



Credit: Courtesy of New Jersey State Archives, Department of State

A REPORT OF THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE

## **Bring Our Children Home:**

**A Prison-to-School Pipeline for New Jersey's Youth**

Close Hayes Girls' Prison and Reopen the Bordentown School

The Institute's mission is to empower urban residents to realize and achieve their full potential. Established in 1999 by Alan V. and Amy Lowenstein, the Institute's dynamic and independent advocacy is aimed at toppling load-bearing walls of structural inequality to create just, vibrant, and healthy urban communities. We employ a broad range of advocacy tools to advance our ambitious urban agenda, including research, analysis and writing, public education, grassroots organizing, the development of pilot programs, legislative strategies, and litigation.

Using a holistic approach to address the unique and critical issues facing New Jersey's urban communities, the Institute advocates for systemic reform that is at once transformative, achievable in the state, and replicable in communities across the nation.

**NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE**

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# Bring Our Children Home:

## A Prison-to-School Pipeline for New Jersey's Youth

Close Hayes Girls' Prison and Reopen the Bordentown School

The caged bird sings  
with a fearful trill  
of things unknown  
but longed for still  
and his tune is heard  
on the distant hill  
for the caged bird  
sings of freedom

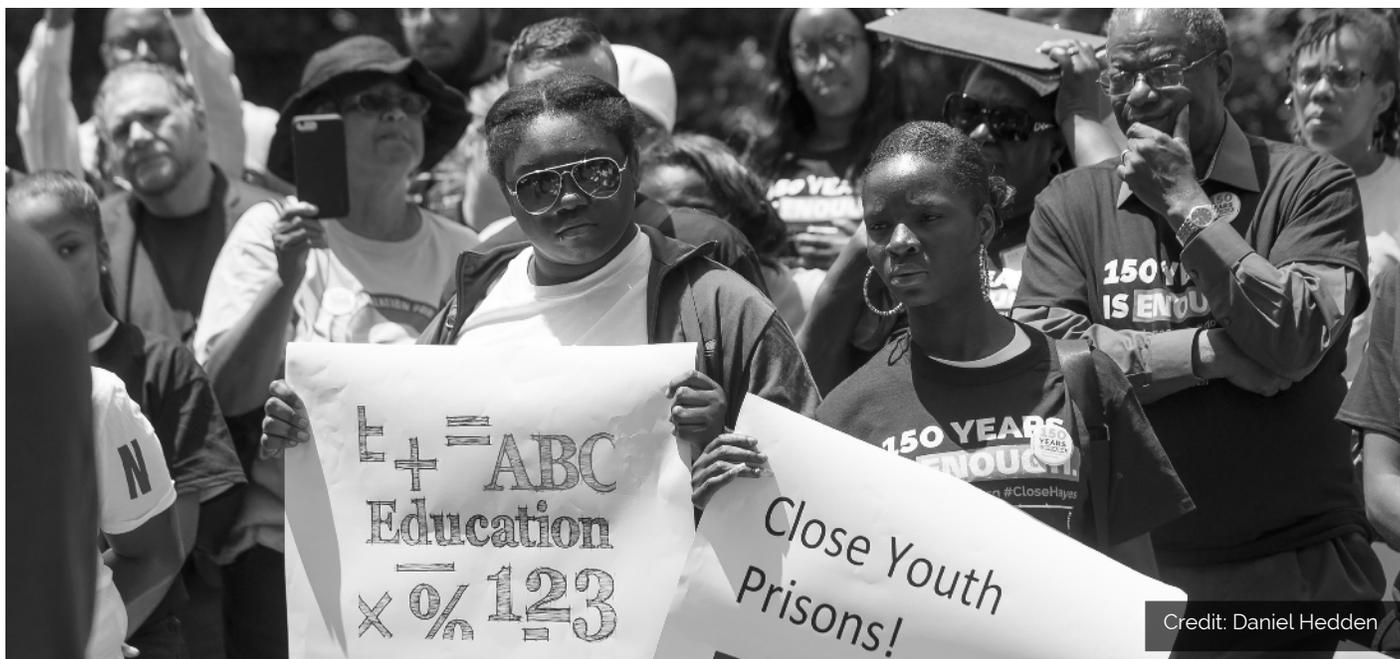
— Maya Angelou, *Caged Bird*<sup>1</sup>

# Executive Summary

New Jersey is the home of a literal school-to-prison pipeline. For more than half a century, New Jersey operated the Bordentown School, also referred to as the “Tuskegee of the North,” an elite public boarding school for New Jersey’s Black youth. Today, however, the Female Secure Care and Intake Facility (also known as Hayes), the state’s only girls’ youth prison, now occupies the land on which this school once stood.

The transition of Bordentown from a school to a prison reflects a practice that occurs in far too many classrooms across

New Jersey, where students of color are pushed into the youth justice system and ultimately into our state’s youth prisons. Former Governor Chris Christie’s historic announcement of the closure of two of the state’s youth prisons, Hayes and the New Jersey Training School for Boys (also known as Jamesburg), and the creation of two smaller youth rehabilitation centers based on national best practices, is an important step in transforming our state’s youth justice system. In addition to this important step, we must also repair the impact of incarceration’s damaging legacy on the youth of our state, particularly our youth of color, for over 150 years.



Credit: Daniel Hedden

- **First**, this report sets forth an affirmative vision for creating a youth justice system that works for all of our kids. As part of this transformative vision, this report urges New Jersey to recognize that its failed system of youth incarceration has been a moral stain on our state that has been devastating to young people and their communities—particularly young people of color and their families.
- **Second**, to reconcile this reality, this report implores New Jersey to take immediate steps to close Hayes and rebuild a modern Bordentown School. In doing so, we can move toward creating a community-based system of care that provides an opportunity for all of our state's young people, regardless of skin color, to grow and flourish.
- **Finally**, this report addresses the school-to-prison pipeline phenomenon, which feeds New Jersey's youth prisons, and sets forth policy proposals to help end that destructive practice.

**“For the first two generations of the last century, Bordentown was the capital of Negro New Jersey. Not only was it a school, but it was a meeting place for black teachers and scholars. It had a thriving sports agenda. Bordentown on one hand seems to be a Jim Crow school because only black students are enrolled in it. But in the black community it was seen as a symbol of Negro achievement, of pride in the race, uplifted. All of those values that took shape in the generation after the end of slavery.”**  
—Dr. Clement Price<sup>2</sup>

**Nestled down a wooded country road in Bordentown, New Jersey, stands a land lost in the past.**



Credit: Courtesy of New Jersey State Archives, Department of State

# Introduction

For over half a century, this 400-acre estate was home to the New Jersey Manual Training and Industrial School for Colored Youth,<sup>3</sup> also known as the Bordentown School.<sup>4</sup> Originally founded in 1886 by the formerly enslaved Reverend Walter Rice as an industrial school for Black girls,<sup>5</sup> the school ultimately became an elite co-ed, state-run boarding school for New Jersey's Black students.<sup>6</sup> Recognized as the "Tuskegee of the North" after Booker T. Washington's Tuskegee Institute in Alabama, the Bordentown School developed a reputation for preparing its students for a lifetime of leadership through vocational training and academic studies.<sup>7</sup>

Empowered by this education, graduates of the school enjoyed successful careers in fields such as law, medicine, education, and skilled trades.<sup>8</sup> The Bordentown School also attracted visits from such luminaries as Mary McLeod Bethune, W.E.B. DuBois, Booker T. Washington, Nat King Cole, Duke Ellington, Albert Einstein, Eleanor Roosevelt, and Paul Robeson, among others.<sup>9</sup>

But in 1947, New Jersey adopted a state constitutional provision<sup>10</sup> that prohibited public school segregation and required the Bordentown School to integrate the following year.<sup>11</sup> After the school attracted only two white students,<sup>12</sup> New Jersey closed the



Credit: Courtesy of New Jersey State Archives, Department of State

Bordentown School in 1955, just one year after the Supreme Court's decision in *Brown v. Board of Education*, arguing that it perpetuated racial segregation.<sup>13</sup> More than sixty years after New Jersey closed the Bordentown School's doors, most of its many campus buildings are uninhabitable and abandoned; yet, some remain in use.<sup>14</sup>

So what now occupies the land that was once home to the "Tuskegee of the North"? New Jersey's only girls' youth prison—the Female Secure Care and Intake Facility, also known as Hayes.<sup>15</sup>

New Jersey's failed experiment with youth incarceration, which has devastated the lives of Black youth, is the inverse of the Bordentown School, an institution that uplifted Black youth.

