

State Supreme Court Rejects Corzine's Bid to End School Funding Case

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The Star Ledger
November 18, 2008

The state Supreme Court today rejected Gov. Jon Corzine's request to end the long-running Abbott v. Burke school funding case, a lawsuit that has forced a succession of governors to steer billions of dollars in special aid to Newark, Camden and 29 other needy districts.

The court ordered a series of hearings in which Corzine will have to prove to a "special master" that his new formula for distributing \$7.8 billion in state school aid eliminates the need for special treatment of the so-called Abbott districts.

The hearings will be overseen by Superior Court Judge Peter Doyne, the assignment judge in Bergen County.

"Until the State demonstrates to our satisfaction that a constitutionally adequate education can be provided to Abbott district students through the funding that will be provided (under the new formula)...the State is bound to comply with the prior remedial orders and decisions respecting the plaintiffs in Abbott districts," the court said in its 5-0 opinion.

In its ruling, the court also said the Abbott districts can seek additional funding this year if they feel the money is needed to provide adequate schooling. This year the districts are to collect \$4.1 billion in state aid.

Although Corzine's reform, which the Legislature approved in January, essentially linked state aid to the number of poor children in any given district, it put the Abbott districts on the same footing as dozens of other working-class towns struggling under less-than-adequate state aid.

Today's ruling was a setback for the governor, who had hoped to wrest control of the Abbott district funding levels from the court as he grapples with a budget shortfall expected to reach \$5 billion next year.

But it was cheered by advocates for the Abbott districts, who argued the new funding formula, the School Funding Reform Act, was going to shortchange the poorest students and undermine progress made in recent years.

"Abbott is still breathing," said Robert Holster, superintendent of schools in Passaic, one of the affected districts. "It may be an iron lung, but it's still pumping away."

Tina Cintron, president of the Statewide Education Organizing Committee, and the parent and grandparent of Newark students, added: "The SFRA was hastily passed last January, and its impact on the Abbott districts has never been fully examined by the state. Now, finally, supporters of public education, New Jersey legislators, the state's Department of Education and the courts will have a clear picture of what the new school funding formula will do to these districts and the educational progress that has been achieved there."

Corzine told reporters he is “quite confident” the formula will be judged constitutional.

“They certainly didn't argue that the formula was unconstitutional,” he said. “They said we want to go into the detail and find out whether it is.”

David Sciarra, lead attorney for the 300,000 students in the Abbott communities, said the court's ruling was just what he had sought.

“We are grateful, really pleased the court recognized the progress going on in urban schools,” he said. “We have been trying to get the word out about the progress, and we are particularly pleased they recognized Abbott is working and has produced results.”

Under more than a quarter century of Abbott, the state Supreme Court has declared a series of state school funding formulas unconstitutional for failing to provide adequately for the state's poorest communities.

To equalize things, the court has imposed a series of funding orders, including requirements that the state fund full-day kindergarten and pre-school for youngsters in the Abbott districts, bankroll the repair or replacement of hundreds of decrepit, overcrowded schools and provide enough operating costs to match the state's wealthiest communities.

Corzine had asked the court to set those orders aside in favor of the new funding formula lawmakers enacted in January.

“Another funding approach may prove constitutionally satisfactory,” the court said in its ruling. “That said, it is the state's obligation to demonstrate that it has produced an equitable funding formula.”

Richard Shapiro, an attorney who represents Passaic and other Abbott districts, said he expects several communities will seek additional state aid under the new rules imposed by the court.

“We're pleased the Abbott remedies will remain in effect,” he said. “I understand from discussions with some of the districts that this has been a difficult year and they would embrace the opportunity to seek additional funding.”

Critics of the Abbott rulings said today's decision ignores the state's growing budget problems. Corzine last week projected a \$1.2 billion shortfall in the current state budget and a \$5 billion hole in the budget he is assembling for the budget year that starts July 1, 2009.

“I'm very concerned we may be talking about hundreds of millions of dollars in supplementals to the Abbotts,” said Assemblyman Joseph Malone (R-Burlington), ranking Republican on the Assembly Budget Committee. “It'll be like going to Skull Mountain looking for King Kong; we're going to be off the charts.”