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VIA EMAIL

October 3, 2018

Honorable Susan M. Scarola, ALJ
Office of Administrative Law
Quakerbridge Plaza, Building 9
Mercerville, NJ 08625-0049

Re: Leonor Alcantara et. al. v. David Hespe et al.
OAL Docket No: EDU 11069-2014 S
Agency Ref. No. 156-6/14

Dear Judge Scarola:

As a participant in the above-captioned case, I am submitting this additional letter in anticipation of today's scheduled conference call with your Honor in which I expect to participate.

In particular, I am responding to the letter just submitted to your Honor by Geoffrey N. Stark, Esq. on behalf of the State Respondents. As has been the case for more than four years, the State can't seem to help itself from seeking to complicate and delay the resolution of the student Petitioners' urgent constitutional claim.

As a participant whose role is to assist your Honor in resolving this matter as effectively and expeditiously as possible, I believe that what is before you now is quite simple. If one thinks of a case as involving two aspects—liability and remedy, it seems clear to me that the Commissioner's letters to the State Treasurer each year for four years concede liability. Those letters explicitly state that the funding provided to the Lakewood School District pursuant to the School Funding Reform Act of 2008 (SFRA) is insufficient to afford the district's students a thorough and efficient education. That is, and has been for more than four years, precisely the Petitioners' constitutional claim. I fail to see what the State can prove as to the liability issue at an evidentiary hearing that would refute the Petitioners' claim. I cannot imagine that the State will seek to call into question the accuracy or honesty of the Commissioner's repeated certifications to the State Treasurer on the basis of which more than \$46 million of advance state aid has been provided to, or assured, the Lakewood School District over the past four years.

Your Honor should immediately conclude the liability phase of this matter, perhaps by issuing the summary judgment that Petitioners have been seeking.

In my opinion, the only remaining question is how to remedy that conceded constitutional default and that is a question that can be left, in the first instance, to the Commissioner and State Board of Education, who have been assigned broad, indeed virtually unlimited, authority to assure that all New Jersey students, including those in Lakewood, receive a thorough and efficient education.

I would urge your Honor to recommend that the Commissioner promptly develop and submit to this tribunal and to the Petitioners a plan through which constitutional compliance will be achieved. In all likelihood that will require proposals for some legislative action, but, as I indicated in my prior letter, who better to advocate for Lakewood's students than the Commissioner of Education. Of course, in developing his compliance plan, the Commissioner can consult with his state monitors in Lakewood, Glenn Forney and others with relevant expertise at the Department of Education, the Lakewood School District's superintendent and business manager, the Petitioners' expert Melvin Wyns, and anyone else who can be of assistance. What desperately needs to be avoided, though, is further needless delay in vindicating the constitutional rights of Lakewood's students.

Respectfully submitted,

Paul L. Tractenberg, Participant

cc: Arthur H. Lang, Esq.
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