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“One Newark’s” Racially Disparate Impact on Teachers



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Executive Summary

In December of 2013, State Superintendent Cami Anderson introduced a district-wide restructuring plan for the Newark Public Schools (NPS). In our last brief on “One Newark,” we analyzed the consequences for students; we found that, when controlling for student population characteristics, academic performance was not a significant predictor of the classifications assigned to schools by NPS. This results in consequences for schools and their students that are arbitrary and capricious; in addition, we found those consequences disproportionately affected black and low-income students. We also found little evidence that the interventions planned under One Newark – including takeovers of schools by charter management organizations – would lead to better student outcomes.

In this brief, we continue our examination of One Newark by analyzing its impact on NPS’s teaching staff. We find the following:

- There is a historical context of racial discrimination against black teachers in the United States, and “choice” systems of education have previously been found to disproportionately affect the employment of these teachers. One Newark appears to continue this tradition.
- There are significant differences in race, gender, and experience in the characteristics of NPS staff and the staff of Newark’s charter schools.
- NPS’s black teachers are far more likely to teach black students; consequently, these black teachers are more likely to face an employment consequence as black students are more likely to attend schools sanctioned under One Newark.
- Black and Hispanic teachers are more likely to teach at schools targeted by NJDOE for interventions – the “tougher” school assignments.
- The schools NPS’s black and Hispanic teachers are assigned to lag behind white teachers’ schools in proficiency measures on average; however, these schools show more comparable results in “growth,” the state’s preferred measure for school and teacher accountability.
- Because the demographics of teachers in Newark’s charter sector differ from NPS teacher demographics, turning over schools to charter management operators may result in an overall Newark teacher corps that is more white and less experienced.

These findings are a cause for concern: to the extent that the One Newark plan disproportionately affects teachers of one race versus another, the plan may be vulnerable to legal challenge under civil rights laws.

Overview of One Newark

In our previous brief, “An Empirical Critique of ‘One Newark’,” we used publicly available data to analyze the plan put forward by State Superintendent Cami Anderson on December 18, 2013 to close, repurpose, “renew,” and turn over to charter management organizations (CMOs) neighborhood schools within the Newark Public Schools (NPS) district.

Our methodology used documents published by NPS to establish a One Newark consequence for each school; we then looked at student characteristics and test-based outcomes to determine whether those consequences were logical and applied without racial or socio-economic bias.

Our conclusions:

- Measures of academic performance are not significant predictors of the classifications assigned to NPS schools by the district, when controlling for student population characteristics.
- Schools assigned the consequential classifications have substantively and statistically significantly greater shares of low income and black students.
- Further, facilities utilization is also not a predictor of assigned classifications, though utilization rates are somewhat lower for those schools slated for charter takeover.
- Proposed charter takeovers cannot be justified on the assumption that charters will yield better outcomes with those same children. This is because the charters in question do not currently serve similar children. Rather they serve less needy children and when adjusting school aggregate performance measures for the children they serve, they achieve no better current outcomes on average than the schools they are slated to take over.
- Schools slated for charter takeover or closure specifically serve higher shares of black children than do schools facing no consequential classification. Schools classified under “renew” status serve higher shares of low-income children.

Our focus in the previous brief was on students: how their characteristics and test-based outcomes correlated to One Newark consequences. In this brief, our focus switches to staff: how will One Newark affect the NPS teaching corps?

One Newark: Consequences for NPS Staff

The One Newark documents published by NPS outline specific consequences for staff at different schools; in many, but not all, cases these consequences are explicitly stated. The rationale for these consequences may be found in NPS’s “Frequently Asked Questions: One Newark & Long-term Ward Plans”:

We will ensure that our workforce matches our budget, but will retain our top performing educators who will make our schools excellent and limit the impact of job cuts on our communities.

For this analysis, we created four separate categories of “One Newark” staff consequences, based on NPS’s documents:

1. **Safe:** In this case, we found no evidence within NPS’s published documents that staff would have to reapply for their positions under One Newark. We must emphasize that we cannot state *definitively* that there will not be staff consequences; rather, we see no evidence, explicit or otherwise, within the documents to suggest staff faces a sanction.
2. **Reapply to Charter Management Organization:** In this case, a CMO is taking over management of the school; NPS documents make clear staff must reapply for their positions with the CMO, or for another position within NPS.
3. **Reapply to NPS:** A “renew” designation calls explicitly for staff to reapply within NPS for their positions.
4. **Unknown:** The “One Newark” documents published by NPS are ambiguous about the consequences for staff.

Table 1 – NPS schools and “One Newark” staff consequences in Appendix B lists the One Newark staff consequences by school, and gives details on our rationales for many of our classifications.

There are three concerns with the One Newark approach of using school-wide employment consequences to retain “top performing educators.” The first, and most obvious, is that school-wide measures do not take into account the individual differences in a school’s staff. Highly effective teachers may be forced to reapply for their positions within NPS or to a CMO; for any number of reasons not having to do with their effectiveness, these teachers may not be rehired by the district or hired by a CMO (and even if they are hired, it may not be at the same level of compensation). In the same way, ineffective teachers at “safe” schools will not be forced to reapply for their positions under One Newark. School-level sanctions are simply not precise enough to identify individual teachers’ abilities.

The second concern is that the assignment of One Newark sanctions was, as demonstrated in our previous brief, arbitrary and capricious. Several schools slated for closure, charter takeover, or “renewal” actually performed above prediction in our analysis; many performed better than other schools not slated for a One Newark consequence. It may well be that staffs that have contributed positively to a school’s ability to “beat the odds” are now facing employment consequences under a system that has incorrectly identified their school as needing intervention.

Third: in our previous brief, we found that schools with greater shares of black students were more likely to face a consequence under One Newark. If the racial profile of an NPS school is reflected in the racial profile of its staff, that racial bias may extend to employment consequences under the restructuring plan. In other words: if black teachers are more likely to teach black students, those teachers may be more likely to suffer an employment consequence than teachers of other races.

Historical and Legal Backdrop

The racial composition of a school's student population is inextricably linked to its teacher population. Indeed, according to the United States Court of Appeals for the Fourth Circuit, "removal of race considerations from faculty selection and allocation is, as a matter of law, an inseparable and indispensable command within the abolition of pupil segregation in public schools as pronounced in *Brown v. Board of Education*."¹ As the United States Court of Appeals for the Fifth Circuit observed "until school authorities recognize and carry out their affirmative duty to integrate faculties as well as facilities, there is not the slightest possibility of their ever establishing an operative nondiscriminatory school system."²

Historically, there has been a pattern of discrimination against black teachers in the United States. Wendy Parker, Professor of Law, Wake Forest University School of Law, summarizes this history:

[A]cceptance of minority students often meant that the minority school, typically physically inferior to the white school, was closed as excess capacity. Too often, those teachers and principals working in the closed schools could not compete against those at the formerly white schools on the standards set by school boards, and were not retained.

Although African-American teachers and principals often appealed successfully to federal courts for protection, the numbers speak for themselves. One survey concluded that almost 40,000 African-American teachers were unemployed by 1972.³

In some cases, states adopted metrics, including competency tests and degree requirements which were used as basis for disproportionate dismissal of black teachers.⁴ That is, states adopted *facially neutral* policies which they could argue achieved relevant sorting of more and less qualified teachers, while still achieving the goal of laying off primarily black, not white teachers.

The elements of school reconstitution and reassignment to charter operators under One Newark creates scenarios not unlike consolidations of black and white schools under desegregation orders challenged in Equal Protection Clause claims under the United States Constitution. One issue of concern during school consolidations under desegregation orders was protecting against the possibility that schools of black children, staffed primarily by black teachers, would be shuttered and black teachers disproportionately laid off. After the United States Supreme Court ruled that separate but equal schools were unconstitutional in *Brown v. Board of Education* (1954), this is precisely what happened in many states and districts.

¹ *Wheeler v. Durham City Board of Education*, 363 F.2d 738, 740 (4th Cir. 1966).

² *United States v. Jefferson County Board of Education*, 372 F.2d 836, 892 (5th Cir. 1966).

³ Parker, W. (2008). *Desegregating Teachers*. *Washington University Law Review*, 86(1), 14-15.

⁴ Sireci, S. G., & Green, P. C. (2000). Legal and psychometric criteria for evaluating teacher certification tests. *Educational Measurement: Issues and Practice*, 19(1), 22-31.

The state of Virginia, for example, amended its constitution in order to allow the state legislature to support the transfer of students from public to private schools.⁵ The legislature in turn passed legislation that provided tuition grants for students enrolled in private schools. It also closed schools composed of white and black students and stopped the funding of such schools. Additionally, the legislature provided state retirement benefits to teachers in private schools. The Virginia Supreme Court found these measures unconstitutional under the state constitution. Consequently, the legislature looked for other ways to achieve the same end. Specifically, the legislature created freedom-of-choice plans that allowed students to enroll in either public or private schools with the support of tuition grants to those who opted for private schools. Prince Edward County Public Schools chose to close its schools. A private foundation was then created to run private schools for white students in Prince Edward County. A civil rights organization rejected an offer to create separate private schools for black students due to its belief that educational equality had to occur within the framework of the public schools.⁶ Such a plan would have continued the segregation of students as well as teachers. In the Equal Protection Clause challenge to the plan, the United States Supreme Court clearly was frustrated with the plan noting that:

Closing Prince Edward’s schools bears more heavily on Negro children in Prince Edward County since white children there have accredited private schools which they can attend, while colored children until very recently have had no available private schools, and even the school they now attend is a temporary expedient.⁷

Of course, the situation in Prince Edward County Public Schools was not exactly as under One Newark, particularly because the Prince Edward County Public Schools intentionally sought to exclude white and black students from attending school together. Despite this key difference, as noted in this brief, like the Supreme Court observed in *Griffin v. County School Board of Prince Edward County*, the closures in NPS bear more heavily on minorities; in other words, it has a disparate impact on minorities. Absent intent, however, *de jure* racial discrimination (discrimination that is state-sanctioned) cannot be established for an Equal Protection Clause claim.⁸

New Kent County Public Schools in Virginia also implemented a freedom-of-choice plan.⁹ This district did so in order to avoid losing federal financial aid because of its segregated schools. The district which had more black students than white students had only two schools, both of which were one-race schools. The teachers were also segregated accordingly. While the freedom-of-choice plan allowed students to choose their own schools, unfortunately, most of the students chose to attend schools with students of their own race. During the three years of the program, no white student attended the black school while

⁵ *Griffin v. County School Board of Prince Edward County*, 377 U.S. 218 (1964).

