Inside the Education Debate

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Inside New Jersey's Education Debate

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Photographs by Joe Lingeman
As the 2009 school year was about to begin, Irene Sterling worried about the 27,000 schoolchildren in Paterson, her home city, the third largest in New Jersey. A parent of a former Paterson student and now head of the Paterson Education Fund, Sterling watched budgets flat-line. This year there were no increases to keep up with the standard 3 to 4 percent annual uptick in budgets, filled mainly with teacher salaries and run-of-the-mill line items, like energy costs. She wondered where, with so many English-as-a-second-language learners and kids living at the poverty line, fat could possibly be trimmed.

For a brief window between 1998 and 2008, things were surprisingly good in Paterson. Kids had textbooks (not always a sure bet in previous years), new schools were being built and test scores were up for students in pre-kindergarten through fourth grade. During the 10-year period, New Jersey’s urban fourth-graders closed the reading test score gap between themselves and their suburban peers from 22 points to 15 points, while the math gap narrowed to 19 points from a whopping 31 in 1999.

Yet a new state funding law, passed in 2008 and cleared by the State Supreme Court last spring, may be shortchanging the cities, leading urban school kids back to the days of crumbling buildings and crowded classrooms. The new law has its proponents, but it undoes a key concept that was in place in New Jersey over that decade of progress. Concentrated poverty bred students that needed not just the same amount as suburban students — already a semiradical proposition in most U.S. school districts — but more.

SHOW ME THE MONEY
From 1999 to 2008 New Jersey’s poorest city children received about the same amount of education money, and often more, as those in the wealthy suburbs. In 2005 the average child in one of 31 designated high-poverty urban areas in New Jersey received an average of $10,090 per year for education — just $65 below the wealthiest districts, according to the Newark-based Education Law Center.

This was a remarkable situation in the United States, where urban-suburban disparities in property tax revenues — most states fund schools based on property taxes — often make for huge differences in education funding. But New Jersey’s cities certainly weren’t paying for their share: Despite the best intentions of developers, mayors and Richard Florida devotees, gentrification had failed to work its magic in any broad, sustained way on the crumbling infrastructures of Newark, Jersey City, Paterson, Elizabeth and Trenton. Luxury lofts had indeed come to Newark and Jersey City, but they were relatively few and burdened with tricks like tax abatements for developers, especially in Jersey City, where for decades, hundreds of new condos have received deals to exempt them from paying the taxes that go to schools.

So the state stepped in to make up this funding gap. It did so only after a landmark class action lawsuit, Abbott v. Burke, in which schoolchildren plaintiffs represented by the Education Law Center took on the state. Witnesses testified about crumbling workbooks in Jersey City, a missing cafeteria at Camden High School, and the $900-per-student funding gap between schools in Trenton and South Brunswick, only 20 miles apart. The long, tortuous case ultimately compelled 20 separate judicial decisions over 24 years, but the first victory for the plaintiffs came in 1990, with the State Supreme Court decision known as Abbott II. The court declared that the rickety finances of urban districts were an impediment to the “thorough and efficient” education guaranteed by the state’s constitution. The chief justice at the time, Robert Wilentz, wrote the majority opinion: “We find that under the present system, the evidence compels but one conclusion: the poorer the district, the less money available, and the worse the education ...

That system is neither thorough or efficient.” (This is all drawn from journalist Deborah Yaffe’s indispensable 2007 book about the Abbott litigation Other People’s Children.)

Still, it took until 1998 for the legislature to craft a funding plan that provided for, among other things, extra money for the designated “Abbott” districts, mostly cities such as Newark, Jersey City, Paterson and Camden. It first provided for funding parity with the suburbs, then it added a new school construction fund, as well as an array of supplemental programs ranging from college-prep tutoring to a school overhaul program. Crucially, it also called for two years of universal preschool in the Abbott districts, the first mandate of its kind in the country.

Today the state of New Jersey has one of the country’s highest education budgets, spending nearly $16 billion a year on its schools. New Jersey is one of the wealthiest states, weighing Connecticut year after year for first place in per-capita income, but it has some of the poorest cities. If parity — at least measured in dollars — should work anywhere, it should work here.

