



Arthur Lang &lt;lakewoodlaw@gmail.com&gt;

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## Commissioner's Decision

1 message

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Dear Roshei Mosdos,

Late Friday afternoon, the Commissioner of Education issued her decision in our emergent motion. Essentially, she has taken the position that education has improved in Lakewood and therefore the Courts cannot order an adjustment to the funding formula. See the second attachment.

This is the same argument that the BOE made in its April 2021 brief when the matter was first before the Commissioner.

See attached: <http://arthur2240.ipage.com/documents/BOEExceptions.pdf>

It is important that all citizens of Lakewood know the position of their elected BOE in the matter.

The Commissioner will be conducting an extensive review of the district in order to produce an updated record. She has invited the district to participate once again.

The law in New Jersey is that the courts have jurisdiction to order a change in the formula if plaintiffs prove, 1) the schools are not providing a thorough and efficient education and, 2) it is the fault of the formula.

It took me ten years to produce the record that finally prevailed on the first step. This was the first time this happened in any NJ district this century. Unfortunately, we are going in circles because the Commissioner is now saying the data is old.

The BOE argued in its 2021 brief that the courts should not order a change in the formula because 1) I did not allow district employees to testify to the truth, that the district is providing T & E, 2) the data is old and education has improved since the record closed in 2018, and 3) that we all should go to Trenton to lobby the legislature, without a court order, because "the New Jersey Department of Education ("NJDOE"), and, the Lakewood Board of Education ('LBOE') agree that a Legislative solution is required." The position of the BOE is that they will get legislators to do the job without a court order. Even if that were true, which it is not, I do not know how a court order will do any harm.

It is well-known that the superintendent runs a culture of fear in the district. Teachers are typically punished for speaking out or questioning BOE policy. Diversity of opinion and innovation is frowned upon. I was transferred to the middle school for my litigation and lost all my perks that paid an extra \$10,000 a year. Every administrator I interview with is scared to recommend me to the superintendent for promotion and tells me, off the record of course, that I was blacklisted.

We can expect that staff members, teachers, principals, and the superintendent will advocate that the state is providing T & E by way of the loans in order to protect their jobs. Even though the data speaks for itself, it will be presented in the best light to buttress the position of the BOE and the Commissioner.

The Commissioner did not address the BOE's argument in 2021 because she ruled that the record presented to her, as it stood then, did not meet the standard of unconstitutionality. However, now that she has been reversed and the Court ruled that the record indeed did show that the state is not providing T & E in Lakewood, she has now taken the exact position that the BOE took.

Essentially, Professor Tractenberg and I will likely have two adversaries now that the BOE is back in the matter.

Sincerely,

Aaron Lang

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**2 attachments**



**Alcantara et al. v. Allen-McMillan et al. -- 5.12.2023 (final) (1).pdf**  
235K



**Commissioner Decision No. 142-23 Alcantara (156-06-14).pdf**  
258K