

Golden: Showdown over education funding

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BY CARL GOLDEN

The Record

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NEITHER SIDE in the litigation challenging the constitutionality of the reductions in state aid to education broke any new ground in their recent oral arguments before the state Supreme Court.

The Education Law Center reiterated its position that anything less than full funding of the aid formula violated the Supreme Court ruling of three years ago that upheld the formula — provided it was funded in its entirety.

Former Associate Justice Peter Verniero, recruited by the Christie administration to defend the cuts, contended that forces outside the control of the administration — the collapse of the national economy and the resulting loss of tax revenue — left no choice but to reduce state spending across the

board.

The Law Center's task was both familiar and relatively easy; it was the same argument it made for the four decades the issue has been in and out of the courts.

For Verniero, the bar was set somewhat higher, placed there by the vigorous and ultimately successful defe

the state's position, while LaVecchia was more direct, recalling that the formula was brought before the court "like tablets from the mountain" three years ago.

Rather than attempt to explain away or rationalize this apparent contradictory history, Verniero acknowledged it, but contended that the court should recognize the severe fiscal distress in which the state finds itself and allow the executive branch and the Legislature to resolve the issue, even if it means violating a constitutional finding.

In making the case, Verniero pushed the core of the dispute onto center stage. It is, he said, the constitutional obligation of the elected branches of government to set spending and revenue policy, and they should be left to that task.

As the court's critics have made clear repeatedly, the constitution expressly and unequivocally places the appropriation of state funds in the legislative branch.

The court, however, has held just as repeatedly that its interpretation of the constitution demands adequate funding be

ruling, speculation about its response has run amok.

Defying the court

The governor, in response to a constituent question, said that defying a court order to restore the funds in their entirety — some \$1.6 billion — was an option under consideration.



Compromise? Maybe.

Confrontation? Perhaps.

Fascinating? You bet.