⁶ *Id.* at 221.

⁷ *Id.* at 230.

⁸ See *Washington v. Davis*, 426 U.S. 229, 242 (1976) (internal citation omitted) (“we have not held that a law, neutral on its face and serving ends otherwise within the power of government to pursue, is invalid under the Equal Protection Clause simply because it may affect a greater proportion of one race than of another. Disproportionate impact is not irrelevant, but it is not the sole touchstone of an invidious racial discrimination forbidden by the Constitution. Standing alone, it does not trigger the rule, that racial classifications are to be subjected to the strictest scrutiny and are justifiable only by the weightiest of considerations.”).

⁹ *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968).

85% of the black students remained in the black schools. This perpetuated the racial segregation of both students and teachers. The federal district court asked the school district to submit a proposal for the “employment and assignment of teachers and staff on a racially nondiscriminatory basis.”¹⁰

It was only after such a proposal was submitted that the district court approved the freedom-of-choice plan. However, the court of appeals remanded the case so that the school district could provide a more comprehensive plan for dealing with teachers under the freedom-of-choice plan. On appeal to the United States Supreme Court, the Court ruled that the assignment of teachers as one of the factors for assuring racial diversity.¹¹ However, the Court found that, in *New Kent County Public Schools*, “[r]acial identification of the system’s schools was complete, extending not just to the composition of student bodies at the two schools but to every facet of school operations—faculty, staff”¹² Given that *Brown v. Board of Education* (1954) found such racial identification unacceptable, a school needs to justify its freedom-of-choice plans as an effective means to a constitutional end. After all, “[f]reedom of choice is not a sacred talisman.”¹³

Irving Joyner, Professor at North Carolina Central University School of Law, observed that in North Carolina black teachers and principals did not benefit from freedom-of-choice plans as they were not able to transfer to the more successful schools, which were the white schools.¹⁴ As Wendy Parker noted, the racial distribution of teachers and principals in a school is closely identified with power distribution within the school.¹⁵ Therefore, it is often difficult to pursue a balance of distribution or create a movement that allows minority teachers to move into schools where they have traditionally been absent or in the minority. As evidenced during desegregation, black principals were typically the first to lose their jobs when there are school closures that affect various races.¹⁶ Approximately 90% of principals were either terminated or demoted.¹⁷ In 17 states, 38,000 black teachers lost their jobs.¹⁸

¹⁰ *Id.* at 434. According to Wendy Parker, teacher’s racial demographics is critical to definition a school’s racial identity. See Parker, W. (2008). Desegregating Teachers. *Washington University Law Review*. 86(1), 10-11.

¹¹ See generally *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968).

¹² *Green*, 391 U.S. at 435.

¹³ *Id.* at 440 (citing *Bowman v. County School Board of Charles City County*, 382 F.2d 326, 333 (4th Cir. 1967) (concurring opinion)).

¹⁴ Joyner, I. (2013). Pimping *Brown v. Board of Education*: The Destruction of African-American Schools and the Mis-Education of African-American Students, *North Carolina Central Law Review*, 35, 187.

¹⁵ See Parker, W. (2008). Desegregating Teachers. *Washington University Law Review*. 86(1), 12.

¹⁶ William Jefferson (1973). School Desegregation and the Black Teacher: A Search for Effective Remedies, 48 *Tulsa Law Review*, 55, 63.

¹⁷ Joyner, I. (2013). Pimping *Brown v. Board of Education*: The Destruction of African-American Schools and the Mis-Education of African-American Students, *North Carolina Central Law Review*, 35, 194 (citing Irvine, R.W. & Irvine, J.J. (1983). The Impact of the Desegregation Process on the Education of Black Students: Key Variables, *Journal of Negro Education* 52, 410, 417).

¹⁸ Joyner, I. (2013). Pimping *Brown v. Board of Education*: The Destruction of African-American Schools and the Mis-Education of African-American Students, *North Carolina Central Law Review*, 35, 194 (citing Horizons of Opportunities: Celebrating 50 Years of *Brown v. Board of Education*, InfoUSA).

What makes this even more challenging is that, in cases of closures, both black principals and teachers have little to no political clout to successfully influence their employment security.¹⁹

Like the plans in North Carolina, One Newark threatens to “dismantle any traces of the history, culture, accomplishments and existence of the African-American schools” in the NPS.²⁰ David Cecelski aptly described what happened in North Carolina:²¹

When [B]lack schools closed, their names, mascots, mottos, holidays, and traditions were sacrificed with them, while the students were transferred to historically [W]hite schools that retained those markers of cultural and racial identity. ... White officials would frequently change the names given to the school buildings by the Black community and would remove plaques or monuments that honored Black cultural, political, or educational leaders. They hid from public view trophy cases featuring Black sports teams and academic honorees and replaced the names of Black sports teams with those used by the White schools.

Clearly, a key difference between New Kent County Public Schools, the districts in North Carolina and NPS is that New Kent and North Carolina involved *de jure* racial discrimination; whereas NPS would involve disparate racial impact. As noted with the discussion of *Griffin v. County School Board of Prince Edward County* case, proving discriminatory intent is a challenge. Even though it is difficult to prove intentional racial discrimination for a *de jure* discrimination case, it is undeniable, as shown in this brief, that there is disparate racial impact from the One Newark plan on minority teachers.

To the extent that the One Newark plan disproportionately affects teachers of one race versus another, the plan may be vulnerable to legal challenge under Title VII of the Civil Rights Act of 1991, which makes it unlawful for an employer “to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race.”²² There are two types of Title VII challenges: (1) disparate treatment, which deals with intentional discrimination and requires proof of discriminatory motive;²³ and (2) disparate impact, which addresses employment policies that are “fair in form but discriminatory in operation.”²⁴

¹⁹ See Fairclough, A. (2004). *The Costs of Brown: Black Teachers and School Integration*. *Journal of American History* 91(1), 43, available at <http://www.umass.edu/legal/Hilbink/250/Adam%20Fairclough%20-%20The%20Costs%20of%20Brown.pdf>; Joyner, I. (2013). *Pimping Brown v. Board of Education: The Destruction of African-American Schools and the Mis-Education of African-American Students*, *North Carolina Central Law Review*, 35.

²⁰ Joyner, I. (2013). *Pimping Brown v. Board of Education: The Destruction of African-American Schools and the Mis-Education of African-American Students*, *North Carolina Central Law Review*, 35, 190.

²¹ *Id.* (citing Cecelski, D.S. (1994). *Along Freedom Road: Hyde County, North Carolina and the Fate of Black Schools in the South* 7-8).

²² 42 U.S.C. § 2000e-2 (2014). See 42 U.S.C. § 2000e *et seq.* for the Act.

²³ *Ricci v. DeStefano*, 557 U.S. 557, 577 (2009); 42 U.S.C. § 2000e-2(a)(1) (2014). See *Ricci*, 557 U.S. at 577 (Disparate treatment cases “occur where an employer has treated [a] particular person less favorably than others because of a protected trait” (internal quotation marks omitted)).

²⁴ *Connecticut v. Teal*, 457 U.S. 440, 455-56 (1982); 42 U.S.C. § 2000e-2(k)(1)(A)(i) (2014).

These two types of challenges create a “damned if you do, damned if you don’t” scenario for the One Newark plan.²⁵ If it turns out that the plan has been implemented in such a way as to lead to substantively disproportionate job consequences for black (white, or Hispanic) teachers, the plan may be vulnerable to *disparate impact* challenge. That is, while the plan may not have intentionally targeted black teachers for layoff or reapplication, it may have disproportionately affected them nonetheless. Alternatively, if district leadership was then to try to protect against racial disparities in job consequences (having already laid out their school reorganization plan), it would be difficult for the district to establish a legally defensible plan for mitigating the racial disparities in dismissal without taking teacher race explicitly into account and increasing vulnerability to a racially disparate treatment challenge.²⁶ If a racially disparate impact from One Newark exists, the racial disparities could still in theory be defensible. As the United States Supreme Court ruled in *Ricci v. DeStefano*, “under Title VII, before an employer can engage in intentional discrimination for the asserted purpose of avoiding or remedying an unintentional disparate impact, the employer must have a strong basis in evidence to believe it will be subject to disparate-impact liability if it fails to take the race-conscious, discriminatory action.”²⁷ In other words, the employer can take actions that lead to disparate treatment in order to remedy or avoid disparate impact, as long as the employer can show that there is a strong basis to believe that it risks disparate-impact liability if the disparate-treatment action is not taken.²⁸

Disparate impact arises in situations involving “seemingly neutral actions that have a disproportionate impact on members of a protected class of persons.”²⁹ To evaluate racially disparate impact claims, courts use a three-step, burden-shifting analysis.³⁰ The plaintiffs must first demonstrate that they have a *prima facie* case.³¹ In other words, they must show that the challenged government action adversely

²⁵ 91 F.3d 1547 (3d Cir. 1996).

