

Subject Re: Today's conference call

From Paul Tractenberg <paultractenberg@gmail.com>

To Berdecia, Christina <Christina.Berdecia@oal.nj.gov>

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Date 10/05/18 4:05 pm

Dear Judge Scarola and Counsel,

I am writing to explain and apologize for my sudden disappearance from yesterday's conference call. At 4:30 pm, I had to drive to Montclair State University to deliver a long-scheduled keynote speech on school integration in NJ. I thought that I could continue to participate in the conference call during my 30-minute drive, but my car's BlueTooth system did not connect to my cell phone and I tried, but could not, continue to participate in the conference call by holding the cell phone while I was driving.

I was very sorry to have to leave the call prematurely and hope that I can be brought up to date on what transpired during the balance of the call. The last thing I heard was Judge Scarola questioning the State about the basis of its defense against petitioners, which it has never described. I was going to underscore that query and relate it to the case the State is so anxious to present.

As I have tried to make clear, I am puzzled by exactly how the State intends to argue that the commissioner's repeated letters seeking the state treasurer's approval of advance state aid payments to the Lakewood School District over the past four years do not constitute acquiescence in the petitioners' core constitutional claim that the School Funding Reform Act fails to generate enough funding for Lakewood's students to receive a thorough and efficient education. After all, the New Jersey statute under which the advance state aid is provided, NJSA 18A: 7A-56, states explicitly that the commissioner must certify to the state treasurer that such discretionary advance state aid is necessary for students to receive a thorough and efficient education, and the commissioner's letters have dutifully done so. On that basis, and that basis alone, the state treasurer has authorized that more than \$46 million in advance state aid be paid to Lakewood. I hope that in the part of the conference call I missed the state's lawyers satisfactorily explained how its 15-20 witnesses will rebut that otherwise inescapable constitutional conclusion.

Since I also have repeatedly urged Judge Scarola to do her part to move this matter ahead to an expeditious and constitutionally responsive resolution, I am hoping that the state's presentation of its case, if there is to be one, can hone in on that crucial question and not indulge in further unresponsive testimony and evidence.

I wait to learn what transpired and hope that it is consistent with a quick and definitive conclusion of the OAL portion of this case. As I informed everyone, I will be out of the country between this Sunday evening and November 7, but will try to participate to the extent possible by email communication. Thank you for your indulgence.

Paul Tractenberg