

# Time to end the war over school funding

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Abbott v. Burke has become New Jersey's political version of "War and Peace" — a tale spanning decades, involving hundreds of characters, palace intrigue and a convoluted plot.

The next chapter will be written next week when the Christie administration presents its argument to the state Supreme Court that last year's reduction in state aid to public education did not violate the state constitution.

The administration will attempt to convince the court to modify the findings of Superior Court Judge Peter Doyne, appointed as special master to hear testimony challenging the aid cuts. Doyne found the reductions unconstitutional — largely because of their disproportionate impact on low-income districts — but did not offer any remedy.

Retaining former Supreme Court Associate Justice Peter Verniero to present the state's case was a wise move by the administration, given Verniero's intimate knowledge of the issue (he argued a school funding case in 1998), as well as his insight into the working of the court.

The initial challenge to the method by which the state provides financial support to school districts came in 1972. Since

then, some 20 cases have been decided. Virtually all turned on the question of whether the funding for at-risk districts — largely urban areas without the wherewithal to support local education on their own — was sufficient to provide students with a quality of education equivalent to their suburban neighbors.

Two years ago, the Supreme Court approved a revised funding formula, declaring it constitutional, provided it was fully funded. With the aid cuts implemented last year, opponents argued it violated the court's finding. Doyne agreed.

Doyne rejected the state's assertion that it could not be clearly demonstrated that money translated into more favorable student outcomes, and he pointed out several times that the state had argued the opposite position two years earlier while defending the funding formula.

"Ironies abound," he said dryly.

He was sympathetic — indeed, on the

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verge of apologetic — in acknowledging the state's fiscal distress and noting the difficult challenges involved in supporting government's myriad activities and responsibilities at a time when resources had declined sharply as a result of an unprecedented national economic downturn.

His role, however, was limited to determining constitutionality and did not extend to offering recommendations to overcome the deficiencies he found.

The Supreme Court is back on familiar ground. It has been the arbiter of education funding challenges since the last quarter of the last century, and has been the driving force in determining the appropriate level of state aid.

It is this latter fact that infuriates the court's critics, who accuse it

the state's children.

That interpretation is another contentious point between the court and its critics.

While it remains to be seen what approach Verniero will take, there has been speculation that compromise is a likely outcome, that the court would grant the administration additional time to bring funding up to the formula standards or to permit a phase-in that commits the state to a specific level of additional aid for a set number of years.

It's difficult to imagine that the participants have not wearied of this long and often acrimonious dispute.

Eight governors and countless legislatures have been players in this "War and Peace" saga. It's time for less of the former and more of the latter.

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