New Jersey has the worst racial disparities among its incarcerated Black and white youth in the nation.<sup>16</sup> In New Jersey, a Black child is over thirty times more likely to be detained or committed to a youth facility than a white child.<sup>17</sup> As a result, as of June 1, 2017, 70% of incarcerated kids are Black,<sup>18</sup> and only 8% (just eighteen kids) are white. Of the twelve girls in prison at Hayes, the majority (75%) are Black.<sup>19</sup>



**Female Secure Care and Intake Facility (Hayes)**

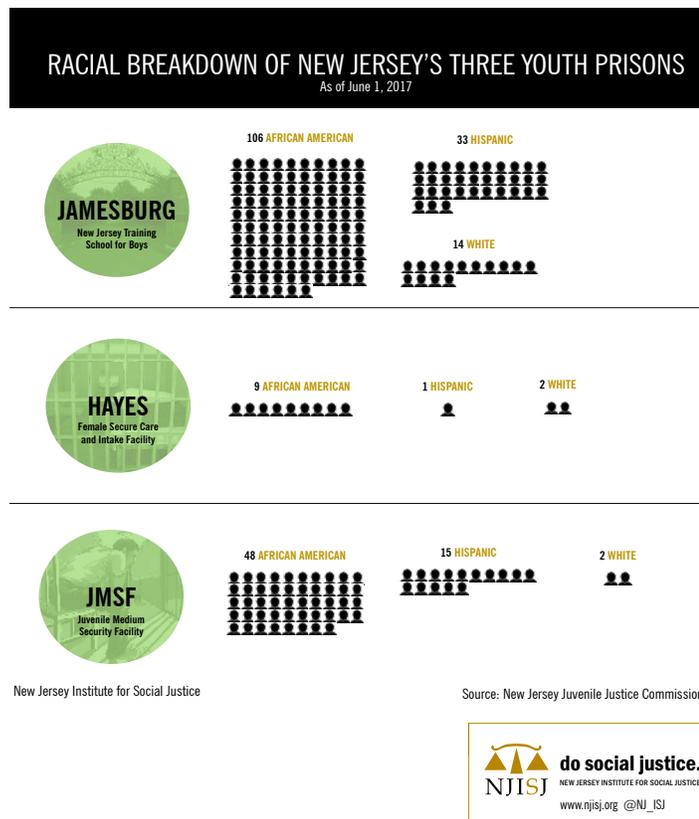
# “The Bordentown School is, literally, the school-to-prison pipeline realized.”

These racial disparities persist even though Black and white youth commit most offenses at similar rates.<sup>20</sup> This disproportionality in our state’s youth prisons reflects racially-discriminatory decisions about which kids are sentenced to prison, and which kids are treated like children and receive grace and developmentally appropriate care.<sup>21</sup>

And these disparities continue even though New Jersey’s involvement in the Juvenile Detention Alternatives Initiative

led to a significant decrease in the state’s incarcerated youth population.<sup>22</sup> Between 1997 and 2010, the total population of confined youth in our state’s juvenile residential facilities was cut by over half.<sup>23</sup> In fact, our state’s youth prisons are largely empty. For example, the New Jersey Training School for Boys (also known as Jamesburg), the largest youth prison for boys in the state, which has a capacity of 330,<sup>24</sup> houses only 155 boys as of June 1, 2017.<sup>25</sup> Hayes, which has a maximum capacity of forty-eight girls,<sup>26</sup> incarcerates twelve as of June 1, 2017,<sup>27</sup> ranging in age from sixteen to twenty-one.<sup>28</sup> Indeed, New Jersey has the lowest girls’ confinement rate in the nation.<sup>29</sup>

But the annual expenditure on youth incarceration does not align with these dwindling numbers. New Jersey spends over \$60,000,000 annually to operate its three youth prisons—over half of the Juvenile Justice Commission’s entire state budget.<sup>30</sup> The state spends \$25,804,000 alone to operate the Johnstone Campus, which includes Hayes and the Juvenile Medium Security Facility for Boys (JMSF).<sup>31</sup> JMSF, the state’s most secure



youth prison for boys, is also largely underpopulated—as of June 1, 2017, it is operating at less than half capacity.<sup>32</sup> In all, New Jersey spends around \$250,000 each year to house each young person in one of the state's youth prisons.<sup>33</sup>

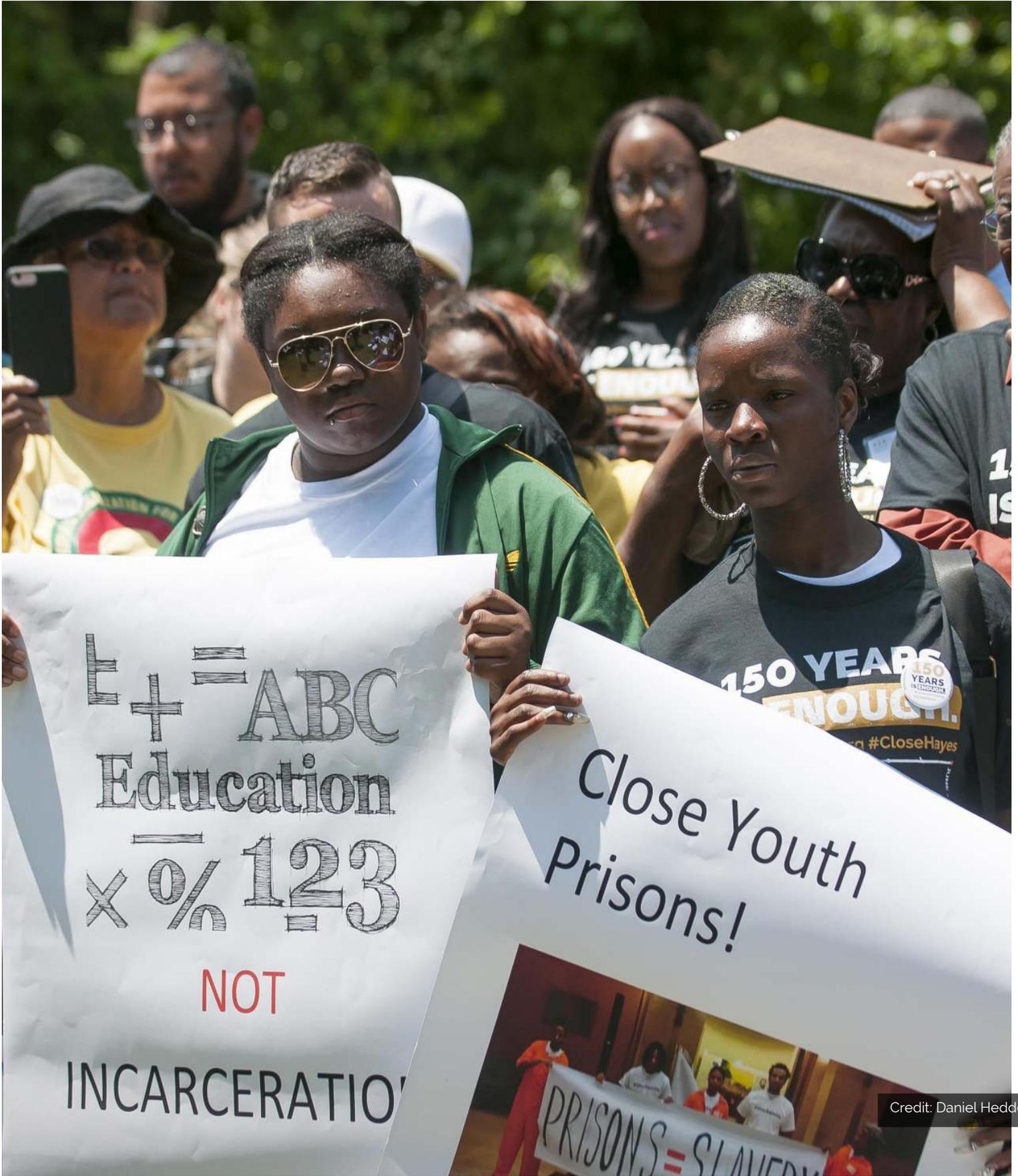
**“Imagine the good that could be done in a child’s life with an annual \$250,000 investment.”**



Notwithstanding the significant investment, New Jersey's youth incarceration system does not reduce recidivism or increase public safety. Of the 450 young people released from commitment in state youth facilities in 2013, 78.7% had a new court filing or arrest, 67.3% had a new adjudication or conviction, and almost one-third (30.2%) were recommitted within three years of release.<sup>34</sup> Children who are incarcerated are also more likely to be incarcerated as adults.<sup>35</sup>

Put simply, New Jersey's failed youth incarceration system devastates kids, is infected with striking racial disparities, and does not promote public safety or reduce recidivism. New Jersey's shameful system punishes, rather than rehabilitates, children who need intensive wrap-around services, developmentally-appropriate care, and community support. **Fortunately, there is a better way.**

To rehabilitate our state's most marginalized youth, New Jersey must transform its youth justice system into a community-based system of care. Through such a model, every effort is made to keep young people in their homes. Instead of incarceration, each young person should be provided with appropriate community-based services, intensive treatment, and the mentorship necessary to guide them as they discover their place in the world.

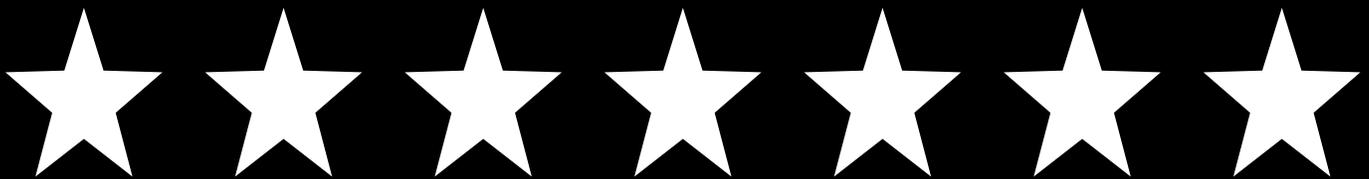


Credit: Daniel Hedden

New Jersey must take a clear stance that rehabilitation, rather than incarceration, is the standard for *all* of our youth. And, in the case where an out-of-home placement may be necessary for safety reasons, these facilities should not be prisons. Instead, they should be small, child-centered, close to home, and rehabilitative.