²⁶ One illustrative example involved the New Haven Connecticut fire department in which department officials adopted a new exam for promotion purposes, only to find that black fire fighters had much lower pass rates on the exam than white firefighters. That is, the exam had a racially disparate effect. In order to avoid the possibility of a racially disparate impact challenge, department officials voided the results of the test. But in doing so, they voided the promotions that had been disproportionately given to white firefighters, and this reactionary decision took race directly into account (the choice to void the test results because of their racially disparate effects). This led to a racially disparate treatment challenge by white firefighters, who ultimately prevailed in the U.S. Supreme Court. *Ricci v. DeStefano*, 557 U.S. 557 (2009).

²⁷ *Ricci*, 557 U.S. at 585.

²⁸ *Id.* at 580-81.

²⁹ Cerullo, C. (2013). Everyone's A Little Bit Racist? Reconciling Implicit Bias and Title VII. *Fordham Law Review*, 82, 134.

³⁰ *Griggs v. Duke Power Company*, 401 U.S. 424 (1971); *Gulino v. New York State Education Department*, 460 F.3d 361, 382 (2d Cir. 2006); 42 U.S.C. § 2000e-2(k)(2014).

³¹ *Gulino*, 460 F.3d at 382. See *Watson v. Fort Worth Bank and Trust*, 487 U.S. 977, 994 (1988) (“we note that the plaintiff’s burden in establishing a prima facie case goes beyond the need to show that there are statistical disparities in the employer’s work force.”). The Supreme Court explained the approach to statistical evidence: Nor are courts or defendants obliged to assume that plaintiffs’ statistical evidence is reliable. If the employer discerns fallacies or deficiencies in the data offered by the plaintiff, he is free to adduce countervailing evidence of his own. If the defendants in a Title VII suit believe there to be any reason to discredit plaintiffs’ statistics that does not appear on their face, the opportunity to challenge them is available to the defendants just as in any other lawsuit. They may endeavor to impeach the reliability of the statistical evidence, they may offer rebutting evidence, or they may disparage in

impacted a minority group.³² After the plaintiffs establish a *prima facie* case, the burden shifts to the employer to show that the challenged employment action has a “business justification”³³ or “manifest relationship to the employment in question.”³⁴ If the employer successfully makes this showing, the burden shifts back to the plaintiffs to show that the employer had less discriminatory means to achieve its business justification.³⁵

Plaintiffs could try to make a *prima facie* case based on the data presented throughout this brief which shows that the One Newark Plan disproportionately impacts minority teachers; particularly, black and Hispanic teachers. The state might try to argue that its business justification is to “ensure that our workforce matches our budget, but will retain our top performing educators who will make our schools excellent and limit the impact of job cuts on our communities.”³⁶ However, the problem for the state and advocates of the One Newark plan lies in their need to validate a “business justification” for their choice of governance changes and resulting employment consequences. That is, claiming legitimacy regarding which schools were selected for closure or reconstitution. Our previous report suggests that no such claim exists. Rather, the selections of schools, and thus teachers, to face employment consequences are arbitrary and capricious, at best. At worst, black teachers are targeted simply because they serve larger shares of lower income, black students.

The district’s alternative is to select some measure on which to sort individual teachers within those schools to be dismissed or retained, wherein the chosen measure has a manifest relationship to the employment: for example, choosing a measure the district might claim legitimately sorts teaching candidates on the basis of their teaching effectiveness. District officials are pleading their case to do just this, asking the department of education for a waiver granting them authority to subvert seniority requirements and use instead yet-to-be-articulated measures of teacher effectiveness.³⁷

But, as we have explained in other recent policy briefs, New Jersey’s own adopted measures of teaching effectiveness fail to even attempt to sort out the influence of teachers on student achievement gains

arguments or in briefs the probative weight which the plaintiffs’ evidence should be accorded. Without attempting to catalog all the weaknesses that may be found in such evidence, we may note that typical examples include small or incomplete data sets and inadequate statistical techniques. *Id.* at 996-97 (internal quotation marks and citations omitted).

³² *Id.* The United States Supreme Court explained this step as follows:

Once the employment practice at issue has been identified, causation must be proved; that is, the plaintiff must offer statistical evidence of a kind and degree sufficient to show that the practice in question has caused the exclusion of applicants for jobs ... because of their membership in a protected group. Our formulations, which have never been framed in terms of any rigid mathematical formula, have consistently stressed that statistical disparities must be sufficiently substantial that they raise such an inference of causation. *Watson v. Fort Worth Bank and Trust*, 487 U.S. 977, 994-95 (1988).

³³ *Gulino*, 460 F.3d at 382.

³⁴ *Griggs*, 401 U.S. at 432.

³⁵ *Albemarle Paper Company v. Moody*, 422 U.S. 405 (1975); *Watson v. Fort Worth Bank and Trust*, 487 U.S. 977 (1988); 42 U.S.C. §§ 2000e–2(k)(1)(A)(ii) and (C)(2014).

³⁶ NPS’s “Frequently Asked Questions: One Newark & Long-term Ward Plans.”

³⁷ <http://www.njspotlight.com/stories/14/02/24/waivers-newark-s-unusual-route-to-performance-based-layoffs/>

and the measures are severely biased with respect to the student population characteristics of schools.³⁸ As such, it would be difficult to justify as business necessity the disproportionate laying off of black (white, or Hispanic) teachers based on a measure not intended to attribute their students' performance to them or their effectiveness.³⁹

It is possible that the district (or state, which controls the district) could come up with either less discriminatory or more defensible strategies for determining which school should be reorganized. First, considering declining enrollment and facilities age, location and capacity, the state could put forth a plan for reorganizing the public system for greater efficiency of facilities use and more rational distribution of students. Such a plan might also lead to staff reductions and such plan could lead to some racial disparity in staffing reductions. But the plan would more easily meet the business necessity threshold. If state officials insist on closing schools and/or turning over schools based on performance measures, the state might opt to rely more heavily on growth percentile measures which are less racially disparate than are performance levels. As we showed in our previous brief, schools targeted for closure or turnover did not have substantively different growth percentiles. We would maintain, however, that closures based on performance measures are flawed regardless. They would do little to advance the quality of education in Newark and would do much to disrupt the lives of already disadvantaged children.⁴⁰ Further, we have already noted above that the growth percentiles, while less racially disparate than performance level measures, are inappropriate on their face for rating quality or effectiveness, whether applied at the individual teacher or school level.

Who Teaches in Newark District and Charter Schools?

In our last brief, we showed that the racial and socio-economic profiles of Newark's traditional public schools and charter schools differ significantly: charters enroll fewer free lunch-eligible students, special education students, and English language learners than NPS schools. Newark's charters also have a higher proportion of black students than the district as a whole.

In this brief, we look at differences in the characteristics of the staffs of NPS and charter schools.

³⁸ http://njedpolicy.files.wordpress.com/2013/05/sgp_disinformation_bakeroluwole1.pdf

³⁹ Baker, B. D., Oluwole, J. O., & Green, P. C. (2013). The Legal Consequences of Mandating High Stakes Decisions Based on Low Quality Information: Teacher Evaluation in the Race-to-the-Top Era. *Education Policy Analysis Archives*.

⁴⁰ <http://schoolfinance101.wordpress.com/2012/02/08/closing-schools-good-reasons-and-bad-reasons/>

Figure 1⁴¹

Certificated Staff Characteristics, NPS and Newark Charter Schools, 2012-13 (schools open a/o Fall 2013, NPS central office excluded).

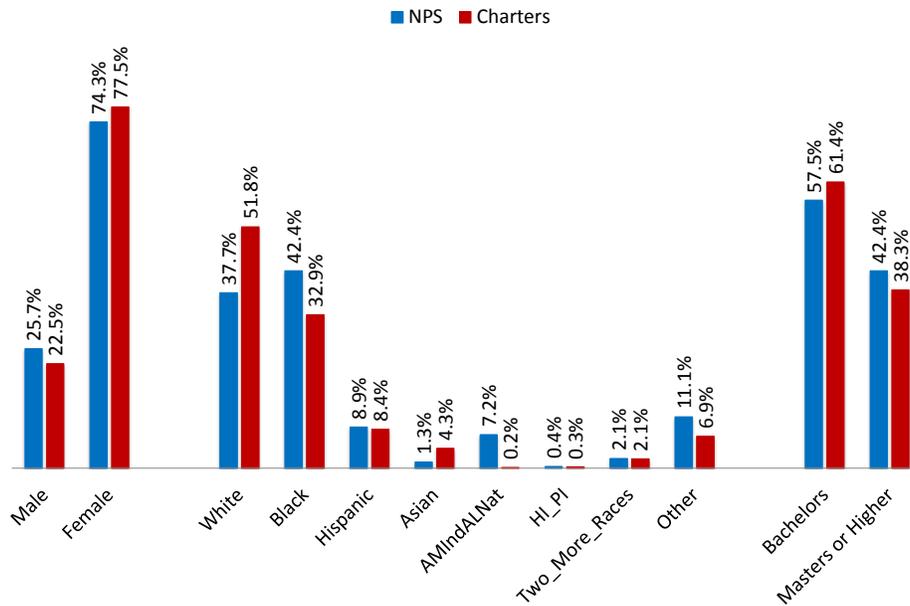


Figure 1, based on the 2012-13 staffing file from the New Jersey Department of Education (NJDOE), shows the characteristics of the teaching corps in both NPS and the charter schools within the city limits. NPS schools have slightly more male teachers than local charters, and more teachers who hold advanced degrees.

