

Districts pressing school-funding case as state moves to dismiss their petition

By Linh Tat

03/21/2018 05:42 PM EDT

A group of school districts seeking equitable funding from the state has no plans to give up their demand, despite a motion this week by the state to have their case thrown out, a superintendent for one of the districts said.

The coalition — consisting of about a dozen districts, along with some municipalities and individual taxpayers living in underfunded communities — recently filed for emergent relief to have their case expedited by an administrative law judge. The Feb. 28 request was filed six weeks after the group [petitioned](#) the state for more "equitable and predictable" funding, based on New Jersey's existing school-funding statute.

Given the release last week of [preliminary state aid figures](#), coalition members believe they still have a case, said G. Kennedy Greene, superintendent of Newton Public Schools, one of the districts leading the effort.

"The aid figures, as we've seen them come out, are not equitably distributed," Greene said Wednesday.

Under the School Funding Reform Act of 2008, the state determines each district's "adequacy budget" — the amount needed to provide a "thorough and efficient" education to all its students — and how much each district's local taxpayers' share should be based on a community's wealth. Then the state determines its contribution, which should be the difference between the adequacy budget and the local share.

But the state has consistently underfunded school districts by about \$800 million to \$1 billion a year. Complicating matters is the fact some districts have historically not received the full amount of state aid owed them while others have gotten more than they should because the decade-old funding formula has failed to reflect changes in district needs.

Last week's preliminary aid figures show some districts that have historically been overfunded by the state will receive an increase in aid next year, while severely underfunded school systems still won't receive the full amount owed to them.

In requesting emergent relief, the attorney for the petitioning districts wrote in the [Feb. 28 motion](#) that having their case expedited could help "prevent irreparable harm." The petitioning districts, which all receive less than 70 percent of the state aid they're entitled to, consider themselves severely underfunded by the state and overtaxed locally.

The state does not believe the districts have a case.

Attorney General Gurbir Grewal's office, on behalf of acting Education Commissioner Lamont Repollet, on Monday filed a [motion to dismiss](#) the petition and the motion for emergent relief.

In its motion to dismiss, a copy of which was obtained by POLITICO, the state argued the petitioners' claim that the education commissioner's office has ignored funding mandates prescribed by state statute and failed to take into account how the state budgeting process works.

"The Legislature — not the Commissioner — has the sole and exclusive authority to appropriate monies, including the inherent power to disregard prior fiscal enactments," Grewal wrote. "Petitioners' claims have no merit against this constitutional mandate."

The Attorney General's office cited previous cases, stating the distribution of education costs among taxpayers is a policy decision to be determined by the Legislature.

"Petitioners' efforts must be addressed to the political branches and their respective legislative representatives," the motion reads.

Gov. Phil Murphy last week proposed a budget that did not cut funding to any district or charter school for next year and instead gave aid increases ranging from 0.1 percent to 16.5 percent to the vast majority of districts. The average increase was around 5 percent.

Those figures could change, however, as part of budget negotiations between Murphy and state lawmakers — a process that typically gets drawn out until late June. Already, some lawmakers and school administrators have questioned the latest aid figures, citing inequities, once again, in how money is distributed.

The petitioning districts have until April 6 to respond to the state's motion to dismiss, Greene said.

To view online:

<https://www.politicopro.com/states/new-jersey/story/2018/03/21/districts-pressing-school-funding-case-as-state-moves-to-dismiss-their-petition-325332>