In response to the New Jersey Institute for Social Justice's (the "Institute") "150 Years is Enough" campaign, launched on the 150th anniversary of Jamesburg's opening, New Jersey has taken an important step to transform its broken youth justice system. On January 8, 2018, former-Governor Chris Christie announced his plan to close Hayes and Jamesburg, and to build two smaller youth rehabilitation centers based on national best practices in the central and southern regions of the state.<sup>36</sup> To chart the way forward for this transformation, the Institute published "*Ain't I A Child?*" *A Transformative Vision for Youth Justice in New Jersey*.<sup>37</sup> But this is only the beginning.

**"New Jersey must take a clear stance that rehabilitation, rather than incarceration, is the standard for all of our youth."**





# The Way Forward:

## Healing and Reconciliation

*A Capella Choir 1943*

Credit: Courtesy of New Jersey State Archives, Department of State.

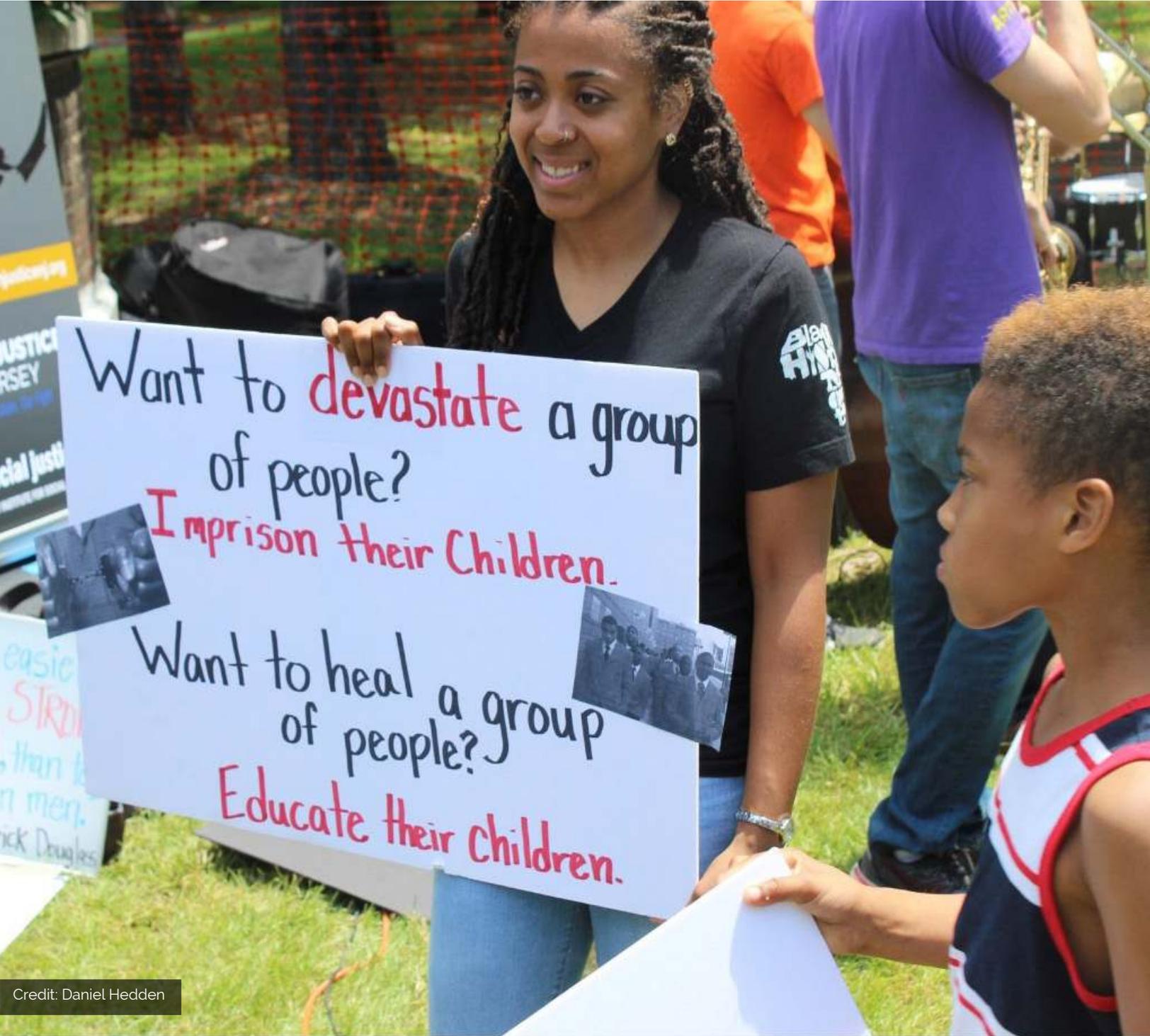
The way forward must begin with the admission that New Jersey's failed system of youth incarceration has been devastating, for more than 150 years, to young people and their communities—particularly young people of color and their families. New Jersey must recognize that it is a moral stain on our state that one of the most prominent educational institutions for Black youth in America became a youth prison that disproportionately incarcerates them. This moment presents an opportunity for New Jersey to heal and remedy this injustice. A moment to turn Bordentown back into what it once was—a place to empower, realize promise, and expand

opportunity for all of our state's youth, rather than a source of shackled dreams and imprisoned futures.

To advance this transformative vision, New Jersey must take immediate steps to close Hayes and invest in rebuilding a modern Bordentown School. In doing so, the state can finally shutter a failing youth prison and make an investment that worked for New Jersey's young people for more than half a century. Reinvesting funds into reopening the Bordentown School would provide children of all races with an opportunity to learn and grow in a rigorous educational environment focused on supporting Black students, all while cultivating and empowering the next

generation of dynamic leaders. Through this closure and reconstruction, New Jersey can build a prison-to-school pipeline.

**Through this closure and reconstruction, New Jersey can build a prison-to-school pipeline.**



Credit: Daniel Hedden

The Bordentown School used education to prevent Black children from becoming involved in the youth justice system.<sup>38</sup> This overarching principle of education, not incarceration, has since been eroded at both the national and state levels. Over the past few decades, there has been a marked increase in the use of suspensions, expulsions, law enforcement referrals, and school-based arrests.<sup>39</sup> These disciplinary practices not only deprive our youth of valuable classroom time and positive peer relationships,<sup>40</sup> they also push them into the youth justice system. A young person is more likely to be arrested on a day he or she is

suspended from school, and suspensions are also associated with higher dropout rates and an increased risk of contact with the youth justice system.<sup>41</sup>

Importantly, the school-to-prison pipeline largely pushes kids into the youth justice system for minor behavior.<sup>42</sup> Indeed, a 2015-2016 study of eight New Jersey counties found that over half of school-based delinquency complaints (51.3%) were for misdemeanor offenses.<sup>43</sup> This phenomenon—the funneling of children from school and into incarceration—is commonly known as the “school-to-prison pipeline.”

# THE SCHOOL TO PRISON PIPELINE



## Black Students

Overly-punitive school disciplinary measures have been disastrous for Black students, who are nearly four times as likely to receive one or more out-of-school suspensions,<sup>44</sup> are almost two times as likely to be expelled without educational services,<sup>45</sup> and are more than twice as likely to be referred to law enforcement or subject to a school-related arrest as their white peers.<sup>46</sup> Schools with a large population of students of color are also more likely to use metal detectors, security officers, school resource officers, and other law enforcement.<sup>47</sup> This is so even though research has shown that heightened security can actually make students feel less safe, and can lead to more suspensions and arrests—creating and

perpetuating a cycle of justice-system involvement.<sup>48</sup>

In New Jersey, although Black students constituted only 15.8% of total student enrollment during the 2015-2016 school year,<sup>49</sup> they accounted for one-third (31.6%) of total dropouts.<sup>50</sup> During the 2013-2014 school year, with around the same total enrollment,<sup>51</sup> Black students in New Jersey made up an estimated 35.3% of students receiving one or more in-school suspensions, 43.7% of students receiving one or more out-of-school suspensions, and 37% of students receiving expulsions with or without educational services.<sup>52</sup> Black students in the state also made up an estimated 34.5% of school-related arrests and 31.4% of referrals to law enforcement.<sup>53</sup>



Credit: Courtesy of New Jersey State Archives, Department of State

## Data Note

Publicly-available data may only show a portion of the Black youth affected by the school-to-prison pipeline in New Jersey—an issue that speaks to a need to strengthen data reporting and accountability at both the federal and state levels (one of this report’s policy proposals).

At the federal level, the U.S. Department of Education’s Office for Civil Rights administers the Civil Rights Data Collection (CRDC), a biennial mandatory survey of certain data (including data on school suspensions, expulsions, school-related arrests, and referrals to law enforcement) from all public local education agencies and schools.<sup>54</sup> Although this data collection is mandatory, the CRDC did not receive or report any data from the City of Newark’s public school district—the largest public

school district in New Jersey—for the 2013-2014 CRDC.<sup>55</sup> Such a gap, particularly in a school district that is almost half (46.6%) Black,<sup>56</sup> undoubtedly impacts the data on the school-to-prison pipeline’s effect on Black students across the state.

While the New Jersey Department of Education website does include a data section for the state, there are also areas for improvement. In response to an Open Public Records Act request made by the Institute, the DOE stated that it does not aggregate statewide data on suspensions or expulsions, broken down by gender or race, for either its public school or charter school students.<sup>57</sup> This information is necessary to understand the extent of the impact of the school-to-prison pipeline on students of color.