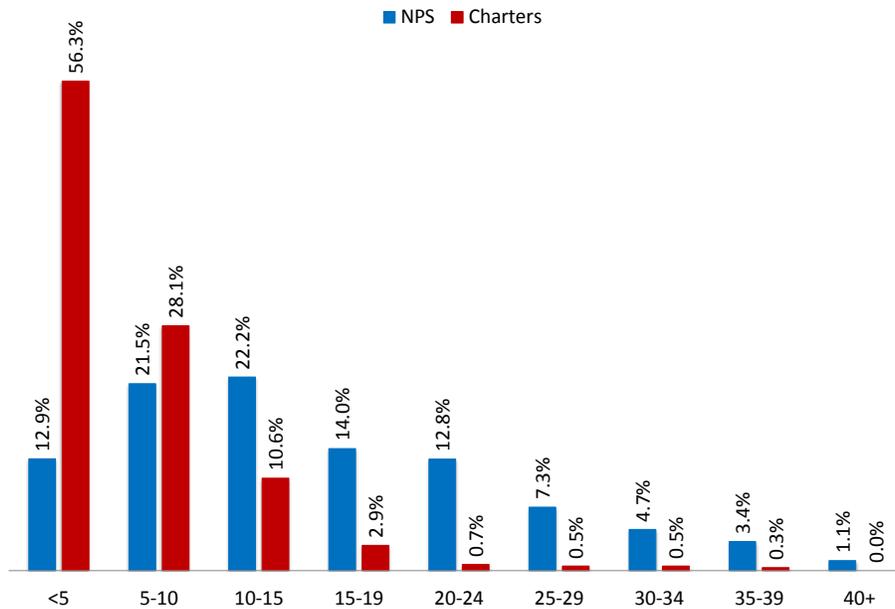
The racial profiles of the two sectors differ significantly. More than half of Newark’s charter schools’ staff is white; in contrast, the proportion of white staff at NPS is less than 40 percent. The percentage of black staff is almost ten percentage points less in the charters than at NPS.

NPS schools’ staffs also differ significantly from Newark’s charters in experience.

⁴¹ Source: NJDOE, 2012-13 staffing file, Schools Directory file.

Figure 2⁴²

Teacher Experience, NPS and Newark Charter Schools, 2012-13
(schools open a/o Fall 2013, NPS central office excluded).



Over half of the Newark charter schools' staff has less than five years total experience in education; in contrast, almost two-thirds of NPS staff has more than ten years of experience. It should be noted that the research consensus on experience is clear: the greatest gains in teacher effectiveness are shown within the first several years of teaching.⁴³

Who Teaches Whom?

Every teacher record in the NJDOE staffing files includes that teacher's school assignment and race. The NJDOE enrollment files include student enrollment data by race for each school. By combining the two datasets, we can determine the weighted average student racial profile for teachers of different races in the Newark Public Schools.

⁴² Source: NJDOE, 2012-13 staffing file, Schools Directory file.

⁴³ Rice, J.K. (2010). "The Impact of Teacher Experience; Examining the Evidence and Policy Implications." <http://files.eric.ed.gov/fulltext/ED511988.pdf>

Figure 3⁴⁴

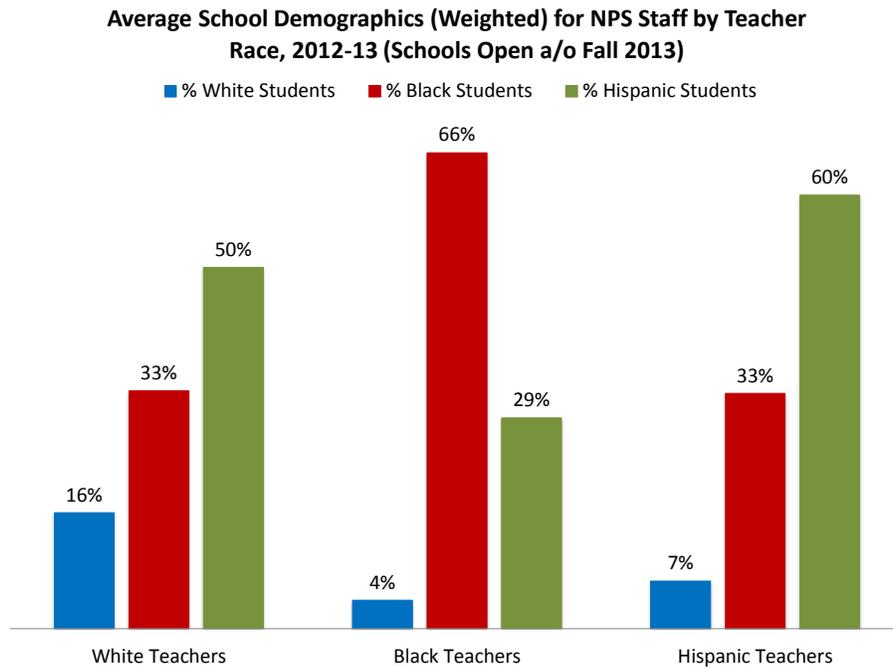


Figure 3 shows the weighted (by total student enrollment) racial profile of the average student body for a white teacher, a black teacher, and a Hispanic teacher in the NPS district. What is particularly striking is how the race of the teacher correlates to the racial profile of that teacher’s schools. White teachers, for example, are more likely to have a larger population of white students than black or Hispanic teachers; this is especially notable in a system where less than 8 percent of students are white.

The correlation between teacher race and student race is most evident with black and Hispanic teachers. A black teacher in Newark, on average, teaches in a school with twice as many black students as a white or Hispanic teacher. Hispanic teachers teach in a school with more than twice as many Hispanic students, on average, than black teachers.

We cannot determine solely on the basis of this data why or how teachers and students are sorted this way. We can, however, be confident that sanctions on schools that disproportionately affect black students – like the sanctions imposed by One Newark – will disproportionately affect black teachers.

⁴⁴ Source: NJDOE, 2012-13 staffing file, Schools Directory file, 2012-13 Enrollment file.

How Are Accountability Ratings & Outcome Measures Distributed by Teacher Characteristics?

NJDOE data tells us that black teachers in the NPS district are more likely to teach black students, and Hispanic teachers are more likely to teach Hispanic students. But are NPS teachers also sorted by other criteria – specifically, criteria related to student performance?

As part of its Elementary and Secondary Education Act (ESEA) Waiver Request⁴⁵, NJDOE introduced a classification system for schools based on student outcomes. NJDOE has identified many schools across the state – and in Newark -- as “Priority,” “Focus,” and “Reward” schools.⁴⁶ How are NPS teachers of differing races assigned to these schools?

Figure 4⁴⁷

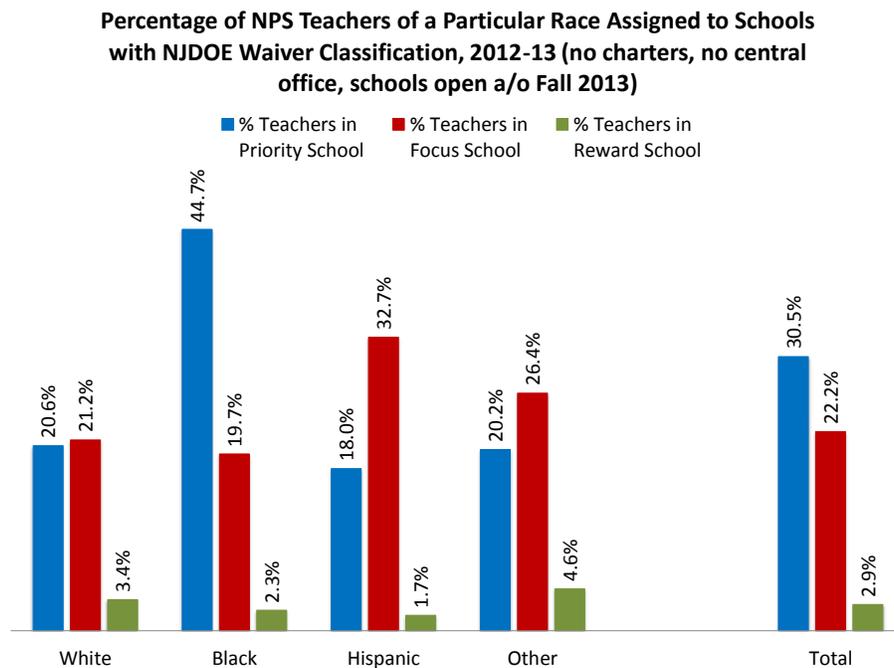


Figure 4 shows teacher assignment to NPS schools with ESEA waiver classifications by race. 30.5 percent of Newark’s teachers are assigned to a “Priority” school; however, 44.7 percent of Newark’s black teachers work in these schools, compared to 20.6 percent of white teachers. Hispanic teachers are more likely to be assigned to “Focus” schools, which have been targeted by the state for interventions that are less intense than “Priority” schools.

⁴⁵ <http://www.state.nj.us/education/grants/nclb/waiver/>

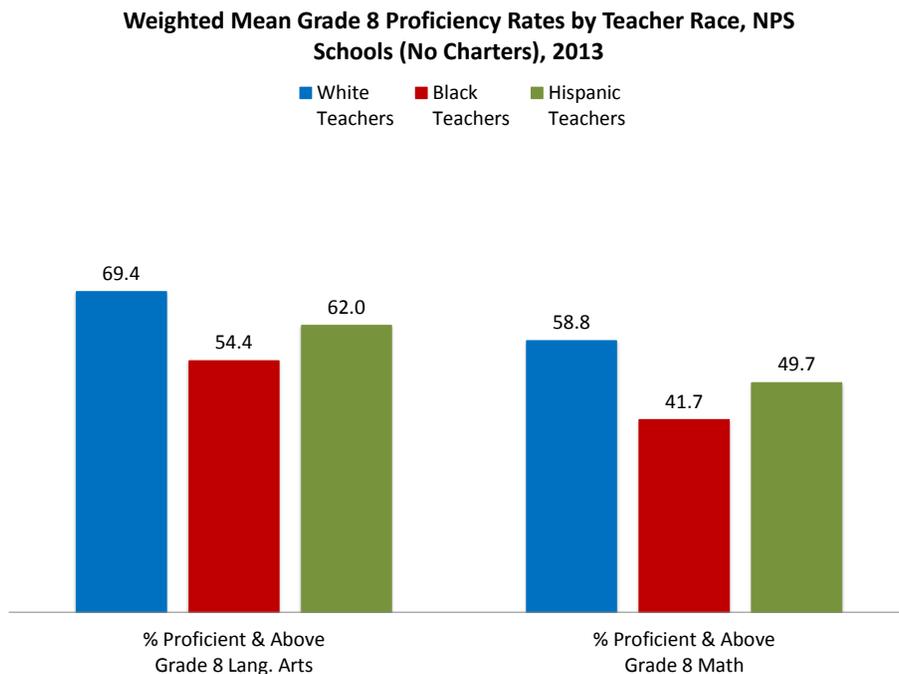
⁴⁶ <http://www.state.nj.us/education/reform/PFRschools/>

⁴⁷ Source: NJDOE, 2012-13 staffing file, Schools Directory file, Final list of Priority and Focus schools (Nov 2013).

