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LATINO ACTION NETWORK; NAACP NEW JERSEY STATE CONFERENCE; LATINO COALITION; URBAN LEAGUE OF ESSEX COUNTY; THE UNITED METHODIST CHURCH OF GREATER NEW JERSEY; MACKENZIE WICKS, A MINOR, BY HER GUARDIAN AD LITEM, COURTNEY WICKS; MALI AYALA RUEL-FEDEE, A MINOR, BY HIS GUARDIAN AD LITEM, RACHEL RUEL; RA'NAYA ALSTON, A MINOR, BY HER GUARDIAN AD LITEM, YVETTE ALSTON-JOHNSON; RA'YAHN ALSTON, A MINOR, BY HIS GUARDIAN AD LITEM, YVETTE ALSTON-JOHNSON; DASHAWN SIMMS, A MINOR, BY HIS GUARDIAN AD LITEM, ANDREA HAYES; DANIEL R. LORENZ, A MINOR, BY HIS GUARDIAN AD LITEM, MARIA LORENZ; MICHAEL WEILL-WHITEN, A MINOR, BY HIS GUARDIAN AD LITEM, ELIZABETH WEILL-GREENBERG,

Plaintiffs,

and

PLEASANTVILLE BOARD OF EDUCATION and WILDWOOD BOARD OF EDUCATION,

Intervenor-Plaintiffs,

v.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION:
MERCER COUNTY

DOCKET NO: MER-L-001076-18

Civil Action

PLAINTIFFS' SUPPLEMENTAL STATEMENT OF UNDISPUTED MATERIAL FACTS

THE STATE OF NEW JERSEY; NEW JERSEY STATE
BOARD OF EDUCATION; and LAMONT REPOLLET,
Acting Commissioner, State Department of Education,

Defendants,

and

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

Intervenor-Defendants.

Pursuant to *New Jersey Court Rule 4:46-2(a)*, Plaintiffs incorporate their Statement of Undisputed Material Facts submitted on September 27, 2019 in support of Plaintiffs' Motion for Partial Summary Judgment on Liability, and further supplement those undisputed facts with the supplemental undisputed facts below.

Plaintiffs state that there is no genuine issue in dispute with respect to the following material facts:

1. **Exhibit A to the Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021¹ (tracking Amended Complaint ¶¶ 24, 25, 27, 29)**, incorporated herein by reference and based, as it is, on the statewide data collected and disseminated by the New Jersey Department of Education for the 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years, accurately states yearly and five-year average data demonstrating the racial

¹ The February 24, 2021 Supplemental Certification of Dr. Ryan W. Coughlan was included as Exhibit T to the December 17, 2021 Certification of Christopher Weber (Weber Cert. Exh. T) in support of the State Defendants' December 17, 2021 Cross-Motion for Summary Judgment. For the Court's convenience, Plaintiffs rely on the State Defendants' Exhibit T when referring to Dr. Coughlan's Supplemental Certification.

demographics of New Jersey public schools.

2. According to data collected and disseminated by the New Jersey Department of Education, for the 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years, expressed as a five-year average, on a statewide basis, there were 54,108 Black students in New Jersey who attended public schools that were over 99% non-White. This constitutes 26.0% of 208,470 Black public school students statewide. A further 48,389 Black students (23.2%) attended public schools in which the percentage of non-White students was between 90% and 99%. In the aggregate, 129,316 Black students, or 62.0%, attended schools that were more than 80% non-White, while the number of Black students attending schools that were more than 75% non-White was 137,977, or 66.2%. **Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 ¶ 4(a) & Exh. A (tracking Amended Complaint ¶ 24).**

3. According to data collected and disseminated by the New Jersey Department of Education, for the 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years, expressed as a five-year average, on a statewide basis, of the approximately 386,224 Latino students in the New Jersey public school system, 60,540 (15.7%) attended schools that were at least 99% non-White, while 112,953 (29.2%) attended schools where the non-White enrollment was between 90% and 99%. In the aggregate, 224,901 Latino students (58.2%) attended schools that were more than 80% non-White, and 239,570 Latino students (62.0%) attended schools that were more than 75% non-White. **Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 ¶ 4(b) & Exh. A (tracking Amended Complaint ¶ 25).**