**Importantly,** these racial disparities do not reflect greater culpability of Black children than their white peers, as Black and white youth commit most offenses at similar rates.<sup>58</sup> Rather, these disparities exist, in part, because of our schools' inability to see Black children as children.<sup>59</sup> Indeed, both Black boys and girls are seen as less innocent and more mature than their white peers.<sup>60</sup> Studies also show the implicit bias some educators have toward viewing Black youth as more likely to engage in disruptive behavior, even among students as young as preschool age.<sup>61</sup> The U.S. Department of Education Office for Civil Rights recognized this issue, affirming that "racial discrimination in school discipline is a real problem" after identifying instances of schools disciplining Black students more harshly and more frequently because of their race than similarly-situated white students.<sup>62</sup> **On this note, given that New Jersey has some of the most racially-segregated schools in the nation,<sup>63</sup> an important area for further research in our state is the overlap of school racial segregation and punitive disciplinary measures.**

**D**ue to the intersection of being both Black and female,<sup>64</sup> Black girls are uniquely affected by the school-to-prison pipeline.<sup>65</sup> Black girls are disproportionately subjected to harsh school-based disciplinary measures, largely based on the perception that they are unable to conform to stereotypical notions of femininity.<sup>66</sup> Characterized as loud, disruptive, hostile, aggressive, and sassy,<sup>67</sup> Black female students are often the victims of school environments that seek to classify, rather than understand, the causes of their conduct. In some cases, these Black female students' actions may be a symptom of underlying trauma, such as sexual assault or other violence.<sup>68</sup> Schools, unable to identify and address these signs of trauma, may instead label these girls as "troublemakers" in need of punishment rather than support.<sup>69</sup> This pervasive refusal to recognize the girlhood of Black female students contributes to their disproportionate removal from the classroom.

A Black girl in New Jersey is 8.5 times more likely to be suspended than a white girl.<sup>70</sup> During the 2015-2016 school year, while Black and

# Intersectionality

## Black & Female



Hispanic girls in the state made up 7.7% and 12.8% of total enrollment, respectively,<sup>71</sup> they made up 13.3% and 17.6% of total dropouts.<sup>72</sup> By contrast, white girls, 22.4% of total enrollment, only accounted for 9% of dropouts.<sup>73</sup> In addition, over the 2013-2014 school year, while Black girls made up only 16.2% of female students in New Jersey,<sup>74</sup> they made up an estimated half (50.4%) of girls receiving one or more out-of-school suspensions, 30.2% of girls receiving expulsions with or without educational services, 37.6% of girls subject to school-related arrests, and 33.9% of girls referred to law enforcement.<sup>75</sup>

New Jersey's criminalization of Black female students has even made national news. In October 2017, a videotaped altercation involving two Black seventeen-year-old sisters and a police officer outside of Orange High School made headlines around the country and led to a school walkout and a mass protest of almost 1,000 people—including students, teachers, administrators, and parents—in

front of the city's police headquarters.<sup>76</sup> Among other things, the video shows the officer throwing the two girls by their hair and pinning them to the ground.<sup>77</sup> Although the circumstances surrounding the interaction were initially unclear, the Orange High twins were still charged with, among other offenses, aggravated assault and resisting arrest.<sup>78</sup>

**A Black girl in New Jersey is 8.5 times more likely to be suspended than a white girl.**



Credit: Richard Ross, [www.juvenile-in-justice.com](http://www.juvenile-in-justice.com)

# Racial Disparities

The closure of the Bordentown School, and its replacement with a youth prison, is a vivid representation of how the prison house has replaced the schoolhouse for too many Black youth in our state.

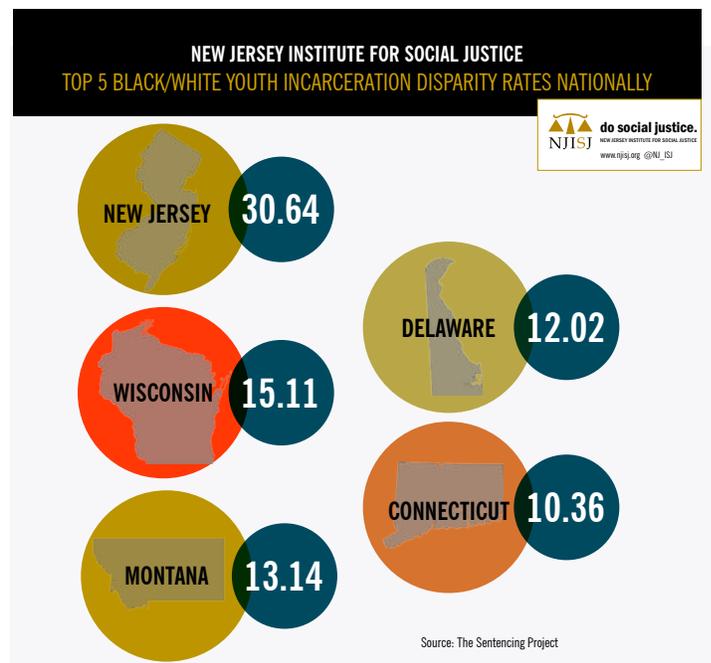
While New Jersey was once a national education leader for Black students at the Bordentown School, it is now a national leader for an altogether different and invidious reason: ***New Jersey has the worst racial disparities among its incarcerated Black and white youth in the nation.***<sup>79</sup>

In New Jersey, a Black youth is over thirty times more likely to be detained or committed to a youth facility than a white youth.<sup>80</sup> As of June 1, 2017, there are 232 youth incarcerated in New Jersey's three youth prisons.<sup>81</sup> Of this number, 163 are Black and only eighteen are white.<sup>82</sup> Even more glaring, only two white youth, out of a total sixty-five young people, are housed in JMSF—the same number of white students who attended the Bordentown School after integration.<sup>83</sup> These striking disparities persist even though research shows that Black and white youth commit most offenses at similar rates.<sup>84</sup>

New Jersey also has the second worst Latino/white youth incarceration disparity rate in the nation (behind Massachusetts).<sup>85</sup> A Latino youth in New Jersey is five times more likely to be detained or

committed than a white youth.<sup>86</sup> As of June 1, 2017, New Jersey had forty-nine incarcerated youth classified as Hispanic.<sup>87</sup>

As of June 1, 2017, of the twelve girls committed to Hayes, nine are Black, and two are white.<sup>88</sup> Although the population is small, the racial disproportionality of our state's incarcerated girls reflects demographics at the national level—Black girls are the fastest growing population in the youth justice system and generally receive more severe sentences than other system-involved girls.<sup>89</sup>



"During my years, 1941–1944, I remember getting up at 6 o'clock A.M. and going to bed at 9 o'clock, lights out."

"I was in the 'last' class to graduate before M.T.I.S. closed, it rained in the morning and we felt so bad. I remember the sound of the heels clicking down the aisles of the chapel. It was so sad. I would never see some of my friends again."

"This educational facility's closing has deprived New Jersey's youth of a magnificent experience of excellent teachers and trade instructors who were dedicated at their professions. The loss is New Jersey's and its youth."

"M.T.I.S. was top drawer in every way. The knowledge, training and experience I gained I would never have had access to as a young Black woman in the 1940s. I enrolled in 1938 and graduated in 1941."

"From comprehensive training in carpentry to architectural school, where could I have been better prepared? They took a mere youngster and guided me towards a stable adulthood. What a marvelous institution. I am forever grateful."

This monument to the Bordentown School was commissioned by alumni and sits at the entrance of the former school's grounds.

# Solution: New Jersey Must Take Immediate Steps to Close Hayes and Rebuild a Modern Bordentown School

We must seize this moment to make a transformative shift that is not only symbolic, but demonstrates a concerted effort to reverse the school-to-prison pipeline for our state's students. In doing so, we can create a continuum of care where kids are shifted away from system involvement and kept in the schools and communities where they belong.

To that end, this report's two overarching policy proposals will set the foundation for developing a transformative prison-to-school pipeline that will reverberate throughout our state: **New Jersey must take immediate steps to close Hayes and, in its place, rebuild a modern Bordentown School.**

# NJ Must Take IMMEDIATE STEPS TO CLOSE HAYES

Following the Christie administration's historic announcement, the state must take immediate steps to close Hayes. Incarcerating our state's girls in a faraway and largely empty youth prison is a failed experiment that conflicts with national best practices. Research shows that community-based alternatives to incarceration—with individualized treatment and wrap-around services—are the most effective method for the rehabilitation of young people.<sup>90</sup> Studies have demonstrated that girls can significantly benefit from community-based programming that is trauma-informed, gender-specific, and culturally-sensitive.<sup>91</sup> By closing Hayes and focusing on lasting rehabilitative opportunities for our state's most at-risk girls, New Jersey can begin to develop a community-based system of care for all of its young people.

Due to the small number of girls currently incarcerated at Hayes, New Jersey should immediately begin a holistic assessment of each girl to create an individualized program of services. Such an assessment should include an evaluation of the causative factors that led to each young woman's incarceration—such as family history, trauma and abuse, and any other factors that often funnel girls into prison.<sup>92</sup> Based on this assessment, the state should then determine whether a girl can be safely placed back in the community with intensive wrap-around services or whether she would be best served by an out-of-home placement for safety reasons. Importantly, at the decision-making point, the default should be to keep every girl in their home community with services and supports that are trauma-informed, gender-specific, and culturally-sensitive.<sup>93</sup>

If a girl may need to be in an out-of-home placement, best practices dictate that such settings should be small, home-like, rehabilitation- and treatment-focused, and have family and/or community engagement at the heart of a girl's rehabilitation.<sup>94</sup> Although the JJC currently operates one non-secure residential community home for girls, the Developing Opportunities and Values through Education and Substance Abuse Treatment program (also known as D.O.V.E.S.),<sup>95</sup> it is uncertain if this setting is ideal for effective rehabilitation. Not only is it located in an isolated part of Mercer County,<sup>96</sup> but some of the available programming at D.O.V.E.S. appears wanting. For example, girls at D.O.V.E.S. provide tours<sup>97</sup> of the grounds—the former Lindbergh estate—that are focused on the kidnapping and death of the Lindbergh baby. It is unclear how daily exposure to such a crime could have a positive impact on these young women's rehabilitation.