By the state’s own standards, then, NPS’s black teachers are assigned disproportionately to the schools most in need of interventions – arguably, the “toughest” jobs within the district. We would assume, based on this assignment that the average student outcomes of black teachers would lag behind those of white teachers. The state’s data, however, shows a subtler pattern.

To judge a school’s overall proficiency, we use Grade 8 proficiency as a proxy, as the NJASK-8 is the last state test any student will take in one of NPS’s K-8 or PreK-8 schools. Figure 5 shows weighted (by student population) mean proficiency rates for the schools of white, black, and Hispanic teachers.

Figure 5⁴⁸



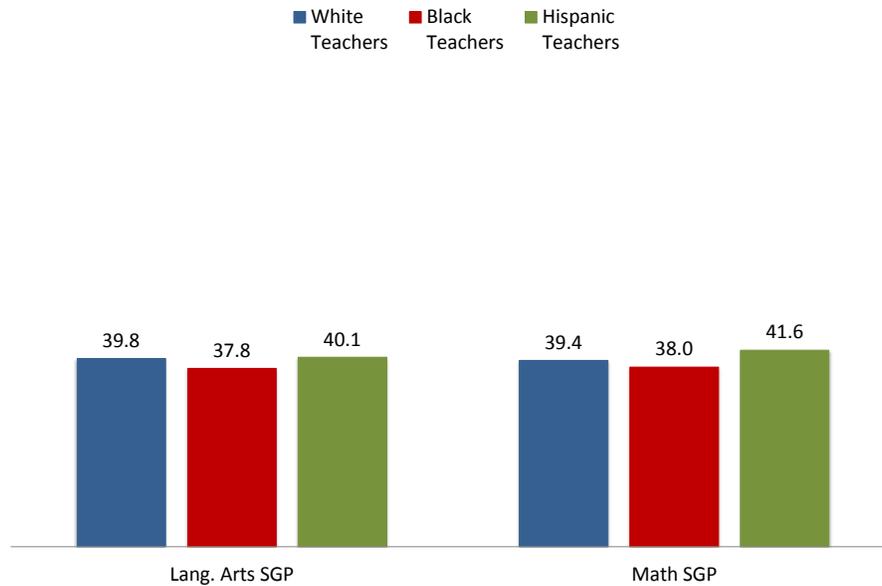
There is a significant gap in the 8th Grade proficiency rates of the schools to which teachers of different races are assigned. White teachers’ schools, on average, have proficiency rates over 15 percentage points higher in both math and language arts than black teachers’ schools. Hispanic teachers also have lower proficiency rates than white teachers.

The gap is smaller, however, for measures of student “growth.”

⁴⁸ Source: NJDOE, 2012-13 staffing file, Schools Directory file, 2012-13 Performance Reports Database.

Figure 6⁴⁹

**Weighted Mean Median Student Growth Percentiles (mSGP) by
Teacher Race, NPS Schools (No Charters), 2013**



Median Student Growth Percentiles (mSGPs) are the state’s preferred measure for judging both school and teacher effectiveness. There are serious questions as to whether these measures are biased based on the “starting point” of a student⁵⁰; nonetheless, former New Jersey Commissioner of Education Christopher Cerf has stated that SGPs “...are looking at the progress students make and that fully takes into account socio-economic status.”⁵¹

But if that is the state’s position (and, by extension, NPS’s, as it is a state-controlled district), there is little reason for the state to be concerned that the schools of black teachers “underperform” those of white teachers: the gap in growth measures is far smaller than the gap in proficiency rates.⁵² The larger gap in proficiency may be due to the fact that black NPS teachers are given the more challenging school

⁴⁹ NJDOE, 2012-13 staffing file, Schools Directory file, 2012-13 Performance Reports Database.

⁵⁰ See: <http://schoolfinance101.wordpress.com/2014/01/31/an-update-on-new-jerseys-sgps-year-2-still-not-valid/> & <http://schoolfinance101.wordpress.com/2014/02/03/the-average-of-noise-is-not-signal-its-junk-more-on-nj-sgps/>

⁵¹ <http://njedpolicy.wordpress.com/2013/05/02/deconstructing-disinformation-on-student-growth-percentiles-teacher-evaluation-in-new-jersey/>

⁵² A problem in comparing proficiency rates to mSGPs is that, while both measures use a 100-point scale, the scales are not truly equivalent, as they are measuring different test-based outcomes. To compare the “gaps” between Grade 8 proficiency and mSGPs for the students of black and white teachers, we conducted a two-sample effect size test (Cohen’s d) based on mean comparison, which calculates the differences in standard deviations. The following results are for schools open as of Fall, 2013. Grade 8 language arts proficiency: 0.6520; language arts mSGP: 0.2201. Grade 8 math proficiency: 0.6723; math mSGP: 0.0869. In both tested areas, the gap between the students of black and white teachers is considerably smaller in growth than in proficiency. Similar results are found when excluding schools affected by the 2012-13 closings and mergers.

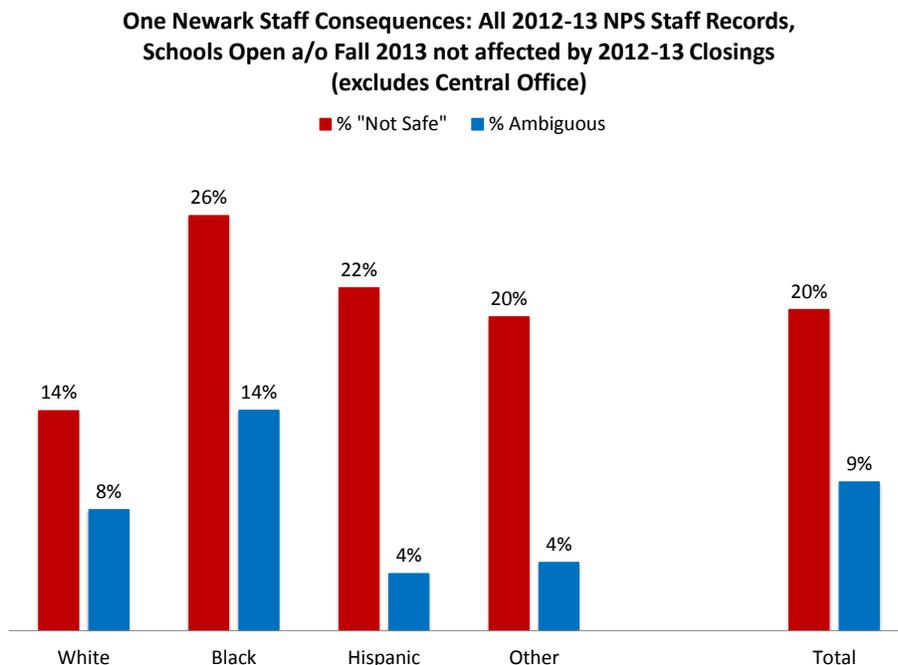
assignments, where students start out academically behind their peers in other schools. The state’s own measures, however, suggest that these teachers’ students still show comparable levels of growth compared to the students of teachers of other races.

How are the Consequences of One Newark Distributed by Teacher Characteristics?

We have evidence that NPS’s teachers are more likely to teach students of their own race. We also have evidence that NPS’s black teachers are more likely to be assigned to academically “tougher” schools, but those schools still show, on average, more similar levels of growth.

Keeping this in mind, we now look at how One Newark staff consequences are assigned to teachers by race.

Figure 7⁵³



To reconcile differences in the NJDOE staffing files, the enrollment files, and NPS’s One Newark document, we calculated the percentages of teachers of different races facing a One Newark consequence under a variety of different scenarios; see Appendix C for a complete discussion of our methodology.

⁵³ Sources: NJDOE, 2012-13 staffing file, Schools Directory file; Newark Public Schools, One Newark documents.

