



RAS J. BARAKA
MAYOR
NEWARK, NEW JERSEY

October 1, 2014

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

I am writing to request presidential intervention in the disruptive and illegal educational reforms being implemented in the Newark Public School (NPS) district under state control and State Superintendent Cami Anderson's One Newark Plan. Under the One Newark Plan State Superintendent Anderson is utilizing reforms that lack a research base and that violate numerous federal, state and district policies. In so doing, State Superintendent Anderson is running roughshod over the very policies intended to ensure accountability and democratic governance of our schools. This is facilitated by the New Jersey State Department of Education's continued control over NPS despite the district's continuous improvement as measured by the state monitoring and evaluation system New Jersey Quality Single Accountability Continuum (NJQSAC). The state's refusal to return local control of NPS to the democratically elected school-board has usurped the rights of Newark residents to have input into the governance of the public schools in our city. The state has failed to fulfill the purposes of state control and our students are systematically denied access to a thorough and efficient education.

The One Newark Plan calls for a universal enrollment system that assigns all students—district and charter—to schools based on an algorithm which has not been made public and a district reorganization plan that includes school closings, consolidations, and illegal charter conversions. This plan affects 28 of the district's 70 schools and was designed without a community engagement process that is representative of the diversity of people and perspectives that make up our city. This lack of community engagement is a violation of state and federal laws requiring parent and community engagement. There is broad-based disagreement with both the content of reforms being instituted and the manner in which these reforms have been unilaterally imposed upon the district. Newark children and parents are being forced to participate in enrollment schemes that assign and bus them to schools outside of their neighborhood boundaries, schools which they did not choose.

Over the last few months Newark parents, students, educators and advocates have taken legal action to bring the extent of the state and federal violations occurring in Newark Public Schools to the attention of state and federal officials. A Civil Rights complaint has been filed with Department of Justice by parents and an organization called New Jersey Parents Unified for Local School Education. Over 400 residents submitted petitions, also to the Office of Civil

Rights, regarding the state's failure to return local control to the elected school board in areas where the school district has met state benchmarks on the state district monitoring and evaluation system, NJQSAC. The Statewide Parent Advocacy Network (SPAN) has filed a complaint with OCR on the behalf of students with disabilities and bilingual students citing that One Newark discriminates against these students. A lawsuit has been filed on the behalf of Newark parents, students, educators and residents arguing that the One Newark Plan violates Newark students' constitutional right to a "thorough and efficient" education as outlined by the New Jersey State Constitution. Despite the consistency and severity of complaints raised at the state and federal level, we have been unable to get either the Commissioner of Education or the Governor to call for a halt to the One Newark Plan, investigate the conditions resulting from the implementation of these specious and unproven educational reforms, or return local control. Therefore, it is incumbent upon me to bring the full scope of the problems and violations willfully being undertaken in the Newark Public Schools to your attention.

The following violations of federal legislation and education regulations are occurring. These also result in violation of existing state education regulations and Supreme Court findings.

- English Language Learners do not have appropriate placements (Title VI Civil Rights Act; N.J.A.C. 6A:15).
- Student with disabilities do not have the services and accommodations specified in their IEPs (Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq.; N.J.A.C. 6A:14).
- IEPs that have been changed been without parental consent or notification (Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq.; N.J.A.C. 6A:14).
- Student with disabilities are enrolled in schools that do not have the services and cannot provide the accommodations specified in their IEP (Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq.; N.J.A.C. 6A:14).

With regard to students with disabilities the "One Newark Enrolls" plan is inconsistent and lacks direction from Newark Public Schools Office of Special Education Programs (NPS OSE) in the following ways:

- a. Inconsistent in informing parents of students with disabilities which schools meet programming needs, creating a barrier to access. For example:
 - Some parents of students with disabilities are not provided any list or indication of which schools provided programming that would meet the needs of students with disabilities in general or their children in particular.
 - Some parents *were* provided a listing of schools with their child's required program, applied as directed by the Child Study Team (CST)/IEP team, and were not accepted to any school on the list leaving their child without any school placement for the 2014-15 school year.

