic status, measured through free- and reduced-price lunch eligibility, as the operative desegregation criterion. *Id.* Under Champaign's revised system, the district considers socioeconomic status when assigning students to keep each school's low-income enrollment within a defined range of the district average, while preserving sibling and proximity preferences. *Id.* The district supports the controlled-choice framework with transportation services for out-of-walk-zone students and centralized enrollment outreach through its Family Information Center, facilitating access to choice. *Id.* Descriptions of Champaign's experience indicate that the SES-based controlled-choice plan has maintained relatively

balanced low-income enrollments across elementary schools, even as the district confronts persistent within-school disparities in advanced coursework, discipline, and achievement outcomes. *Id.* at 14, 16.

Berkeley Unified School District in California operates a citywide controlled-choice assignment system for elementary schools that was specifically designed to comply with both *Parents Involved* and California's Proposition 209, which prohibits public institutions from considering race, ethnicity, and sex in education decisions. Meredith P. Richards et al., *Achieving Diversity in the Parents Involved Era: Evidence for Geographic Integration Plans in Metropolitan School Districts*, 14 Berkeley J. Afr.-Am. L & Pol'y 65, 69-71 (2012); *see also Cal. Const.* art. I, § 31(a). Under this plan, the City of Berkeley is divided into 445 "planning areas." *Information on Berkeley Unified's Student Assignment Plan*, Berkeley Unified Sch. District, https://www.berkeleyschools.net/information-on-berkeley-unifieds-student-assignment-plan/ (last visited Feb. 10, 2026) (Aa9). Each planning area is given a score on each of three factors: mean parent education level (an integer from 1-6), median household income level (one of seven income ranges), and race/ethnicity percentages (within the planning area). *Id.* A weighted equation is then used to convert these three scores into a single "composite diversity average." *Id.* Based on their composite diversity average, planning areas are

classified as either Category 1, 2, or 3, with 1 being the least advantaged. *Id.* All students within a planning area are considered to be in the same category, regardless of their individual circumstances. *Id.* Parents are allowed to choose any school in the city, including one of several magnet schools. *Id.* However, each school must maintain a balance of students between the three categories based on the average balance in that school's "attendance zone." *Id.* If the balance for any category gets off by more than 5 percent, the district will trigger a "safety valve" provision whereby it manually assigns students to schools other than the ones parents selected in order to maintain balance. *Id.* Despite the provision to assign students to schools for maintaining the attendance zone balance, a majority of students attend their first-choice school, due in part to the fact that the district also accounts for factors like sibling matching when assigning students. *Id.*

The Berkeley plan has demonstrated both feasibility and success in desegregating schools. The plan survived a racial discrimination challenge brought under California's Proposition 209. *Am. C.R. Found. v. Berkeley Unified Sch. District*, 90 Cal. Rptr. 3d 789, 802 (Cal. Ct. App. 2009). The court found that the plan did not treat students differently on account of their race because the plan's overall goal of maintaining diversity was not inherently racially discriminatory and because all students in a given planning area were

treated equally regardless of their race. *Id.* at 792. An analysis of segregation in Berkeley schools since the plan was implemented shows that the city's schools demonstrate very low segregation rates. Richards et al., *Achieving Diversity*, *supra*, at 71. Beyond Berkeley, one mathematical modeling study has found that, when Berkeley's plan was applied to several other metropolitan school districts across the country, the composite diversity average more accurately acted as a proxy for a neighborhood's racial and ethnic makeup (and thus was more likely to improve racial and ethnic integration) than socioeconomic indicators alone. *Id.* at 81. Furthermore, the modeling found that Berkeley's plan would likely increase school integration in these other school districts by an average of 8-11 percent, which is greater than the estimated improvement generated by parent-income or parent-education methods alone. *Id.* at 91.

2. Regional and countywide assignment policies in Louisville, Kentucky, and Wake County, North Carolina provide complementary perspectives on non-racial approaches to fostering diverse school environments while preserving family choice.