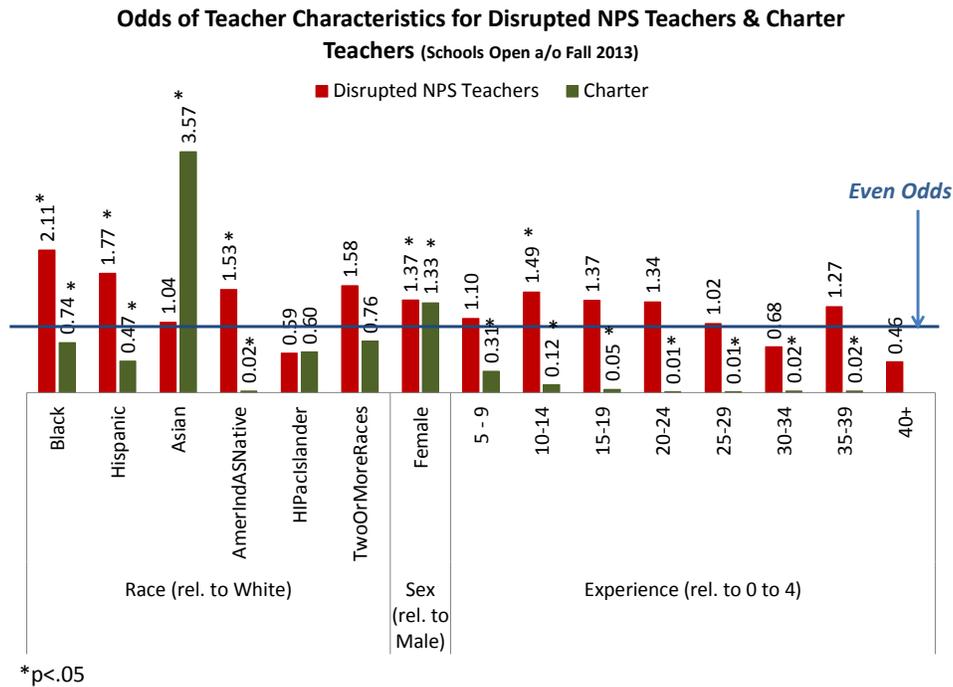
Figure 8 is the most restrictive of these scenarios: it excludes schools closed before the Fall of 2013, and all schools affected by the closings and mergers of 2012-13. Even under these limits, the racial bias of One Newark's staffing consequences is clear: the proportion of black teachers that must reapply for their positions is almost twice as large as the proportion of white teachers facing the same consequence. There is also a significant difference between the proportion of white and Hispanic teachers who have employment consequences under One Newark.

To test the statistical significance of these differences, we use a method we deployed in our last brief: Logistic Regression. Logit models give us a "log odds ratio": essentially, the odds that a particular outcome would occur for one subgroup compared to another "baseline" group. For this analysis, we compare the NPS teachers who face an employment disruption with those who do not. Through these logits, we explore the question: "What are the odds that a teacher of a particular race, gender, or level of experience will face an employment consequence under One Newark relative to a teacher of another "baseline" race, gender, or level of experience?"

In addition, to better understand the distribution of the entire teaching corps in Newark – both traditional public school and charter school staff – we also compare the characteristics of charter and NPS teachers. The question answered here is: "What are the odds that a charter school staff member is of a particular race, gender, or level of teaching experience compared to an NPS staff member?"

In this analysis, we combine two separate logistic regression models: one for characterizing differences between NPS teachers whose employment will be disrupted by One Newark versus those who will not be disrupted (excluding charter teachers) and another model for characterizing differences between charter teachers and NPS teachers (including NPS teachers facing employment consequences and not facing employment consequences). We combine and compare the results of both models in Figure 9 and report the logistic regression output in greater detail in appendix D.

Figure 8⁵⁴



This statistical analysis yields several important conclusions:

- NPS teachers who face employment consequences as a function of One Newark are 2.11 times as likely to be black as to be white, and 1.766 times as likely to be Hispanic as white.
- By contrast, charter school teachers in Newark who are not only protected by the plan, but given the opportunity in some cases to take over the schools and thus the jobs of those NPS teachers, are only 74% as likely to be black as to be white, 47% as likely to be Hispanic as white, and 3.6 times more likely to be Asian than white.
- Both charter teachers and NPS teachers facing employment consequences tend to be female.
- NPS teachers who face employment consequences as a function of One Newark are about 50% more likely to have 10 to 14 years of experience compared to their peers with 0 to 4 years, and 37% more likely to have 15 to 19 years of experience compared to their peers with 0 to 4 years.
- Charter teachers, who again may be given the opportunity to take over schools of these NPS teachers, are highly unlikely to have more than 0 to 4 years of experience. Charter teachers are more than 3x as likely to have 0 to 4 years as opposed to 6 to 9 years, 10 times as likely to have 0 to 4 years as opposed to 10 to 14 years, 20 times as likely to have 0 to 4 years as opposed to 15 to 19 years, and nearly 100 times as likely to have 0 to 4 years of experience than to have more than 19 years of experience.

In summation: the overall effect of One Newark on the total Newark teaching corps may likely be to make it more white and less experienced than it is currently.

⁵⁴ Sources: NJDOE, 2012-13 staffing file, Schools Directory file; Newark Public Schools, One Newark documents.

Conclusions and Policy Implications

In our previous brief, we found that the One Newark plan imposed consequences on schools and their students that were arbitrary and capricious. We found little evidence to support the claim of NPS that One Newark would improve student outcomes, and we found that the students who would see their schools closed, turned over to CMOs, or “renewed” were more likely to be black and/or suffering from economic disadvantage.

In this brief, we turn our attention to the effects of One Newark on NPS staff. We find patterns of racial bias in the consequences to staff similar to those we found in the consequences to students, largely because the racial profiles of students and staff within the NPS schools are correlated. In other words: Newark’s black teachers tend to teach the district’s black students; therefore, because One Newark disproportionately affects those black students, black teachers are more likely to face an employment consequence.

NPS’s black teachers are also more likely to have positions in the schools that are designated by the state as needing interventions – the more challenging school assignments. The schools of NPS black teachers consequently lag in proficiency rates, but not in student growth. We do not know the dynamics that lead to more black teachers being assigned to these schools; qualitative research on this question is likely needed to understand this phenomenon.

One Newark will turn management of more NPS schools over to charter management organizations. In our previous brief, we questioned the logic of this strategy, as these CMOs currently run schools that do not teach students with similar characteristics to NPS’s neighborhood schools. Evidence suggests these charters would not achieve any better outcomes with this different student population.

This brief adds a new consideration to the shift from traditional public schools to charters: if the CMOs maintain their current teaching corps’ profile in an expansion, Newark’s teachers are likely to become more white and less experienced overall. Given the importance of teacher experience, particular in the first few years of work, Newark’s students would likely face a decline in teacher quality as more students enroll in charters.

The potential change in the racial composition of the Newark teaching corps under One Newark – to a staff that has a smaller proportion of teachers of color – would occur within a historical context of established patterns of discrimination against black teachers. “Choice” plans in education have previously been found to disproportionately impact the employment of black teachers; One Newark continues in this tradition. NPS may be vulnerable to a disparate impact legal challenge on the grounds that black teachers will disproportionately face employment consequences under a plan that arbitrarily targets their schools.

Appendix A: Data Sources

As in our last brief on One Newark, school enrollment, student characteristics, and student performance data are from the New Jersey Department of Education.⁵⁵ Since our last brief, however, the NJDOE has released new performance data for all of New Jersey’s schools; therefore, our dataset uses the following, more current files:

- New Jersey School Directory⁵⁶
- 2012-13 Enrollment⁵⁷
- Priority and Focus Schools (pdf, hand coded)⁵⁸
- Reward Schools (pdf, hand coded)⁵⁹
- 2012-13 Performance Reports Database⁶⁰

Special education rates were taken from the 2012-13 School Performance Reports.⁶¹ These are pdf files, which required hand coding the data.

Our source for staffing information was state staffing files from the NJDOE, the most recent titled “staff1213”. This file attaches a school to every personnel record within the file. This and all the staffing files used were provided by the NJDOE on a request from the Education Law Center⁶²; we thank ELC for making this data available to us.

Calculations, analysis, and graphics were prepared using Stata statistical software and Microsoft Excel.

⁵⁵ <http://www.state.nj.us/education/data/>

⁵⁶ <http://education.state.nj.us/directory/> Downloaded 12/21/13; two spreadsheets combined to create a single file, non-data rows removed.

⁵⁷ <http://www.state.nj.us/education/data/enr> Downloaded 2/13/14.

⁵⁸ <http://www.state.nj.us/education/reform/PFRschools/PriorityFocusSchools.pdf> Downloaded 2/13/14/

⁵⁹ <http://www.state.nj.us/education/reform/PFRschools/RewardSchools.pdf> Downloaded 2/13/14.

⁶⁰ <http://education.state.nj.us/pr/database.html> Downloaded 2/13/14.

⁶¹ <http://education.state.nj.us/pr/database.html>

⁶² <http://www.edlawcenter.org/>

Appendix B: Assigning One Newark Staff Consequences To Schools

The NPS “One Newark” plan is explained in several documents published on the onewark.org website, hosted by the Newark Public Schools. As in our last brief, we have used these documents in combination to determine NPS’s specific plan for each school. The documents are:

- Building a System: One Newark⁶³
- One Newark Long-Term Ward Plan⁶⁴
- One Newark: School Plans for Families⁶⁵

All of these documents were retrieved on December 29, 2013. NPS subsequently released a “February Update”⁶⁶ (retrieved on February 7, 2014) that we incorporated into our final classifications.

Table 1 – NPS schools and “One Newark” staff shows our staff consequence classifications for each NPS school under “One Newark”; footnotes provide our justifications for several schools’ classifications. Several of the schools in the staffing file have since closed and are excluded by us under various scenarios (see Appendix C).

Table 1 – NPS schools and “One Newark” staff consequences

School Name	Staff Consequence
ABINGTON AVENUE SCHOOL	Safe
ALEXANDER STREET SCHOOL	Reapply to Charter
American History High School	Safe
ANN STREET SCHOOL	Safe
ARTS HIGH SCHOOL	Safe
AVON AVENUE SCHOOL	Safe
BARD EARLY COLLEGE HIGH SCHOOL	Safe
BARRINGER HIGH SCHOOL	Safe
BELMONT RUNYON ELEMENTARY SCHOOL	Reapply to NPS
BENJAMIN FRANKLIN ELEMENTARY SCHOOL	Safe
BOYLAN EARLY CHILDHOOD CENTER	Unknown
BRAGAW AVENUE SCHOOL	Reapply to Charter
BRANCH BROOK SCHOOL	Safe
Broadway E.S.	Closed ⁶⁷
BRUCE STREET SCHOOL FOR THE DEAF	Safe
Burnet Street E.S.	Closed ⁶⁸

⁶³ <http://onewark.org/wp-content/uploads/2013/12/Building-a-System-One-Newark-Plan.pdf>

⁶⁴ <http://onewark.org/wp-content/uploads/2013/12/One-Newark-Long-Term-Ward-Plan-FAQ.pdf>

⁶⁵ <http://onewark.org/wp-content/uploads/2013/12/One-Newark-School-Plans-for-Families.pdf>

⁶⁶ <http://onewark.org/wp-content/uploads/2013/12/One-Newark-Plan-Memo.pdf>

⁶⁷ Not in the 2012-13 enrollment file, but in the staffing file.

