

Another Administration, Another Abbott v. Burke Battle

The Education Law Center takes its epic legal battle to the Christie camp, arguing that school budget cuts are unconstitutional

By John Mooney, July 20, 2010

<http://www.njspotlight.com/stories/10/0719/2144/>

New Jersey's Supreme Court has yet to say when or even if it will hear the motion, but the next round of the epic Abbott v. Burke school equity case is already being fought on paper in legal briefs filed with the court.

For Gov. Chris Christie's administration, the argument is simple: State government is in financial crisis and the budget cuts to schools were fair yet unavoidable.

"During likely the greatest budgetary crisis this state has known under its current constitution, the state simply cannot continue to spend as it has in the past," read the brief filed earlier this month by the state attorney general's office.

The plaintiffs argue the high court has been clear in demanding adequate funding for all students, and the state's defense is hardly an excuse for cuts that they said worsen the disparities.

"The time has come for the court to act," reads the latest brief from the Education Law Center, the Newark-based advocacy group that first brought the Abbott case.

The law center in June filed the latest motion, adding to more than three decades of court battle on how best fund education in the state.

The ELC claims Christie's and the Legislature's \$1.1 billion in cuts to public schools in the coming year violated the court's latest decision in 2009, which for the first time found the state's funding formula to be constitutional but also required the state to match its fiscal promises.

The court has yet to say whether or when it would hear the new motion, likely moving any potential oral arguments and resulting decision into the fall, at the earliest.

The stakes are high, with the state estimating the cost of fully complying with the school funding formula to the ELC's satisfaction would be another \$1.8 billion.

The state in its filing implored the court to stay out of it this time, saying the budget's deep cuts were done fairly and equitably and distribution of funds should nevertheless rest with the executive and legislative branch.

Christie and the legislature's limited the historic cuts in state aid to no more than 5 percent of any district's overall budget, a move that took larger sums out of urban schools but proportionately hit harder at suburban districts, including 60 districts that saw virtually all their aid eliminated.

The law center in its most recent brief highlights that the state does not deny it has underfunded the School Funding Reform Act (SFRA) backed by the court two years ago, and instead "relies on several excuses for its non-compliance."

“The state cannot mask the stark and uncontested reality that the over \$1 billion reduction in such aid below the levels provided by the SFRA in 2009-10 departs significantly from the SFRA formula,” it reads.

=====

P.E.A. Continues to Investigate RIF Lists

The calls and emails continue to inundate the Association’s offices regarding concerns voiced by tenured teachers who received RIF letters. Most issues fall into these areas; the individual received a PEL letter, but had never been RIF’d; the individual did not receive a PEL letter; PEL letters do not appear to be correct for a variety of reasons; staff members received RIF letters but others with less seniority did not; other staff members were notified that they would be brought back with less seniority than others who have not been brought back; questions about “bumping” rights.

The problem is massive, and so are the issues that have arisen. It is for all of these reasons that the Association has not been able to provide instantaneous responses in some cases.

A group of NJEA attorneys continue the process of reviewing the over 600 Seniority and Tenure Questionnaires that have been returned to the Association. These reviews have raised additional questions that have been forwarded to P.E.A. for investigation and clarification. Furthermore, in some cases, the attorneys have contacted individual staff members for additional information. The process is a lengthy one, but it is moving ahead with the understanding that complaints to the Commissioner of Education must go out in the next few weeks.

In the meantime, the Association has not received any information that any more staff members have been recalled. We caution you that unless you receive a letter from the Superintendent or his designee, any "word" that you might be recalled is unofficial and may not be correct. As we have said before, principals and others who want to seem to be "in the know" or want to avoid emotional scenes have provided inappropriate information already.

Questions about an individual’s information contained in the PEL letters should be sent to Assistant Superintendent of Schools Marysol Berrios at mberrios@paterson.k12.nj.us.

P.E.A. continues to work to protect the rights of our members.