

POLITICO PRO

Court deals blow to Murphy administration in Lakewood

A 'thorough and efficient' education is in dispute.

BY: **DUSTIN RACIOPPI** | 03/06/2023 08:26 PM EST



A court Monday sided with Lakewood officials over whether the school district is receiving enough state aid, despite most of the students going to private schools. | Matt Rourke/AP Photo

In a blow to the Murphy administration that could cost it millions of dollars, a high court on Monday sided with attorneys in Lakewood who argued the state hasn't lived up to its constitutional duties.

The Appellate Division ruling is a win for Lakewood, which has seen its population explode in recent years but mostly with students who attend private schools, which are

not covered by state funds. The ruling could have broader implications for districts with private schools.

The decision is also a rebuke to acting education commissioner Angelica Allen-McMillan, who successfully argued to a lower court that the state was fulfilling its responsibilities. The appellate court overturned that ruling.

“It’s everything we asked for,” said Aaron Lang, the Lakewood school teacher who brought the suit against the state. “It means that we won, the commissioner’s got to do something, and if they don’t do something we’re going to go right back to the court.”

The administration can appeal the decision but didn’t say Monday whether it would. The Department of Education declined to comment.

Lakewood is a growing Orthodox Jewish community where most students get their education privately, not from public schools. The town has about 37,000 school-aged children, according to court documents, but about 84 percent are enrolled in private religious school.

State aid for schools is based on the town’s much lower enrollment, though. More than half the district’s budget — \$78 million — went to transportation and special education for private school students, court papers show. Neighboring districts spend a fraction of that, between 4 percent and 7 percent, according to court records.

“This is an abnormal and unsustainable imbalance,” the appellate court said.

The three-member court picked the Murphy administration’s arguments apart.

Allen-McMillan had argued that improving test scores and a high teacher-to-student ratio showed students were receiving a “thorough and efficient” education, as the state constitution requires. Lawyers said low graduation rates and test scores counter the commissioner’s argument that Lakewood schools have shown “consistent improvement.”

“A high school with a one percent graduation rate one year and a two percent rate the next has shown remarkable statistical improvement — a 100% increase — but no one could seriously contend the school provides a thorough and efficient education,” the appellate court wrote.

Paul Tractenberg, a lawyer who argued the case for Lakewood, said the implications of the decision are “large.”

“Lakewood kids are not getting a thorough and efficient education. There should be urgency on the part of the state to cure the Lakewood problem,” he said.

Elizabeth Athos, a senior attorney with the Education Law Center, which argues for school funding equity, applauded the decision.

“We’re pleased the court corrected the Commissioner’s error in selecting the legal standard to be applied when assessing the denial of a thorough and efficient education, and with the court’s recognition that students in Lakewood are not receiving a constitutionally sound education,” she said in a statement.

AROUND THE WEB

How big changes at WA's Western State Hospital fit into Gov ...

The Seattle Times

CNNfyi.com - The great debate in the Sunshine State - November 10 ...

CNN

Will Supreme Court abortion ruling drive women to vote in 2022 ...

Washington Post

WA Legislature can protect warehouse workers when employers ...

The Seattle Times

Photo Gallery: Belen Jesuit defeats Jones High School in FHSAA 5A ...

The Miami Herald



YOUR ACCOUNT MANAGEMENT TEAM

Tita Ferede

Business Development Associate, Pro
tferede@politico.com

Aaron Czarnopys

Account Executive, Pro
aczarnopys@politico.com