4. According to data collected and disseminated by the New Jersey Department of Education, for the 2015-2016, 2016-2017, 2017-2018, 2018-2019 and 2019-2020 school years, expressed as a five-year average, on a statewide basis, of the approximately 594,693 Black and

Latino public school students in New Jersey, approximately 377,547 students (about 63.5% of all Black and Latino students) attended schools that are more than 75% non-White. And in the aggregate, 276,586 (46.5%) of the 594,693 Black and Latino students in New Jersey attended schools that are more than 90% non-White. **Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 ¶ 4(c) & Exh. A (tracking Amended Complaint ¶ 27).**

5. According to data collected and disseminated by the New Jersey Department of Education, for the 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years, expressed as a five-year average, on a statewide basis, of the 606,553 White students attending public school in New Jersey, 33,113 (5.5%) attended schools that were more than 90% White, 175,063 (28.9%) attended schools that were more than 80% White, and 244,177 (40.3%) attended schools that were more than 75% White. **Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 ¶ 4(d) & Exh. A (tracking Amended Complaint ¶ 29).**

6. **Exhibit B of the Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 (tracking Amended Complaint ¶ 31)**, incorporated by reference herein and based, as it is, on statewide data collected and disseminated by the New Jersey Department of Education, for the 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years, provides the following accurate yearly, and five-year average, data demonstrating the racial breakdown in New Jersey charter schools:

Year	Total Charter Schools	# Charter Schools with < 10% White Students	% Charter Schools with < 10% White Students	Total Charter School Students	# Charter Students in Schools with < 10% White Students	% Charter Students in Schools with < 10% White Students
2019-2020	88	61	69.3%	55,604	44,029	79.2%
2018-2019	88	65	73.9%	51,994	42,245	81.2%

2017-2018	89	66	74.2%	49,740	40,630	81.7%
2016-2017	88	64	72.7%	46,651	37,884	81.2%
2015-2016	89	64	71.9%	42,117	33,742	80.1%
5-Year Averages	88.4	64	72.4%	49,221	39,706	80.7%

Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 ¶ 5 & Exh. B (tracking Amended Complaint ¶ 31).

7. According to data collected and disseminated by the New Jersey Department of Education, for the 2019-2020 school year, charter schools in Essex County had the following enrollment, racial, and poverty (measured by students qualified for free or reduced-price lunch) demographics:

School Name	Total Students	% Asian	% Hispanic	% Black	% White	% Poverty
Achieve Community Charter School	315	0.0%	12.1%	86.3%	1.6%	46.0%
Burch Charter School Of Excellence	354	0.8%	21.2%	78.0%	0.0%	92.6%
Discovery Charter School	112	0.0%	0.9%	98.2%	0.9%	90.2%
East Orange Community Charter School	470	0.6%	5.5%	92.3%	0.2%	99.6%
Gray Charter School	344	2.3%	60.5%	34.9%	2.0%	66.0%
Great Oaks Legacy Charter School	1,675	0.2%	10.0%	88.4%	0.2%	86.0%
Link Community Charter School	306	0.7%	5.9%	92.5%	0.0%	77.5%
Maria Varisco Rogers Charter School	573	1.2%	93.2%	5.6%	0.0%	87.8%
Marion P. Thomas Charter School	1,531	0.0%	7.3%	92.4%	0.1%	91.2%

School Name	Total Students	% Asian	% Hispanic	% Black	% White	% Poverty
New Horizons Community Charter School	547	0.0%	11.3%	88.7%	0.0%	95.8%
Newark Educators Community Charter School	266	0.4%	21.8%	77.4%	0.0%	0.0%
North Star Academy Charter School	5,921	0.1%	69.9%	29.6%	0.1%	86.4%
Peoples Preparatory Charter School	405	0.2%	17.8%	81.7%	0.2%	82.0%
Philip's Academy Charter School	515	0.8%	9.1%	88.3%	1.0%	57.5%
Pride Academy Charter School	286	1.4%	3.1%	95.5%	0.0%	77.3%
Robert Treat Academy Charter School	688	1.2%	59.2%	34.0%	3.6%	72.9%
Roseville Community Charter School	267	0.4%	50.2%	48.7%	0.7%	97.7%
Team Academy Charter School	4,781	0.1%	8.1%	88.2%	0.3%	86.6%
University Heights Charter School	895	0.1%	16.3%	83.5%	0.0%	0.0%
Total	20,251	0.28%	32.79%	65.44%	0.35%	80.18%

Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 ¶ 6 & Exh. B (tracking Amended Complaint ¶ 31).