Yet the Abbott-mandated programs are now at risk, thanks to a new state funding law, the School Funding Reform Act (SFRA), about to enter its second year of application. Critics say it is undermining that decade of progress in urban-suburban parity. The act, championed by Gov. Jon Corzine as a fairer, more logical, more scientific approach to the problem of educational funding disparities, establishes a basic level of funding for any child in the state at $5,649 and then calculates the additional needs of a child in a high-poverty area, as well as children with special needs and ESL learners.

The new law gained traction, in large part because after the Abbott reforms, middle-class districts received up to $1,000 less per child than the Abbott districts, a disparity that created increasing political problems over time. Moreover, poor children living in places like Egg Harbor, near Atlantic City, or Hillside, along the commuter corridor in the north, were basically ignored under the Abbott decisions, which focused on the most disadvantaged within city limits. Why, proponents of the new law said, should only
poor urban kids get help? In addition, some reform proponents argued, New Jersey’s big cities are notorious for what can be charitably called financial mismanagement — or, bluntly, put, graft.

“What can be better about the [SFRA] formula is that it has the potential for districts not to be divided by the nature of the funding, and not set against each other with competing needs,” says Lynne Strickland, executive director of the Garden State Coalition of Schools. Abbott decisions, she says, created two tiers of schools — those guaranteed a certain level of funding by the court and “the rest of the 570-some districts, which were under a different funding mechanism by statute. And some years the statute went out the door and it was held flat and very unstable and not predictable for those 570-odd districts. The legislators would say, ‘We’re doing the best we can do, money is tight, we must fund the Abbotts.’ And that leads to a division.”

Abbott advocates do not necessarily disagree. The New Jersey courts, says the Education Law Center’s executive director David Sciarra, “said that poor kids need more. But the problem is it applied to only 31 districts. The legislature never stepped up to the plate to make sure that the other districts also received adequate funding and got their programs.”

The middle class did not necessarily get squeezed because of a focus on the poor, though, says Yaffe, who covered the Abbott cases so thoroughly in her book. Instead, “they got screwed because the legislature undertook the formula because of years of irresponsible funding. What Abbott court orders did was protect the city districts from also being screwed.”

**FLAT-LINING FUNDING**

Underfunding is happening again, thanks to the recession, but this time the cities have no special court-mandated protection. The new formula leaves funding decisions to the cash-strapped legislature, which this year gutted $300 million from the SFRA bill, much of which would have gone to high-needs districts (those with concentrations of poverty above 40 percent). That money directly supported entire school budgets. “Our biggest concern with the formula is that for a number of [former] Abbott districts, the budgets that were approved by the state under Abbott exceed the budgets that are allowed under the new formula, despite the fact that the formula has these components at levels that look to be on their surface healthy,” says Sciarra. “You still had Abbott districts with needs above that, and they are now considered to be overspending.” Last year these districts got no increase in aid, called flat-funding. Now, says Sciarra, “there is going to be a year-by-year downsizing.”

That is already happening in Paterson. Mayra Pierschi’s 8-year-old son attended an excellent small local elementary school, PS 17. Funding by the state did not increase between 2008 and 2009, though budgetary needs did, and now PS 17 is closed. This fall her son is attending a larger school farther away, which requires busing. “School 17 was an awesome school,” says Pierschi. “It was a local school where I could easily drop him off or just go talk to the principal.” She worries about overcrowding now. It can be confusing to sort out why there would be a funding gap in a place like Paterson, if the new formula seems to account for poverty so thoroughly. But schools in Paterson, like other Abbott districts, used to be able to request extra funding for after-school or health programs, one-off increases to their budgets that the new formula does not include.

And it simply may be that the new formula is off: It assigns a coefficient, derived by consultants, to multiply the effects of concentrated poverty per student. Irene Sterling of the Paterson Education Fund explains that because of flat-lining and some actual cutting under the formula, there’s a $40 million deficit (in a $536 million city education budget) between what the city needs to keep up with costs this year and what they are getting under the new formula. That may sound like a small proportion, but Sterling uses a folksy urban analogy to show how crucial that difference in funding is. “It costs $3 to get on the bus,” she says. “I have 50 cents. You give me $2, I still can’t get on the bus.”