Given the high rates of dual-system involvement and mental health concerns among the state's incarcerated girls—as of June 1, 2017, two-thirds of our state's incarcerated girls have been involved with both the child welfare system and the youth justice system, and all of them have a mental health diagnosis<sup>98</sup>—every effort should be made to evaluate whether there are currently effective and rehabilitative out-of-home placements available for these young women through the child



The entrance to D.O.V.E.S.

welfare system. And, if a girl may need to be in a more secure setting for safety reasons, it should not be a prison. To achieve this goal, the state should ensure that the two proposed youth rehabilitation centers in the central and southern regions of the state comply with best practices and provide true rehabilitation and development. In addition, it is imperative that New Jersey also looks to repurpose or renovate a facility in the northern region of the state, to make sure that all girls in out-of-home placements throughout the state are near vital familial contacts and supports.

Closing Hayes and Jamesburg is only the beginning of the path to ending youth incarceration in our state. The Institute, through its youth justice campaign 150 Years is Enough, also advocates for the closure of JMSF, across the street from Hayes. We cannot transform our state's youth justice system without closing all of the state's youth prisons and creating a community-based system of care.<sup>99</sup> Closing Hayes and rebuilding the Bordentown School must be tied to JMSF's closure as well.<sup>100</sup>



Next to Hayes sits the Bordentown School's Administration Building.

# New Jersey Should Rebuild a Modern Bordentown School:

New Jersey must take immediate steps to close Hayes and create a prison-to-school pipeline in its place by reinvesting funds into rebuilding a modern Bordentown School.

Operating a public boarding school focused on academic rigor, leadership preparedness, and diversity would allow New Jersey to join the ranks of a number of states from around the country already operating world-class, public residential schools, such as Arkansas, Illinois, and Maine.<sup>101</sup> Importantly, the development of such a school on the land where the

Bordentown School once stood must be informed by the voices of girls formerly incarcerated at Hayes, young people who have been incarcerated in the state's other youth prisons, and young people who have had other youth justice system involvement.

By reopening the Bordentown School and accounting for the current educational landscape, New Jersey has the opportunity to stand apart in providing a transformative educational experience for New Jersey's youth.

# The New Bordentown School



While the proposed school should be a public boarding school like its predecessor, it should be open to all students in New Jersey, with a primary goal of developing a diverse group of future leaders. As a state with some of the worst school racial segregation statistics in the nation,<sup>102</sup> the new Bordentown School should attract and retain New Jersey students from a range of racial, financial, and other demographics. To combat both the disproportionate impact the school-to-prison pipeline has on Black students, and to honor the initial intent of the Bordentown School, there should be a commitment to recruiting students from areas of the state that send large numbers of Black youth to juvenile facilities—such as Essex and Camden Counties.<sup>103</sup>



The school curriculum and programming should be centered on racial and social justice, reconciliation, and the celebration of diverse voices and backgrounds. The curriculum, for example, should include lessons on the history and successes of Black people all over the world, in order to instill pride in, and knowledge of, Black achievement at the local, state, and national levels. New Jersey already established the foundations of such an aspiration by creating the Amistad Commission, a state-level commission tasked with supporting Black history-focused educational programming.<sup>104</sup> In addition, courses on racial justice and social justice should also be taught.



The school should be focused on life and career development, college preparation, vocational training, and other supportive elements to provide students with the opportunity to choose among the options that were available to students at the original Bordentown School.



Family engagement should be an important pillar of the school's foundation, with events and activities planned for family at the school, and transportation provided to families to allow students to keep actively involved with their home communities.



The school's disciplinary code should be focused on restorative justice, with the school, rather than law enforcement, addressing issues in real-time. Consistent with this philosophy, the school should be resourced with guidance counselors, interventionists, social workers, psychologists, and other staff to aid in the positive development of the student body.

The new **Bordentown School's** innovation will not be limited to its four walls. In addition to the classroom component, the revised school should serve as a research incubator for developing new strategies in promoting racial reconciliation, racial understanding, and the education of youth of color. Indeed, in her recent book, **Reclaiming African American Students: Legacies, Lessons, and Prescriptions (The Bordentown School Model)**, Professor Mildred L. Rice Jordan, granddaughter of the Bordentown School's founder, writes about the need for such a research hub to support Black students' learning.<sup>105</sup> Experts could be brought to the school to teach specific courses for educators on implicit bias, culturally-sensitive and competent programs, and the impacts and effects of trauma. Focus groups could be conducted with students to identify their specific needs and tailor supports and resources to meet these needs both in the classroom and beyond. Researchers, advocates, family members, community members, and students could also work together to devise innovative curricula and approaches that may fall outside of the traditional structure of evidence-based programming. The research that emerges could support new methods of educating students of color and addressing persistent educational inequities.

# Additional Policy Proposals

Two additional policy proposals should be implemented to help interrupt the school-to-prison pipeline for our youth of color.

## **The New Jersey Department of Education Should Conduct a Comprehensive Qualitative Report on School Pushout in New Jersey:**

There is limited information concerning the specific factors forcing kids out of school in New Jersey from the perspective of those most affected. The DOE should conduct a statewide, comprehensive school-to-prison pipeline qualitative study to gather this data. The research should include focus groups and interviews with students, families, teachers, school law enforcement, guidance counselors, social workers, nurses, administrators, and others involved with school environments, and should primarily target school districts with high rates of suspensions, expulsions, law enforcement referrals, and arrests.

The DOE should generate a report based on this research that highlights the experiences of Black and Latino youth, and includes separate analyses for how school environments have uniquely impacted their Black and Latino female and male students.<sup>106</sup> This report should be made publicly available and should guide the DOE and the legislature in considering changes to current disciplinary measures used in schools across the state.

## **The Federal Civil Rights Data Collection and the New Jersey Department of Education Should Improve and Expand Their Data Collection Measures:**

Similarly, data from both the federal CRDC and the state DOE should be improved.

Although the CRDC is a mandatory data collection, it is missing data from key jurisdictions—such as the entire Newark public school district. The CRDC must engage the necessary accountability measures to ensure collection from all schools throughout the nation and should clearly publicize what jurisdictions (if any) are not included in the collection, and why.

The New Jersey DOE's publicly-available data should also be strengthened. Although the state provides suspension and expulsion data at the state-level through its school performance reports, this data should be broken down by race and gender.



Credit: Daniel Hedden

# The Past as Present

**Countless** Black kids in our state have been impacted by an educational system that has, in too many cases, criminalized, rather than educated, them. By taking immediate steps to close Hayes and reclaim the legacy of the Bordentown School—and the emphasis on the primacy of education in a young child’s life it embodied—New Jersey can serve as a national model for transformative youth justice at both the front-end and back-end of the system. It would also position kids, as Bordentown School Principal William A. Valentine said, to “acquire a taste of success in some field of endeavor, which will motivate [their] aspirations and widen [their] horizon.”<sup>108</sup>

It is time for New Jersey to fulfill the promise of the Bordentown School and ensure that all of our state’s students, regardless of color, are empowered to thrive, succeed, and widen their horizon.

<sup>1</sup> MAYA ANGELOU, *Caged Bird*, in THE COMPLETE COLLECTED POEMS OF MAYA ANGELOU 194, 194 (1994).

<sup>2</sup> Allison Keyes, *Documentary Focuses on 'Tuskegee of the North,'* NPR (May 24, 2010, 12:00 PM), <https://www.npr.org/templates/story/story.php?storyId=127091472>. Dr. Clement Price was Newark's official historian, a noted Black scholar, and an author and professor at Rutgers University-Newark, where he led the Institute on Ethnicity, Culture, and the Modern Experience. In 2011, President Obama appointed him vice chair of the Advisory Council on Historic Preservation. Dr. Price also was Newark's biggest champion and had been an ardent supporter of the New Jersey Institute for Social Justice since its founding.

<sup>3</sup> Cristina Rojas, *Alumni Reflect on Impact of Manual Training and Industrial School for Colored Youth in Bordentown*, NJ.COM (Aug. 4, 2014, 7:00 AM), [http://www.nj.com/mercer/index.ssf/2014/08/alumni\\_gather\\_in\\_bordentown\\_to\\_reflect\\_on\\_impact\\_of\\_manual\\_training\\_and\\_industrial\\_school\\_for\\_colore.html](http://www.nj.com/mercer/index.ssf/2014/08/alumni_gather_in_bordentown_to_reflect_on_impact_of_manual_training_and_industrial_school_for_colore.html).

<sup>4</sup> N.J. Historical Comm'n, *The Bordentown School*, IT HAPPENED HERE: NEW JERSEY, <http://www.nj.gov/state/historical/it-happened-here/i/hnj-er-bordentown.pdf> (last visited Jan. 8, 2018).

<sup>5</sup> See Rojas, *supra* note 3; NAZERA SADIQ WRIGHT, BLACK GIRLHOOD IN THE NINETEENTH CENTURY 127-28 (2016). Please note, Reverend Walter Rice is referred to as Reverend Raymond Rice in this text.