⁶⁸ Burnet Street School closed in 2012; Sussex Avenue School is listed as “SUSSEX AVENUE SCHOOL Burnet Street School” in the 2012-13 enrollment file. We assigned staff members listed as working at Burnet the enrollment and performance data for Sussex; however, this school is not used under scenarios where schools closed as of Fall, 2013 are excluded.

Camden M.S.	Safe ⁶⁹
CAMDEN STREET ELEMENTARY SCHOOL	Safe
CENTRAL HIGH SCHOOL	Safe
CHANCELLOR AVENUE ANNEX	Unknown ⁷⁰
CHANCELLOR AVENUE SCHOOL	Safe
CLEVELAND Eighteenth Avenue School	Safe
Clinton Avenue E.S.	Closed ⁷¹
DAYTON STREET SCHOOL at Peshine Avenue District Office	Closed ⁷² n/a
DR WILLIAM H HORTON ELEMENTARY SCHOOL	Reapply to NPS
Dr. E. ALMA FLAGG SCHOOL	Reapply to NPS
EAGLE ACADEMY	Safe
Early Childhood Academy - West	Safe
EARLY CHILDHOOD ACADEMY OF EXCELLENCE	Safe
EAST SIDE HIGH SCHOOL	Safe
Eighteenth Avenue E.S.	Closed ⁷³
ELLIOTT STREET ELEMENTARY SCHOOL	Safe
FAST TRACK SUCCESS ACADEMY	Unknown
Fifteenth Avenue E.S.	Closed ⁷⁴
FIRST AVENUE SCHOOL	Safe
FOURTEENTH AVENUE SCHOOL	Safe
GEORGE WASHINGTON CARVER ELEMENTARY SCHOOL	Reapply to NPS
GIRLS ACADEMY OF NEWARK	Unknown
HARRIET TUBMAN ELEMENTARY SCHOOL	Safe
HAWKINS STREET SCHOOL	Reapply to NPS
HAWTHORNE AVENUE SCHOOL	Reapply to Charter
IVY HILL ELEMENTARY SCHOOL	Safe
JOHN F KENNEDY SCHOOL	Safe
LAFAYETTE STREET SCHOOL	Safe
LINCOLN	Safe
LOUISE A SPENCER ELEMENTARY SCHOOL	Reapply to NPS
LUIS MUNOZ MARIN ELEMENTARY SCHOOL	Reapply to NPS ⁷⁵

⁶⁹ Camden Street M.S. and Camden Street Elementary are listed as separate schools in the staffing file; however, there is only one Camden Street in the 2013 current enrollment file. We assigned staff members listed as working at Camden M.S. the enrollment and performance data for Camden Elementary.

⁷⁰ Chancellor Annex will be repurposed as an “Early Childhood Center.” The staff consequence for this is unclear.

⁷¹ Not in the 2012-13 enrollment file, but in the staffing file.

⁷² Dayton Street closed in 2012. In the 11-12 enrollment file, Dayton is code 370, and Peshine is code 600. In the 12-13 enrollment file, “Dayton Street School at Peshine Ave.” is code 370, and there is no school with code 600. We assigned staff members listed as working at Dayton or Peshine enrollment and performance data for the school with code 370; however, this school is not used under scenarios where schools closed as of Fall, 2013 are excluded.

⁷³ Eighteenth Avenue School closed in 2012; Cleveland Avenue School is listed as “CLEVELAND Eighteenth Avenue School” in the 2012-13 enrollment file. We assigned staff members listed as working at Eighteenth Avenue the enrollment and performance data for Cleveland; however, this school is not used under scenarios where schools closed as of Fall, 2013 are excluded.

⁷⁴ Not in the 2012-13 enrollment file, but in the staffing file.

LUIS MUNOZ MARIN M.S.	Reapply to NPS
MADISON AVENUE ELEMENTARY SCHOOL	Reapply to Charter
MALCOLM X SHABAZZ HIGH SCHOOL	Safe
MAPLE AVENUE SCHOOL	Unknown ⁷⁶
Martin Luther King, Jr. E.S.	Closed ⁷⁷
MCKINLEY	Safe
MILLER STREET SCHOOL	Safe ⁷⁸
MT VERNON PLACE SCHOOL	Safe
N J REGIONAL DAY SCHOOL - NEWARK	Safe
NEWARK BRIDGES HIGH SCHOOL: A DIPLOMA PLUS SCHOOL	Safe
Newark Early College High School	Unknown
NEWARK EVENING HIGH	Unknown
NEWARK INNOVATION ACADEMY	Unknown
NEWARK LEADERSHIP ACADEMY	Unknown
NEWARK VOCATIONAL HIGH SCHOOL	Unknown
NEWTON STREET SCHOOL	Unknown ⁷⁹
OLIVER STREET SCHOOL	Safe
PARK ELEMENTARY SCHOOL	Safe
Peshine Avenue E.S.	Safe
QUITMAN COMMUNITY SCHOOL	Safe
RAFAEL HERNANDEZ SCHOOL	Reapply to NPS
RIDGE STREET SCHOOL	Safe
ROBERTO CLEMENTE ELEMENTARY SCHOOL	Safe
ROSEVILLE AVENUE SCHOOL	Unknown ⁸⁰
Samuel L. Berliner	Closed ⁸¹
SCIENCE PARK HIGH SCHOOL	Safe
SOUTH SEVENTEENTH STREET SCHOOL	Safe
SOUTH STREET ELEMENTARY SCHOOL	Safe
SPEEDWAY AVENUE SCHOOL	Reapply to NPS
SUSSEX AVENUE SCHOOL Burnet Street School	Safe
Technology High School	Safe
THIRTEENTH AVENUE SCHOOL MARTIN LUTHER KING	Safe
UNIVERSITY HIGH SCHOOL	Safe
WEEQUAHIC HIGH SCHOOL	Safe
WEST SIDE HIGH SCHOOL	Unknown ⁸²
WILSON AVENUE SCHOOL	Safe

⁷⁵ Marin M.S. is in the staffing files under a different code (100) than Marin Elementary (301). We assigned staff members listed as working at Marin M.S. the enrollment and performance data for Marin Elementary.

⁷⁶ Maple will be repurposed as an "Early Childhood Center." The staff consequence for this is unclear.

⁷⁷ Not in the 2012-13 enrollment file, but in the staffing file.

⁷⁸ From "Frequently Asked Questions: One Newark & Long-term Ward Plans": "School will remain open and staff will move with the school (unless they choose to apply elsewhere)."

⁷⁹ The February Update says Newton will be repurposed as a community center; no staff consequence is listed.

⁸⁰ Roseville will be repurposed as an "Early Childhood Center." The staff consequence for this is unclear.

⁸¹ Not in the 2012-13 enrollment file, but in the staffing file.

⁸² The February Update states: "The West Side Campus will be transformed into an early college and careers campus comprised of two small schools and an acceleration academy." Staff consequences are unclear.

Table 2 lists the charter schools within the Newark city limits, as designated by the NJDOE School Directory, used in this analysis.

Table 2 – Charter schools within Newark City limits

DISCOVERY CS
GRAY CS
Great Oaks CS
GREATER NEWARK CS
Lady Liberty Academy CS⁸³
MARIA L. VARISCO-ROGERS
MARION P. THOMAS CS
Merit Prep CS of Newark
NEW HORIZONS COMM. CS
NEWARK EDUCATORS CS
NEWARK LEGACY CS
Newark Prep
NORTH STAR ACAD. CS
Paulo Freire CS
People's Preparatory CS
Phillip's Academy Charter School
ROBERT TREAT ACADEMY CS
Roseville Community CS
TEAM ACADEMY CS
UNIVERSITY HEIGHTS CS
VISIONS ACADEMY CS

Adelaide L. Sanford Charter School is listed in the 2012-13 staffing files; however, the school closed in 2013⁸⁴ and is no longer in the NJDOE School Directory. We have, therefore, removed it from our analysis.

⁸³ Lady Liberty was not included in our previous brief as its address is given in the NJDOE School Directory file as "Harrison, NJ." However, the One Newark Application Packet lists Lady Liberty as an option (<http://onewark.org/wp-content/uploads/2013/12/One-Newark-Enrolls-Paper-Application.pdf>, retrieved 2/25/14); we have, therefore, included the school in this analysis.

⁸⁴http://www.nj.com/essex/index.ssf/2013/06/christie_administration_closing_newark_charter_school_founded_by_city_activist_fredrica_bey.html

Appendix C: Testing the Stability of the NPS Staffing Data

Our source for staffing information was state staffing files from the NJDOE, the most recent titled “staff1213”. This file attaches a school to every personnel record within the file. This and all the staffing files used were provided by the NJDOE on a request from the Education Law Center.⁸⁵

While the “staff1213” file is the most recent information we have available on NPS staff, it is clear that major changes have occurred in the district since this file was produced. Many staff records were assigned to schools that are no longer open; some schools have taken on the names of other schools as they were closed. The table in Appendix B includes footnotes describing how we assigned staff consequences to individual schools, based on the best information available.