8. According to data collected and disseminated by the New Jersey Department of Education, for the 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years, expressed as a five-year average, the following data accurately depicts enrollment, racial, and poverty (measured by students qualified for free or reduced-price lunch) demographics for the following schools (tracking Amended Complaint ¶ 40(A-H)):

A. Essex

5-Year Averages (2015-2016 through 2019-2020)

District	Total Enrollment	%Asian	%Hispanic	%Black	%White	%Poverty
East Orange	9,168	0.1%	8.3%	90.6%	0.5%	67.8%
Irvington Township	6,946	0.5%	18.8%	79.8%	0.3%	79.1%
Newark City	35,985	0.9%	47.6%	43.1%	7.9%	79.8%
Orange City	5,146	0.2%	37.1%	61.9%	0.3%	73.7%

B. Hudson

5-Year Averages (2015-2016 through 2019-2020)

District	Total Enrollment	%Asian	%Hispanic	%Black	%White	%Poverty
Guttenberg	983	1.5%	91.3%	1.1%	5.9%	80.9%
North Bergen	7,657	2.7%	86.7%	1.1%	9.3%	61.7%
Union City	12,213	1.3%	95.8%	1.0%	1.9%	87.9%
West New York	7,866	1.3%	92.4%	1.1%	5.0%	83.0%

C. Union

5-Year Averages (2015-2016 through 2019-2020)

District	Total Enrollment	Asian	Hispanic	Black	White	Poverty
Elizabeth	26,973	1.7%	72.1%	18.1%	7.9%	81.9%
Hillside	3,074	1.6%	25.4%	61.9%	10.2%	64.0%
Plainfield	7,844	0.3%	70.0%	28.5%	0.6%	80.3%
Roselle	2,831	1.3%	40.4%	55.2%	2.5%	70.5%

D. Passaic

5-Year Averages (2015-2016 through 2019-2020)

District	Total Enrollment	Asian	Hispanic	Black	White	Poverty
Passaic	13,949	1.7%	92.9%	4.4%	0.8%	98.4%
Paterson	25,011	5.2%	68.0%	21.6%	4.8%	73.4%
Prospect Park Boro	904	2.9%	71.8%	14.7%	9.4%	60.8%

E. Middlesex

5-Year Averages (2015-2016 through 2019-2020)

District	Total Enrollment	Asian	Hispanic	Black	White	Poverty
New Brunswick	9,161	0.5%	89.4%	9.0%	0.8%	56.9%
Perth Amboy	10,658	0.5%	92.4%	5.3%	1.4%	87.4%

F. Camden

5-Year Averages (2015-2016 through 2019-2020)

District	Total Enrollment	Asian	Hispanic	Black	White	Poverty
Camden	8,096	1.0%	52.6%	45.0%	0.9%	60.3%
Lawnside	299	1.5%	13.7%	77.7%	2.5%	63.9%
Woodlynne	381	8.9%	57.7%	25.8%	4.8%	89.0%

G. Mercer

5-Year Averages (2015-2016 through 2019-2020)

District	Total Enrollment	Asian	Hispanic	Black	White	Poverty
Trenton	11,538	0.4%	52.3%	45.5%	1.2%	84.2%

H. Monmouth

5-Year Averages (2015-2016 through 2019-2020)

District	Total Enrollment	Asian	Hispanic	Black	White	Poverty
Asbury Park	1,913	0.2%	41.7%	55.6%	2.4%	68.9%
Red Bank	1,280	0.3%	83.3%	7.3%	7.0%	87.6%

Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 ¶ 7(A-H) & Exh. C (tracking Amended Complaint ¶ 40(A-H)).

9. **Exhibit C to the Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 (tracking Amended Complaint ¶ 31)**, incorporated herein by reference and based, as it is, on data collected and disseminated by the New Jersey Department of Education, for the 2015-2016, 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years, accurately states yearly and five-year average enrollment, racial, and poverty (measured by students qualified for free or reduced-price lunch) demographics for all counties and municipalities identified in Paragraph 40(A-H) of Plaintiffs' Amended Complaint. **Supplemental Certification of Dr. Ryan W. Coughlan dated February 24, 2021 ¶ 8 & Exh. C (tracking Amended Complaint ¶ 40(A-H)).**