<sup>6</sup> See Rojas, *supra* note 3.

<sup>7</sup> See N.J. Historical Comm'n, *supra* note 4.

<sup>8</sup> See Rojas, *supra* note 3.

<sup>9</sup> Mark Di Ionno, *Documentary Chronicles Bordentown School as 'A Place Out of Time,'* THE STAR-LEDGER (July 21, 2009, 8:40 PM), [http://blog.nj.com/njv\\_mark\\_diiionno/2009/07/documentary\\_chronicles\\_bordent.html](http://blog.nj.com/njv_mark_diiionno/2009/07/documentary_chronicles_bordent.html); Rojas, *supra* note 3; MILDRED L. RICE JORDAN, RECLAIMING AFRICAN AMERICAN STUDENTS: LEGACIES, LESSONS, AND PRESCRIPTIONS (THE BORDENTOWN SCHOOL MODEL) 64-66 (2017).

<sup>10</sup> GREG FLAXMAN ET AL., A STATUS QUO OF SEGREGATION: RACIAL AND ECONOMIC IMBALANCE IN NEW JERSEY SCHOOLS, 1989-2010 9 (2013), [https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/a-status-quo-of-segregation-racial-and-economic-imbalance-in-new-jersey-schools-1989-2010/Norfl-et\\_NJ\\_Final101013\\_POSTb.pdf](https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/a-status-quo-of-segregation-racial-and-economic-imbalance-in-new-jersey-schools-1989-2010/Norfl-et_NJ_Final101013_POSTb.pdf).

<sup>11</sup> *History of the Township of Bordentown*, BORDENTOWN TOWNSHIP, <http://www.bordentowntownship.com/history> (last visited Jan. 8, 2018).

<sup>12</sup> *Jersey to Close All-Negro School Because It Can't Get White Pupils*, N.Y. TIMES (Dec. 18, 1954), <http://query.nytimes.com/mem/archive-free/pdf?res=9D03E2D8123DE23BBC4052DFB46783F8F649EDE>.

<sup>13</sup> *Id.*; *Bordentown Manual Training School Institutional History*, N.J. ST. ARCHIVES COLLECTION GUIDE, <http://www.nj.gov/state/archives/guides/sedma000.pdf> (last visited Jan. 8, 2018). In *Brown v. Board of Education*, 347 U.S. 483 (1954), the Supreme Court of the United States held that racial segregation in public schools was unconstitutional.

<sup>14</sup> See Rojas, *supra* note 3.

<sup>15</sup> The Female Secure Care and Intake Facility is located in the Hayes Building. See BOBBI POHLMAN-RODGERS, PREA AUDIT REPORT: JUVENILE FEMALE SECURE CARE AND INTAKE FACILITY 1 (2015), [www.nj.gov/lps/jjc/pdf/PREA\\_JSCIF\\_Hayes\\_Audit\\_Report\\_2015.pdf](http://www.nj.gov/lps/jjc/pdf/PREA_JSCIF_Hayes_Audit_Report_2015.pdf). While Hayes is located on the original grounds of the Bordentown School, it is not housed in any of the former school's buildings.

<sup>16</sup> THE SENTENCING PROJECT, BLACK DISPARITIES IN YOUTH INCARCERATION (2017), <https://www.sentencingproject.org/wp-content/uploads/2017/09/Black-Disparities-in-Youth-Incarceration.pdf>.

<sup>17</sup> *Id.*

<sup>18</sup> E-mail from Jennifer LeBaron, Deputy Exec. Dir., Policy, Research & Planning, N.J. Juvenile Justice Comm'n, to Andrea McChristian, Assoc. Counsel, N.J. Inst. for Soc. Justice (Sept. 28, 2017, 10:01 EST) (on file with author).

<sup>19</sup> *Id.* As explained below, Latino students are also impacted by the

school-to-prison pipeline. Given the legacy of the Bordentown School, as well as the extreme racial disparities Black students face in the youth justice system, this report will primarily focus on the experience of Black young people. The problem of how Latino students interact with the youth justice system, however, is one that deserves further analysis. Also, recognizing sources often conflate the designations of "Latino" and "Hispanic," this report uses the categorization proffered by each cited source.

<sup>20</sup> JOSHUA ROVNER, THE SENTENCING PROJECT, RACIAL DISPARITIES IN YOUTH COMMITMENTS AND ARRESTS 6-7 (2016), <https://www.sentencingproject.org/wp-content/uploads/2016/04/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf>; NAT'L JUVENILE JUSTICE NETWORK, IMPLICIT BIAS: WHY IT MATTERS FOR YOUTH JUSTICE 1-2 (2017), <http://www.nijn.org/uploads/digital-library/NJJN%20Implicit%20Bias%20Snapshot%202017.pdf>.

<sup>21</sup> See Andrea McChristian, *How Discrimination is Sending More Black Kids to Prison*, THE STAR-LEDGER (Oct. 3, 2017), [http://www.nj.com/opinion/index.ssf/2017/10/how\\_discrimination\\_is\\_sending\\_more\\_black\\_youths\\_to.html](http://www.nj.com/opinion/index.ssf/2017/10/how_discrimination_is_sending_more_black_youths_to.html).

<sup>22</sup> The Juvenile Detention Alternatives Initiative (JDAI) is a program focused on decreasing the number of youth detained before trial. For more information on JDAI, see RICHARD A. MENDEL, THE ANNIE E. CASEY FOUND., JDAI IN NEW JERSEY (2014), <http://www.aecf.org/m/resourcedoc/aecf-JDAIinNewJersey-2014.pdf>.

<sup>23</sup> THE ANNIE E. CASEY FOUND., REDUCING YOUTH INCARCERATION IN THE UNITED STATES 3 (2013), <http://www.aecf.org/m/resourcedoc/AECF-DataSnapshotYouthIncarceration-2013.pdf>.

<sup>24</sup> DOROTHY XANOS, PREA AUDIT REPORT: NEW JERSEY TRAINING SCHOOL 1 (2016), [http://www.nj.gov/lps/jjc/pdf/2016-PREA-Final-Report\\_NJ%20Training-School.pdf](http://www.nj.gov/lps/jjc/pdf/2016-PREA-Final-Report_NJ%20Training-School.pdf).

<sup>25</sup> See E-mail from Jennifer LeBaron, *supra* note 18.

<sup>26</sup> See POHLMAN-RODGERS, *supra* note 15, at 1.

<sup>27</sup> See E-mail from Jennifer LeBaron, *supra* note 18.

<sup>28</sup> E-mail from Jennifer LeBaron, Deputy Exec. Dir. of Policy, Research & Planning, N.J. Juvenile Justice Comm'n, to Andrea McChristian, Assoc. Counsel, N.J. Inst. for Soc. Justice (Aug. 7, 2017, 11:59 EST) (on file with author). Unless otherwise noted, all data pertaining to New Jersey's incarcerated youth is as of June 1, 2017.

<sup>29</sup> Nat'l Ctr. for Juvenile Justice, *Sex of Residents by State, 2015*, EASY ACCESS TO THE CENSUS OF JUVENILES IN RESIDENTIAL PLACEMENT: 1997-2015, [https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State\\_Sex.asp](https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Sex.asp) (last visited Jan. 16, 2018). This statistic is as of 2015. This national survey includes youth confined to the following facilities: detention centers, shelters, reception/diagnostic centers, group homes, boot camps, ranch/wilderness camps, residential treatment centers, long-term secure facilities, and other facilities (such as alternative schools and independent living). See Nat'l Ctr. for Juvenile Justice, *Glossary*, EASY ACCESS TO THE CENSUS OF JUVENILES IN RESIDENTIAL PLACEMENT: 1997-2015, <https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/glossary.asp> (last visited Jan. 16, 2018).

<sup>30</sup> N.J. DEP'T OF THE TREASURY OFFICE OF MGMT. & BUDGET, STATE OF NEW JERSEY APPROPRIATIONS HANDBOOK FISCAL YEAR 2017-2018 B-133-34 (2017), <http://www.nj.gov/treasury/omb/publications/18approp/FullAppropAct.pdf>.

<sup>31</sup> N.J. DEP'T OF THE TREASURY OFFICE OF MGMT. & BUDGET, STATE OF NEW JERSEY APPROPRIATIONS HANDBOOK FISCAL YEAR 2017-2018 B-134, <http://www.nj.gov/treasury/omb/publications/18approp/FullAppropAct.pdf>. The Juvenile Medium Security Center is also known as the Johnstone Campus. The Institute submitted an Open Public Records Act request to the JJC for the annual operating costs for the Hayes unit only. The JJC provided the following response: "The JJC has conducted a search of its records and has determined that no such record is made or maintained by the JJC. The Female Secure Care and Intake Facility (Hayes Unit) is part of the JJC's larger Johnstone Campus comprised of several JJC facilities that share resources. Operating costs for the Johnstone Campus can be found in the state budget document that is available online. For these reasons your request is denied." State of New Jersey Government Records Request Receipt from Sharon Lauchaire, Records Custodian, State of N.J., to Andrea McChristian, Assoc. Counsel, N.J. Inst. for Soc. Justice (Oct. 3, 2017) (on file with author).

<sup>32</sup> See E-mail from Jennifer LeBaron, *supra* note 18; see also BOBBI POHLMAN-RODGERS, PREA AUDIT REPORT: JUVENILE MEDIUM SECURE FACILITY 1 (2017), [http://www.nj.gov/lps/jjc/pdf/2017-PREA-Auditor-Summary\\_JMSF.pdf](http://www.nj.gov/lps/jjc/pdf/2017-PREA-Auditor-Summary_JMSF.pdf).

