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VIA E-MAIL & VIA UPS OVERNIGHT MAIL

January 3, 2018

The Honorable Susan Scarola, ALJ
Office of Administrative Law
9 Quakerbridge Plaza
P.O. Box 049
Trenton, New Jersey 08625

Re: Alcantara, Leonor, Individually and as G/A/L for E.A. et. als.

v.

Hespie, David, Comm. of Ed., NJ State Bd. of Ed. & NJ Dept. of Ed.

OAL Dkt. No.: EDU-11069-2014 S / Agency Ref.: 156-6/14

Dear Judge Scarola:

As Your Honor is aware this office represents the interests of the Lakewood Township Board of Education as of August 17, 2017.

In furtherance of the telephone conference call that occurred on Friday, December 22, 2017 wherein, in part, Your Honor herself pondered if this matter would be "ripe" for Summary Decision, and, thereafter receiving the attached correspondence dated December 29, 2017 from Paul Trachtenberg, Esq., that was

addressed to Your Honor (**EXHIBIT "A"**), the Lakewood Board of Education *strongly* supports the notion this matter be summarily decided in favor of Petitioners.

In furtherance of same, I now attach two (2) Reports that further support Summary Decision in this matter, to wit:

1. A December 27, 2017 position paper of Melvin L. Wyns,¹ School Finance Consultant (3 Pages) (**EXHIBIT "B"**); and
2. A December 30, 2017 Report entitled "New Jersey School Funding Impact on the Lakewood Public Schools: Focus on Special Education" of Sue Gamm, Esq. (**EXHIBIT "C"**).²

Moreover, as a matter of law Summary Decision is appropriate herein as according to the SFRA (2008):

"Every child in New Jersey must have an opportunity for an education based on academic standards that satisfy constitutional requirements regardless of where the child resides and public funds allocated to this purpose must be

¹ It should be noted that Mel Wyns' testimony in front of the Supreme Court in the matter of Abbott v. Burke, M-1293-09.

² See attached curriculum vitae of Melvin Wyns (**EXHIBIT "D"**) and Sue Gamm, Esq. (**EXHIBIT "E"**).

expended to support schools that are thorough and efficient in delivering those educational standards. In turn, school districts must be assured the financial support necessary to provide those constitutionally compelled educational standards. Any school funding formula should provide State aid for every school district based on the characteristics of the student population and up-to-date measures of the individual district's ability to pay."

"The formula provides adequate funding that is realistically geared to the core curriculum content standards, thus linking those standards to the actual funding needed to delivery that content." And

"The time has come for the State to resolve the question of the level of funding required to provide a thorough and efficient system of education for all New Jersey school children. The development and implementation of an equitable and adequate school funding formula will not only ensure that the State's students have access to a constitutional education as defined by the core curriculum content standards, but also may help to reduce property taxes and assist communities in planning to meet their

educational expenses. The development of a predictable, transparent school funding formula is essential for school districts to plan effectively and deliver the quality education that our citizens expect.”

In this law the “Base per pupil amount” which is used in a district’s adequacy budget calculation “means the cost per elementary pupil” of delivering the core curriculum content standards and extra-curricular and co-curricular activities necessary for a thorough and efficient education.

So it is clear that a basic premise of the law is that the funding being provided is the funding necessary to allow a school district to be able to provide its students with the constitutionally prescribed thorough and efficient education.

The law further states that “For purposes of determining if a school district or county vocational school district is spending above or below adequacy and its applicable State aid growth limit, the district’s spending shall equal the sum of the prebudget year of its equalization and aid calculated pursuant to section 11 of this act, special education categorical aid calculated pursuant to section 13 of this act, security categorical aid calculated pursuant to section 14 of this act, and general fund local levy.”

Lakewood is presently spending below adequacy and thus, under the law, is not providing the students with sufficient funding to enable them to attain a thorough and efficient education.

The Honorable Susan Scarola, ALJ
Re: Alcantara et. als. v. Hesper et als.
OAL Dkt. No.: EDU-11069-2014 S / Ref.: 156-6/14
Page - 5 --
January 3, 2018

Because of the gap between the Lakewood school district's local share and its general fund tax levy which has its annual growth limited by the law the school district has no realistic ability to provide the necessary funding to be defined as spending at the level defined as adequate under the law.

Therefore, the law as applied to Lakewood must be deemed **unconstitutional**.

For the foregoing reasons, Summary Decision is appropriate herein.

Oral argument is respectfully requested.

Respectfully submitted,

Michael I. Inzelsbuch, Esquire
MICHAEL I. INZELBUCH, ESQ.

MII/sn

cc: Arthur Lang, Esquire (for Petitioner)
Paul Trachtenberg, Esquire (for Petitioner)
Daniel Louis Grossman, Esquire (for Petitioner)
Jennifer Hoff, DAG (for Respondent)
Geoffrey N. Stark, DAG (for Respondent)
Laura Winters, Superintendent of LBOE

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