

## **Justices Review Final Arguments on Abbott District School Funding**

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The Abbott program is a crucial lifeline for students in New Jersey's poorest cities. Or it's the last, unnecessary remnant of an unfair school funding system that Governor Corzine replaced last year.

Those were the arguments made before the state Supreme Court on Tuesday, as justices prepare to rule on the latest legal battle over Abbott v. Burke. The decades-long school-funding suit has brought billions in state aid to 31 cities in New Jersey, including Paterson, Passaic and Garfield, in an effort to help students reach the same academic levels as their neighbors in wealthy suburbs.

The Corzine administration has asked justices to end the Abbott program and abolish the districts' special legal standing, arguing that a new school funding formula keeps state aid levels high and fairly shares aid among all low-income students. A major point: some 49 percent of low-income students don't live in Abbott districts.

Before a packed courtroom, state Attorney General Anne Milgram argued that the formula is a "comprehensive remedy" to address inequities in public education in New Jersey. The new method awards aid based on enrollment, and adds extra dollars for every student who is poor, has limited English proficiency or receives special-education services.

In a statement Corzine said the new formula provides property tax relief and was "the right policy from the standpoint of our children and from the standpoint of the law" because it addresses "the needs of all students, regardless of where they live."

Last month, a Superior Court judge tasked with reviewing the case recommended justices approve the new funding formula, but maintain the districts' special legal status for a three-year trial period, to safeguard against unintended harms.

Lawyers for students in the Abbott districts asked the court to maintain the special status and funding, arguing that the new formula has already caused program cuts and that the communities face steep challenges that require special consideration. A major point: the new formula doesn't take into account extremely high rates of poverty. For example, four out of five Paterson students are poor, but aid increases under the formula top out after a 60 percent poverty rate.

"How does the formula impact on the ground schools in Newark, schools in Paterson, schools in Jersey City?" David Sciarra of the Education Law Center, which represents students in Abbott districts, said.

In addition, Sciarra urged the court to continue mandating programs for students in Abbott districts, such as tutors, small class sizes and parent-involvement initiatives.

“It’s an assurance,” he said. “This formula takes funding for all of the programs, lumps it into a category called ‘equalization aid,’ gives it to the district and says, ‘Here, you figure out how to serve special-education and limited English kids.’”

The day’s arguments centered mainly on whether to continue supplemental funding, a special category of state aid that only Abbott districts can request. The funds often pay for services like tutoring, after-school programs, in-school health services and summer enrichment programs.

“Our kids come to school without the tools they need, and supplemental funding provides a bridge to those tools,” said Irene Sterling, president of the Paterson Education Fund. “They help kids get ready to learn, and stay ready to learn.”

Justices also raised questions about efficient spending in Abbott districts — a sore spot among suburban towns, where property taxes skyrocketed during a five-year freeze in state school aid earlier this decade. Milgram argued that the new funding formula will help impose “fiscal responsibility” on the Abbott districts, and likened the special supplemental aid program to a “blank check.”

The districts are already spending efficiently, and the state has put in plenty of safeguards to ensure that they do, Sciarra said.

“No one stood and said, you have to have 100 percent efficiency and here’s what it looks like, and here’s how you get there,” he said.

Perceived inefficiencies are no reason to take away funding in low-income districts, said Stan Karp, a former Paterson teacher and urban education advocate.

“The needs in Paterson are really obvious,” he said. “Waste and inefficiency is not a reason to take resources away. It’s a reason to have accountability.”