Despite our care in assigning One Newark consequences to schools, however, we could never be fully sure that the teachers in the staffing files were still assigned to the same schools. To therefore ascertain the validity of this dataset for use in our analysis, we applied two tests.

In the first, we created an “Exclude” code for each staff member record:

1. NPS personnel assigned to the Central Office. Our default position was to exclude all of these staff, as they could not be assigned One Newark school-level consequences.
2. NPS Personnel assigned to schools listed in the staffing file that are not listed in the current NJDOE School Directory file and, therefore, were not open in the Fall of 2013.
3. Schools that are open as of Fall, 2013 but were affected by the 2012 closings and mergers of NPS schools (Camden Street, Chancellor Ave, Cleveland 18th Ave., Peshine Ave., Sussex Ave., and 13th Ave. MLK).⁸⁶

We cannot be sure which, if any, teachers were reassigned to different schools following the closings and mergers that have occurred since the staffing file was created. We can, however, exclude these schools in various scenarios, and compare both the overall racial profiles of the district and the racial profiles of the staff affected under One Newark under these scenarios. If they do not produce significantly different racial profiles, we can be much more confident that our dataset is still relevant for this analysis.

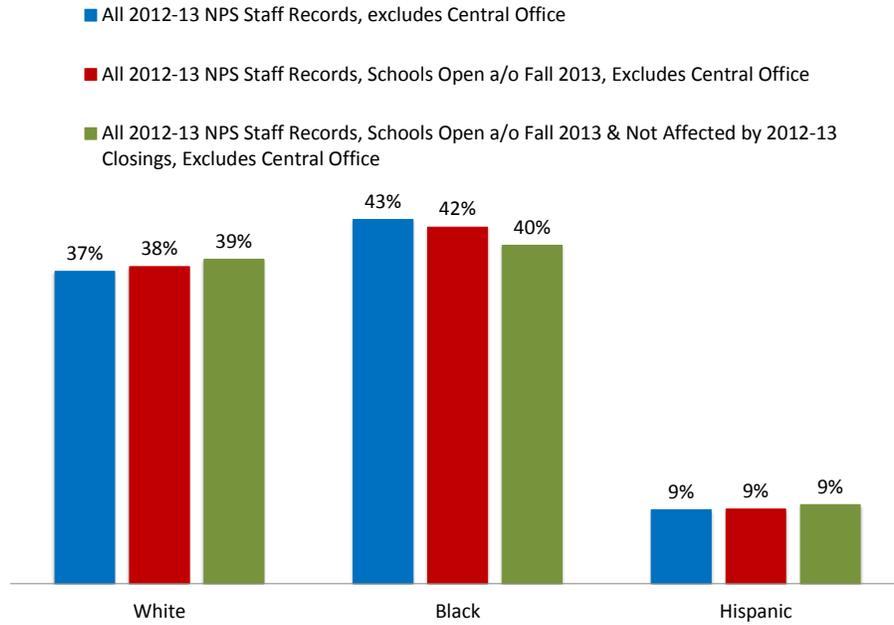
Figure 9 shows the racial profile of NPS staff from the “staff1213” file (using the three predominant races: white, black, and Hispanic) under these three different scenarios.

⁸⁵ <http://www.edlawcenter.org/>

⁸⁶ http://www.nj.com/news/index.ssf/2012/03/newark_school_marked_for_closu.html

Figure 9

NPS Staff By Race, Various Scenarios, 2012-13



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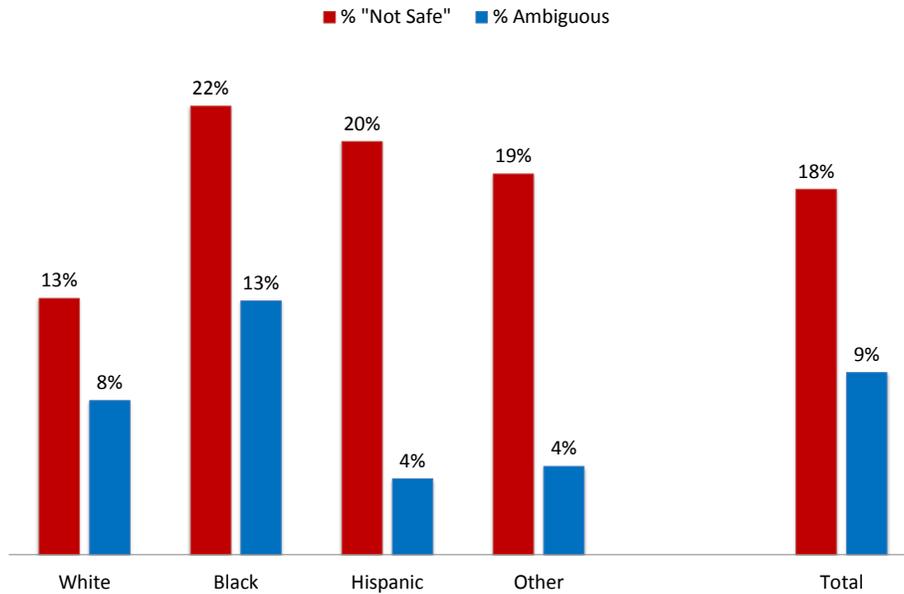
In our three scenarios, the racial profile of NPS staff does not vary significantly.

Figure 10 shows the racial profile of staff who face employment consequences under One Newark, using all staff records for schools open as of Fall, 2013. In this scenario, 13% of white NPS staff face a consequence, compared to 22% of black staff and 20% of Hispanic staff.

⁸⁷ Source: NJDOE, 2012-13 staffing file, Schools Directory file.

Figure 10⁸⁸

**One Newark Staff Consequences: All 2012-13 NPS Staff Records,
Schools Open a/o Fall 2013 (excludes Central Office)**



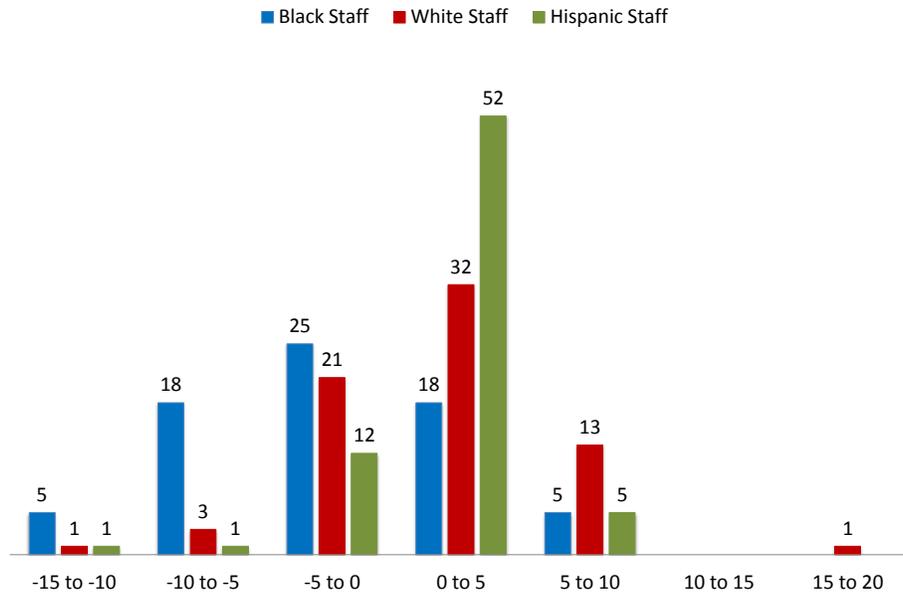
Compare this to Figure 7 (above), which shows the same data but excludes the schools that were affected by the closings and mergers of 2012: the racial profiles are quite similar. We can, therefore, be more confident that our staffing dataset allows for a valid analysis of One Newark.

For our second test, we looked at the stability of the staff racial profile of NPS schools over a five-year period: from 2008-09 to 2012-13.

⁸⁸ Sources: NJDOE, 2012-13 staffing file, Schools Directory file; Newark Public Schools, One Newark documents.

Figure 11⁸⁹

**Percentage Point Changes in Racial Profile of Schools' Staff, NPS
Schools, 2008-09 to 2012-13**



The histogram in Figure 12 shows the number of NPS schools that have seen a change in the percentage of staff who are white, black, or Hispanic within a particular five-point range; for example, 52 schools saw the percentage of staff who are Hispanic increase between 0 and 5 percentage points from 2008-09 to 2012-13.

Almost every school's proportion of staff in these three racial categories has not changed more than ten percentage points; the vast majority have changed five percentage points or less. This evidence suggests the racial profile of NPS schools remains stable over time; we can, therefore, be more confident that any changes made in personnel assignment since the creation of the "staff1213" file do not significantly affect the racial profile of individual NPS schools.

⁸⁹ Source: NJDOE, 2012-13 and 2008-09 staffing files, Schools Directory file.

Appendix D: Odds Ratios for Disrupted and Charter Teachers

		Disrupted Teachers		Charter Teachers	
		Odds Ratio	P>z	Odds Ratio	P>z
Race					
	White	1.000		1.000	
	Black	2.111	**	0.739	**
	Hispanic	1.766	**	0.467	**
	Asian	1.042		3.567	**
	AmerIndASNative	1.526	**	0.020	**
	HIPacIslander	0.585		0.603	
	TwoOrMoreRaces	1.584		0.761	
Sex					
	Male	1.000		1.000	
	Female	1.371	**	1.329	**
Experience					
	0 - 4	1.000		1.000	
	5 - 9	1.100		0.313	**
	10-14	1.491	**	0.118	**
	15-19	1.366	*	0.048	**
	20-24	1.345		0.012	**
	25-29	1.023		0.014	**
	30-34	0.678		0.022	**
	35-39	1.274		0.021	**
	40+	0.456			
Constant		0.104	**	0.774	**

**p<.05, *p<.10

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