- Some parents visited the CST recommended schools on their list prior to applying and were told by the building principal they did not have the program for their student with disabilities (on information and belief, what is actually happening is that principals are reviewing individual records of students with disabilities and making decisions whether or not to "accept" those children regardless of actual programming availability).
- Parents not receiving any of the requested placements during round one or told by principals that the program does not exist have not been given any further information as to where else they can apply to meet their child's unique needs/program.

b. Bi-lingual applications were not provided to families with limited English proficiency early in the process and thus they were unable to participate in "round one" and are now participating in round two with fewer openings.

c. Sibling preferences allowing students who want to attend same school their sibling currently attends will be given priority for a seat in that school. However, SWD in need of services that are not provided will not be afforded that preferential placement.

d. Geographic preferences afforded to families of children without disabilities interested in attending schools close to their home discriminates against students with disabilities as there are a lack of appropriate placements in neighborhood schools; many NPS schools under the new configuration will not offer a full range of placement options including even in-class resource room services, leading to over-segregation of students with disabilities in a few schools that do have special education programs.

The following violations of state legislation and education regulations are occurring:

- The state has failed to fully fund the Newark Public Schools according the School Funding Reform Act of 2008 (School Funding Reform Act of 2008).
- Existing public schools are being converted into charter schools without meeting the criteria for eligibility (New Jersey State Charter School Program Act of 1995, NJSA 18A-36A).
- Universal enrollment violates the lottery requirement for admission to New Jersey charter schools (New Jersey State Charter School Program Act of 1995, NJSA 18A-36A)
- Use of uncertified staff in titles that are not state approved. Many administrators hold no certificates for the position they occupy. (N.J.A.C. 6A:9-3.3 Professional standards for teachers).
- Unapproved titles are being used to hire administrative staff (N.J.A.C. 6A:9-3.3 Professional standards for teachers).
- Violation of NJ Merit Board decision regarding number and type of unaffiliated positions district may have. District approved for 40 positions during state control and during local control 8 positions. There are currently over 100.
- Core content area classes being taught by substitute teachers ((N.J.A.C. 6A:9-3.3 Professional standards for teachers; (N.J.A.C. 6A:8 Standards and Assessment).
- Teachers teaching out of their area of certification (N.J.A.C. 6A:9-3.3 Professional standards for teachers; 6A:8 Standards and Assessment).

- Class sizes that exceed state limitations ((N.J.A.C. 6A:13-3.1 Class size in high poverty districts).
- High school students without schedules ((N.J.A.C. 6A:13-2.1 Standards-based instruction; (N.J.A.C. 6A:8 Standards and Assessment).
- High school students assigned to classes for which they have already received credit ((N.J.A.C. 6A:13-2.1 Standards-based instruction).

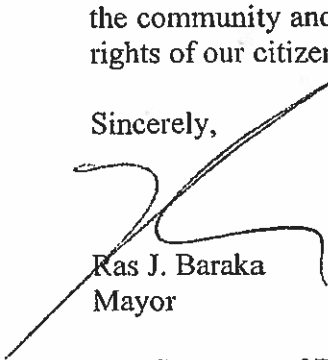
The following violations of existing Newark Public School district policies have occurred. No amendments have been brought before the Newark Public School Board to said policies.

- Children are being assigned to school outside of their community (File Code 5111)
- Non-residents are being enrolled in Newark charter schools through the universal enrollment system (File Code 5118)
- Students are no longer receiving instruction in required courses and have already lost substantial amount of course work and instructional time necessary because they do not have a placement, have an inappropriate placements or classroom schedules, or are in classrooms with substitute teachers or improperly credentialed teachers (File Code 6010)
- High quality teachers have not been recruited or retained for every classroom and grade level in the district (File Code 4111; File Code 6010)

As a result of these violations students throughout NPS are being deprived of their constitutional right to a thorough and efficient education as guaranteed by the New Jersey State Constitution.

At meeting on March 15, 2014 in Union City, Secretary of Education Arne Duncan expressed his own concerns about the scope of the reforms in the One Newark Plan, as well as the lack of community participation in its design. He advised Superintendent Anderson directly that she had too aggressive of a program. I respectfully ask that you consider the violations presented here in light of the concerns expressed by Secretary Duncan and the complaints filed by the members of the community and act urgently to prevent further harm to the education of our students and the rights of our citizens.

Sincerely,



Ras J. Baraka
Mayor

Cc: Secretary of Education Arne Duncan
Governor Chris Christie
New Jersey Commissioner of Education David Hespe
New Jersey State Board of Education
Senator Theresa Ruiz
Assemblywoman Mila Jacey
State Superintendent Cami Anderson
Lauren Wells, Ph.D., Chief Education Officer City of Newark