<sup>33</sup> N.J. DEP'T OF THE TREASURY OFFICE OF MGMT. & BUDGET, GOVERNOR'S FY 2018 DETAILED BUDGET D-263 (2017), <http://www.nj.gov/treasury/omb/publications/18budget/pdf/FY18BudgetBook.pdf>.

<sup>34</sup> N.J. DEP'T OF CORR. ET AL., RELEASE OUTCOME 2013: A THREE-YEAR FOLLOW-UP 6, [http://www.state.nj.us/corrections/pdf/offender\\_statistics/2013\\_Release\\_Recidivism\\_Report.pdf](http://www.state.nj.us/corrections/pdf/offender_statistics/2013_Release_Recidivism_Report.pdf).

<sup>35</sup> See, e.g., Anna Aizer & Joseph J. Doyle, Jr., *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges*, 130 Q.J. ECON. 759 (2015).

<sup>36</sup> Press Release, Office of Governor Chris Christie, Governor Christie Announces Unprecedented Investment in Juvenile Justice System (Jan. 8, 2018).

<sup>37</sup> N.J. INST. FOR SOC. JUSTICE, "AIN'T I A CHILD?" A TRANSFORMATIVE VISION FOR YOUTH JUSTICE IN NEW JERSEY (2018), [https://d3n8a8pro7vnmx.cloudfront.net/njisj/pages/930/attachments/original/1515451591/Institute\\_Vision\\_Statement\\_for\\_Youth\\_Justice\\_.pdf?1515451591](https://d3n8a8pro7vnmx.cloudfront.net/njisj/pages/930/attachments/original/1515451591/Institute_Vision_Statement_for_Youth_Justice_.pdf?1515451591).

<sup>38</sup> RICE JORDAN, *supra* note 9, at 18, 61.

<sup>39</sup> See, e.g., Jason P. Nance, *Over-Disciplining Students, Racial Bias, and the School-to-Prison Pipeline*, 50 U. RICH. L. REV. 1063, 1063 (2016), <http://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1766&context=facultypub>.

<sup>40</sup> MARK BIEDRON ET AL., EDUCATION/JUSTICE PARTNERSHIP TO SUPPORT OUR SHARED YOUTH: A PRESENTATION TO THE NEW JERSEY STATE BOARD OF EDUCATION (2018), [http://www.state.nj.us/education/sboe/meetings/2018/January/public/CJJSI-EDU\\_SBOE\\_Presentation\\_1-3-18%20\(final\).pdf](http://www.state.nj.us/education/sboe/meetings/2018/January/public/CJJSI-EDU_SBOE_Presentation_1-3-18%20(final).pdf).

<sup>41</sup> REBECCA EPSTEIN ET AL., GEORGETOWN LAW CTR. ON POVERTY & INEQUALITY, GIRLHOOD INTERRUPTED: THE ERASURE OF BLACK GIRLS' CHILDHOOD 9 (2017), <http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/girlhood-interrupted.pdf>.

<sup>42</sup> Kendra Cheek & Justin Bucchio, *School-to-Prison Pipeline Can Be Dismantled Using Alternative Discipline Strategies*, JUV. JUST. INFO. EXCHANGE (Sept. 7, 2017), <http://jjie.org/2017/09/07/alternative-discipline-strategies-for-dismantling-the-school-to-prison-pipeline/>.

<sup>43</sup> BIEDRON ET AL., *supra* note 40.

<sup>44</sup> OFFICE FOR CIVIL RIGHTS, U.S. DEP'T OF EDUC., 2013-2014 CIVIL RIGHTS DATA COLLECTION: A FIRST LOOK 3 (2016), <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>. Please note, this rate is for K-12 Black students.

<sup>45</sup> *Id.* at 4.

<sup>46</sup> *Id.*

<sup>47</sup> MONIQUE W. MORRIS, PUSHOUT: THE CRIMINALIZATION OF BLACK GIRLS IN SCHOOLS 75 (2016).

<sup>48</sup> Charles Anzalone, *Study Finds Tight School Security Can Have Unintended, Negative Consequences*, UBNOW (Nov. 19, 2015), [https://www.buffalo.edu/ubnow/campus.host.html/content/shared/university/news/ub-reporter-articles/stories/2015/11/finn\\_school\\_security.detail.html](https://www.buffalo.edu/ubnow/campus.host.html/content/shared/university/news/ub-reporter-articles/stories/2015/11/finn_school_security.detail.html).

<sup>49</sup> 2015-2016 Enrollment District Reported Data, N.J. DEP'T OF EDUC., <http://www.state.nj.us/education/data/enr/enr16/county2.htm> (last visited Jan. 16, 2018).

<sup>50</sup> 2015-2016 Dropouts, N.J. DEP'T OF EDUC., <http://www.state.nj.us/education/data/drp/drp17/county2.htm> (last visited Jan. 16, 2018).

<sup>51</sup> Black students made up 16.1 percent of total student enrollment during the 2013-2014 school year. See 2013-2014 Enrollment, N.J. DEP'T OF EDUC., <http://www.state.nj.us/education/data/enr/enr14/county2.htm> (last visited Jan. 16, 2018).

<sup>52</sup> 2013-14 State and National Estimations: 2013-14 Discipline Estimations by Discipline Type, C.R. DATA COLLECTION (data retrieved for New Jersey), [https://ocrdata.ed.gov/StateNationalEstimations/Estimations\\_2013\\_14#](https://ocrdata.ed.gov/StateNationalEstimations/Estimations_2013_14#) (last visited Jan. 16, 2018). These numbers reflect the percentage of students with and without disabilities. According to an October 23, 2017 email from the Civil Rights Data Collection, "The estimations might differ slightly from national numbers reported in the First Look, Protecting the Civil Rights of Students in the Juvenile Justice System, and other reports released by OCR, due to different methodologies used to summarize school-level data. For example, the prior reports used the public-use data files, where data elements were privacy protected by rounding at the school-level data. The school-level rounded data were summed to compute state-level or national-level summaries. The estimations, by comparison, used a more comprehensive privacy protection and computation strategy that included perturbing the data." See E-mail from Office for Civil Rights Civil Rights Data Collection to Andrea McChristian, Assoc. Counsel, N.J. Inst. for Soc. Justice (Oct. 23, 2017, 16:25 EST) (on file with author).

<sup>53</sup> 2013-14 State and National Estimations, *supra* note 52 (data retrieved for New Jersey).

<sup>54</sup> See 2013-14 State and National Estimations, *supra* note 52; CRDC Data Entry Tool, C.R. DATA COLLECTION, [HTTPS://SURVEYS.NCES.ED.GOV/CRDC/USERACCOUNT/LOGIN?RETURNURL=%2Fcrdc%2F](https://surveys.nces.ed.gov/crdc/useraccount/login?returnurl=%2Fcrdc%2F) (last visited Jan. 17, 2018); *Civil Rights Data Collection Frequently Asked Questions*, C.R. DATA COLLECTION, <https://ocrdata.ed.gov/downloads/FAQ.pdf> (last visited Jan. 17, 2018).

<sup>55</sup> E-mail from Office for Civil Rights Civil Rights Data Collection to Andrea McChristian, Assoc. Counsel, N.J. Inst. for Soc. Justice (Nov. 16, 2017, 01:45 EST) (on file with author) ("Newark Public Schools did not submit data for the 2013-14 CRDC."); see also David W. Chen, *After More than 20 Years, Newark to Regain Control of Its Schools*, N.Y. TIMES (Sept. 12, 2017), <https://www.nytimes.com/2017/09/12/nyregion/20-years-newark-schools-regain-control-baraka.html>.

<sup>56</sup> *District Information*, NEWARK PUB. SCHS. (Aug. 2016), <http://www.nps.k12.nj.us/info/>.

<sup>57</sup> E-mail from Jennifer Simons, Records Custodian, Div. of Legal and External Affairs, N.J. Dep't of Educ. to Andrea McChristian, Assoc. Counsel, N.J. Inst. for Soc. Justice (Jan. 2, 2018, 09:19 EST) (on file with author) ("The Department of Education does not make or maintain the requested documents. Accordingly, the request is denied.")

<sup>58</sup> See ROVNER, *supra* note 20, at 6-7; NAT'L JUVENILE JUSTICE NETWORK, *supra* note 20 at 6-7.

<sup>59</sup> See McChristian, *supra* note 21.

<sup>60</sup> See EPSTEIN ET AL., *supra* note 41 at 1; see also Philip A. Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. OF PERSONALITY AND SOC. PSYCHOL. 526 (2014), <http://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

<sup>61</sup> Cory Turner, *Bias Isn't Just a Police Problem, It's a Preschool Problem*, NPR (Sept. 28, 2016), <http://www.npr.org/sections/ed/2016/09/28/49548716/bias-isnt-just-a-police-problem-its-a-preschool-problem>.

<sup>62</sup> U.S. Dep't of Justice & U.S. Dep't of Educ., *Joint "Dear Colleague" Letter*, U.S. DEP'T OF EDUC. (Jan. 8, 2014), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.

<sup>63</sup> GARY ORFIELD ET AL., UCLA CIVIL RIGHTS PROJECT, NEW JERSEY'S SEGREGATED SCHOOLS: TRENDS AND PATHS FORWARD (2017), <http://assets.njspolight.com/assets/17/1119/1735>.