In Louisville, following the Supreme Court's decision in *Parents Involved*, Jefferson County Public Schools adopted a managed choice plan that continued districtwide diversity goals without race-based assignments, and surveys indicate strong parental and student support for the district's commitment to diverse schools under this framework. Gary Orfield & Erica

Frankenberg, *Experiencing Integration in Louisville*, UCLA C.R. Project 2 (2011). The district's assignment framework relies on managed choice and geographic balancing rather than purely neighborhood-based school assignment, with families ranking school preferences within district-defined geographic areas. *Id.* at 6-7, 12-13; Gary Orfield & Erica Frankenberg, *Diversity and Educational Gains: A Plan for a Changing County and Its Schools*, UCLA C.R. Project 7 (2011). Due to the scrutiny of its voluntary race-based assignment program and eventual decision in *Meredith v. Jefferson County* that struck this program down, Jefferson County Public Schools approached its commitment for diversity through multiple dimensions.

Each of the 540 neighborhoods in the county receive a "diversity index score" of 1 to 3 (1 being the least advantaged) for each of three factors: parent income, parent education, and the percent of white students. Gregory Herberger, Jason Immekus & W. Kyle Ingle, *Student, Neighborhood, and School Factors and Their Association with College Readiness: Exploring the Implementation of a Race- and Socioeconomic-Based Student Assignment Plan*, 52 Educ. & Urb. Soc'y 459, 465 (2020). These integers are then plugged into a weighted equation and used to generate a Neighborhood Socioeconomic Designation score. *Id.* at 466. Neighborhoods are classified as Category 1, 2, or 3 based on their Neighborhood Socioeconomic Designation score. *Id.* at 467. Students are then

assigned to a school, with the ultimate goal of balancing area schools between the three categories. *Id.* However, Jefferson County also implements school choice options and operates magnet schools for high school students. *Id.*

Surveys indicate broad parental participation and strong support for the goals of diversity and family choice, alongside more mixed views about implementation. Orfield & Frankenberg, *Experiencing Integration in Louisville*, *supra*, at 3-4, 23-24. Community engagement continued to inform adjustments to the student assignment system through the support of a Racial Equity Advisory Council consisting of parents, teachers, administrators, and community members, to monitor and inform the student assignment program. Robyn Madison-Harris, et al., *Equitable Access: Case Studies on Reducing Racial Isolation Through Socioeconomic Integration*, Mid-Atlantic Equity Consortium 11 (2022). The continued community engagement beyond implementation allowed the district to better understand which parts of the program were working well, such as increased integration at the magnet schools, as well as where improvements were needed such as transportation and administration. Orfield & Frankenberg, *Experiencing Integration in Louisville*, *supra*, at 2-3, 19-22. *See also* Erica Frankenberg, Genevieve Siegel-Hawley & Gary Orfield, *The Forgotten Choice? Rethinking Magnet Schools in a Changing Landscape*, UCLA C.R. Project 34-36, 49 (2008) (finding more frequent self-

reporting of increasing racial integration in magnet schools that provided free transportation to all students in a survey of some of the nation's largest school districts.). Unsuccessful past legislative proposals to limit local control and to prioritize parents enrolling students in their neighborhood school have presented challenges, but the benefits of integration motivated the county to press on with its diversity commitment. *See* H.B. 151, 2017 Gen. Assemb., Reg. Sess. (Ky. 2017) (would have permitted a student to enroll in the school nearest to their home rather than under the district's diversity-focused assignment plan); *Coleman v. Jefferson Cnty. Bd. of Educ.*, No. 2023-SC-0498-DG, 2025 WL 3768584 (Ky. Dec. 18, 2025) (striking down 2022 legislation limiting the authority of the Jefferson County Board of Education); *see also* Kim Bridges, *Jefferson County Public Schools: From Legal Enforcement to Ongoing Commitmen*t, The Century Found. 44 (Oct. 14, 2016) (describing how JCPS adjusted its student assignment plan over time to maintain diversity in response to legal challenges).