<sup>64</sup> See Kimberlé Crenshaw, *Why Intersectionality Can't Wait*, WASH. POST (Sept. 24, 2015), [https://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait/?utm\\_term=.443e297899e8](https://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait/?utm_term=.443e297899e8).

<sup>65</sup> See generally MISHA N. INNISS-THOMPSON, NAT'L BLACK WOMEN'S JUSTICE INST., SUMMARY OF DISCIPLINE DATA FOR GIRLS IN U.S. PUBLIC SCHOOLS: AN ANALYSIS FROM THE 2013-14 U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS DATA COLLECTION (2017), [https://www.acsa.org/application/files/5215/0532/2372/NBWJL\\_Fact\\_Sheet\\_090917FINAL.pdf](https://www.acsa.org/application/files/5215/0532/2372/NBWJL_Fact_Sheet_090917FINAL.pdf) (providing data on nationwide prevalence of disciplinary practices for Black and Latina female students).

- <sup>66</sup> See MORRIS, *supra* note 47, at 56-134.
- <sup>67</sup> See, e.g., Melinda D. Anderson, *The Black Girl Pushout*, THE ATLANTIC (Mar. 15, 2016), <https://www.theatlantic.com/education/archive/2016/03/the-criminalization-of-black-girls-in-schools/473718/>.
- <sup>68</sup> NEENA CHAUDHRY & JASMINE TUCKER, NAT'L WOMEN'S LAW CTR., LET HER LEARN: STOPPING SCHOOL PUSHOUT: OVERVIEW AND KEY FINDINGS 1, 3 (2017), [https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/04/final\\_nwlc\\_Gates\\_OverviewKeyFindings.pdf](https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/04/final_nwlc_Gates_OverviewKeyFindings.pdf).
- <sup>69</sup> Margaret Goff, *African American Girls and the School-to-Prison Pipeline: Who Are Our Sisters' Keepers?*, URBAN INST.: URBAN WIRE RACE & ETHNICITY (May 25, 2016), <https://www.urban.org/urban-wire/african-american-girls-and-school-prison-pipeline-who-are-our-sisters-keepers>.
- <sup>70</sup> *Find the Suspension Rate for Black Girls in Your State*, NAT'L WOMEN'S L. CTR. (Apr. 18, 2017) (data retrieved for New Jersey), <https://nwlc.org/resources/find-the-suspension-rate-for-black-girls-in-your-state/>.
- <sup>71</sup> See 2015-2016 Enrollment District Reported Data, *supra* note 49.
- <sup>72</sup> 2015-2016 Dropouts, *supra* note 50.
- <sup>73</sup> See *id.*; see also 2015-2016 Enrollment District Reported Data, *supra* note 49.
- <sup>74</sup> See 2013-2014 Enrollment, *supra* note 51.
- <sup>75</sup> See 2013-14 State and National Estimations, *supra* note 52.
- <sup>76</sup> Jessica Mazzola, *What We Know About Cop's 'Attack' of Teen Girls Outside High School*, NJ.COM (Oct. 14, 2017), [http://www.nj.com/essex/index.ssf/2017/10/cops\\_alleged\\_attack\\_of\\_twin\\_high\\_school\\_girls.html](http://www.nj.com/essex/index.ssf/2017/10/cops_alleged_attack_of_twin_high_school_girls.html).
- <sup>77</sup> *Id.*
- <sup>78</sup> Brian Thompson, *Hundreds of Students Walk Out of New Jersey High School in Protest of Cop's Rough Handling of Twin Classmates*, NBC NEW YORK (Oct. 13, 2017), <https://www.nbcnewyork.com/news/local/Students-Walk-Out-Protest-Orange-Police-Rough-Arrest-Girls-450769393.html>.
- <sup>79</sup> THE SENTENCING PROJECT, *supra* note 16, at 1.
- <sup>80</sup> *Id.*
- <sup>81</sup> E-mail from Jennifer LeBaron, *supra* note 18.
- <sup>82</sup> *Id.*
- <sup>83</sup> *Id.*; See *Jersey to Close All-Negro School Because It Can't Get White Pupils*, *supra* note 12.
- <sup>84</sup> See ROVNER, *supra* note 20, at 6-7; NAT'L JUVENILE JUSTICE NETWORK, *supra* note 20, at 1-2.
- <sup>85</sup> THE SENTENCING PROJECT, LATINO DISPARITIES IN YOUTH INCARCERATION (2017), <https://www.sentencingproject.org/wp-content/uploads/2017/10/Latino-Disparities-in-Youth-Incarceration.pdf>.
- <sup>86</sup> *Id.*
- <sup>87</sup> See E-mail from Jennifer LeBaron, *supra* note 18.
- <sup>88</sup> *Id.*
- <sup>89</sup> KIMBERLÉ CRENSHAW ET AL., AFRICAN AM. POLICY FORUM & CTR. FOR INTERSECTIONALITY & SOC. POLICY STUDIES, BLACK GIRLS MATTER: PUSHED OUT, OVERPOLICED, AND UNDERPROTECTED 9 (2015), <https://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/54dcc1ece4b001c03e323448/1423753708557/AAPF-BlackGirlsMatterReport.pdf>.
- <sup>90</sup> See, e.g., *Community Based Alternatives: Key Issues*, JUV. JUST. INFO. EXCHANGE, <http://jjie.org/hub/community-based-alternatives/key-issues/> (last visited Jan. 17, 2018).
- <sup>91</sup> See, e.g., LOUISA TRESKON ET AL., MDRC, HELPING GIRLS GET BACK ON TRACK: AN IMPLEMENTATION STUDY OF THE PACE CENTER FOR GIRLS (2017), [https://www.mdrc.org/sites/default/files/PACE\\_Interim\\_Report\\_2017-Web.pdf](https://www.mdrc.org/sites/default/files/PACE_Interim_Report_2017-Web.pdf).
- <sup>92</sup> The report *Gender Injustice* provides a comprehensive review of these various factors, as well as strategies to address these concerns while also supporting rehabilitation, from a national perspective. See FRANCINE T. SHERMAN & ANNIE BALCK, GENDER INJUSTICE: SYSTEM-LEVEL JUVENILE JUSTICE REFORMS FOR GIRLS (2015), [http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender\\_Injustice\\_Report.pdf](http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf).
- <sup>93</sup> The PACE Center for Girls (PACE)—which operates 19 nonresidential, year-round program centers for girls throughout Florida—provides one possible model. PACE incorporates gender-responsive programming, trauma-informed care, and wrap-around services as part of its preventative model; an implementation study found that, after a year, girls in PACE were more likely than girls in a control group to have received academic advising and health counseling, and to be enrolled in school. See TRESKON ET AL., *supra* note 91 at ix.
- <sup>94</sup> See, e.g., ANDREA MCCHRISTIAN, N.J. INST. FOR SOC. JUSTICE, BRING OUR CHILDREN HOME: AIN'T I A CHILD? (2016), [https://d3n8a8pr07vhnmx.cloudfront.net/njisj/pages/465/attachments/original/1482183464/Ain%27t\\_I\\_A\\_Child\\_Final.pdf?1482183464](https://d3n8a8pr07vhnmx.cloudfront.net/njisj/pages/465/attachments/original/1482183464/Ain%27t_I_A_Child_Final.pdf?1482183464).
- <sup>95</sup> *Residential Community Homes: D.O.V.E.S. Residential Community Home*, N.J. JUV. JUST. COMMISSION, [http://www.nj.gov/lps/jjc/residential\\_comm\\_doves\\_hm.html](http://www.nj.gov/lps/jjc/residential_comm_doves_hm.html) (last visited Jan. 17, 2018).
- <sup>96</sup> *Id.*
- <sup>97</sup> *Id.*
- <sup>98</sup> See E-mail from Jennifer LeBaron, *supra* note 28.
- <sup>99</sup> See, e.g., N.J. INST. FOR SOC. JUSTICE, *supra* note 37.
- <sup>100</sup> In addition, the state would also need to relocate the Albert Elias residential community home, which presently also sits on the Bordentown School's former grounds.
- <sup>101</sup> See, e.g., the Illinois Mathematics and Science Academy; the Arkansas School for Mathematics, Sciences, and the Arts; and the Maine School of Science and Mathematics.
- <sup>102</sup> See ORFIELD ET AL., *supra* note 63.
- <sup>103</sup> N.J. JUVENILE JUSTICE COMM'N, JUVENILE DEMOGRAPHICS AND STATISTICS (Jan. 26, 2018), <http://www.nj.gov/oag/jjc/stats/01-26-18-Juvenile-Demographics-and-Stats.pdf>.
- <sup>104</sup> See N.J. AMISTAD COMM'N, <http://www.nj.gov/education/amistad/> (last visited Jan. 17, 2018).
- <sup>105</sup> See RICE JORDAN, *supra* note 9, at 29.
- <sup>106</sup> For example, the report *Be Her Resource: A Toolkit About School Resource Officers and Girls of Color*, which outlines a qualitative study conducted to assess the viewpoints of school girls of color and school resource officers in the South, could serve as helpful background. See MONIQUE W. MORRIS ET AL., GEORGETOWN LAW CTR. ON POVERTY & INEQUALITY & NAT'L BLACK WOMEN'S JUSTICE INST., BE HER RESOURCE: A TOOLKIT ABOUT SCHOOL RESOURCE OFFICERS AND GIRLS OF COLOR (2017), <https://www.law.georgetown.edu/news/press-releases/upload/be-her-resource.pdf>.
- <sup>107</sup> See RICE JORDAN, *supra* note 9, at 34.





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