Wake County, North Carolina demonstrates that socioeconomic-based assignment policies can operate at scale in large, fast-growing districts. Wake County Public School System replaced a prior race-based assignment plan with a districtwide student assignment policy grounded in socioeconomic status, becoming one of the first large metropolitan districts in the nation to implement

a comprehensive SES-based assignment framework in response to legal constraints on race-based assignments. *See* Charles T. Clotfelter et al., *School Segregation in the Era of Color-Blind Jurisprudence and School Choice*, 59 Urb. Affs. Rev. 406, 414-16 (2023).

The district operationalized its integration goals by establishing administrable guardrails for school composition, including a policy that sought to limit any school's share of students eligible for free or reduced-price lunch to around 40 percent as part of its socioeconomic assignment framework. *See* U.S. Dep't of Educ., *Achieving Diversity: Race-Neutral Alternatives in American Education* (2004), https://www.ed.gov/about/offices/list/ocr/raceneutralreport2.html (Aa71); Deven Carlson et al., *Socioeconomic-Based School Assignment Policy and Racial Segregation Levels: Evidence from the Wake County Public School System*, 57 *Am. Educ. Rsch. J.* 258, 272-75 (2020) (describing implementation and outcomes of Wake County's SES-based assignment policy). Researchers found that Wake County's SES-based assignment plan reduced segregation for students who otherwise would have attended high-poverty, high-minority neighborhood schools under residence-based assignment, demonstrating measurable desegregation effects for students most exposed to concentrated disadvantage. *See* Carlson et al., *Socioeconomic-Based School Assignment Policy and Racial Segregation Levels*, *supra*, at 15-18. The case also

illustrates that unregulated transfer or exit options can allow families to bypass SES-based assignment rules, potentially undermining the district's integration goals. This underscores the importance of structured assignment policies supported by transportation, centralized planning, and enforceable guidelines. *See Id.* at 16-18.

C. Taken together, reports and district-level case studies demonstrate that practical, legally viable tools for reducing racial and socioeconomic school segregation already exist and operate across diverse jurisdictions.

The breadth of desegregation policies spans multiple states and encompasses magnet admissions, boundary revisions, transfer policies, and choice programs, demonstrating that tools beyond residential assignment are actively in use. *See* Halley Potter, *Student Assignment and Enrollment Policies that Advance School Integration*, The Century Found. (Mar. 6, 2023) (discussing effective policy levers such as choice admission design, boundary combination, and diversity lottery preferences). Research on socioeconomic integration documents academic and social benefits associated with well-implemented diversity policies, including improved learning environments and increased cross-group interaction that better prepare students for participation in diverse societies. *See* The Century Found., *Stories of School Integration* (2016) (presenting case studies from multiple districts describing academic, social, and civic benefits associated with socioeconomic integration plans). In addition,

establishing parent outreach programs has been found to be an important aspect of a magnet school's desegregation effect, with a self-survey of magnet school employees from around the country demonstrating that sixty-five percent of magnet programs with parent outreach programs such as prospective parent mail, online presence, or specific outreach to potential feeder schools, self-reported their programs as seeing increased integration. Frankenburg, Siegel-Hawley & Orfield, *The Forgotten Choice?*, *supra*, at 30. The adoption of socioeconomic and choice-based integration policies across states and governance contexts confirms that segregation is not inevitable, and districts can implement practical solutions to integrate public schools. *See* Frankenberg, *Preferences, Proximity, and Controlled Choice*, *supra*, at 378; Siegel-Hawley, *Is Class Working?*, *supra*, at 208.

CONCLUSION

De facto segregation in public schools violates the New Jersey Constitution. Plaintiffs amply demonstrated that the State abdicated its duty to prevent and remedy a statewide, systemic school segregation problem. This Court should reverse the trial court's decision denying Plaintiffs' motion for summary judgment.

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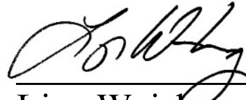
Respectfully submitted,



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Pro hac vice application forthcoming

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