**PEOPLE, NOT NUMBERS**

As I was walking home from my neighborhood park in Jersey City the other day, with my almost-3-year-old gamely waving to pit bulls, my neighbor, an efficient and dogged local gadfly, stopped me to talk about the block association meeting she was hosting. Talk about the neighborhood turned to talk about the schools, as it often does among families here. “They might be turning Abbott preschools into needs-based,” she said ominously. Another rumor I’d heard
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recently was that the after-care at the preschools might be cut, thanks to reduced funding under SFRA. None of the advocates I talked with thought this would happen, but my neighbor’s concern indicated the wide-ranging fear and confusion among parents who want to protect their beloved Abbott program.

Abbott, as the pre-K is referred to by parents, is one of the few good, free government-provided programs in the city. I wanted my son to go to an Abbott pre-K in Jersey City: It has a great reputation among “cultural creative” parents such as myself, the type who drive Volvos and Subarus and complain about the lack of bike lanes. But since my son misses the age cut-off by a week, I am now paying to send him to a high-end Montessori preschool to the tune of $13,000 a year. The Abbott program near me costs the state about $12,934 and should be free for me. Indeed, free pre-K would be a nice return on my relatively high property taxes. (Our two-family home is assessed at $140,000 and we pay about $7,000 a year on it.) Crime may be high here, but for the first two years at least, the schools are top-rate. My second son, a newborn, makes the cut-off. I just hope the program is around in three years so he can go.

Quality preschool has had demonstrable results, in New Jersey and elsewhere. A recent study of the Abbott preschoolers found that only 5 percent of children who attended the program had to repeat a grade by second grade, compared to 10 percent who hadn’t. In addition, the children who attended preschool for two years moved up to the 67th percentile from the 50th in language and math skills. W. Steve Barnett, the study’s lead author and head of the National Institute on Early Education Research at Rutgers University, enumerates the basics of quality preschool: small class size, educated teachers and quality, well-researched curriculum.

The parents I’ve talked with agree, but they also think the Abbott program works so well, in part, because it is universal and non-needs-based, so that children from vastly different backgrounds mix, to good effect. They observe that the problems of less advantaged 3-year-olds do not affect those who come from homes filled with books, while the bookish ones can share their words with the others. “One of the interesting things about Abbott is that to the extent that it is useful in improving education, if you can really pick up the level at which kids enter Kindergarten and first grade and build on that, you can change the whole atmosphere and climate of schools. That can be a serious urban redevelopment tool,” says Barnett.

Now Barnett and his team are tracking the original Abbott attendees through the higher grades. “We have reason to believe this will impact high school graduation, but that will be 2014,” says Barnett. “A lot of people say this doesn’t persist unless kids go into good schools later, and that’s not really true.”

The SFRA originally called for expanding the pre-K program to other districts, based on the concentration of poor children there. But it would alter a key facet of the existing pre-K program: It would be needs-based, further ghettoizing young children by their parents’ earning power and eliminating a powerful class equalizer. That expansion was cut, though, when the careening budget hit legislators’ desks last spring, demonstrating just how vulnerable worthy intentions are to fluctuating tax revenues and state debt loads.

“Essentially the Corzine administration says, ‘You should have confidence in us — we passed the law, we’ll enforce it,’” says Yaffe. “But the history of New Jersey is of administrations not doing it. I think New Jersey schools have been fully funded for like three years of the last 30. If school finance calls for $4 billion and they have only 3.5, they just underfund everyone. If the state underfunds the formula it’s always going to have a bigger impact on poorer districts. Even proportional cuts end up having a disproportional impact.”

All the experts insist the preschools in former Abbott districts are not in jeopardy under the new law. The irony of Abbott is that on the face of it, the most successful resulting program has little to do with the constitutional mandate that started all the legal battles, which mandates only a “thorough and efficient” education for 5- to 18-year-olds. There is actually no constitutional mandate for pre-K.

HELP IS ON THE WAY?

in the end, the new school funding law plays to our era’s technocratic emphasis on results and equity. The Obama administration supports “results-based education,” and the media has hyped pro-charter, pro-testing reformers such as Michelle Rhee in Washington, D.C., and New York City Mayor Michael Bloomberg. Corzine’s plan falls squarely within this pack and seems eminently sensible on the surface. But through design or accident, it upends a decades-long, court-ordered assumption in New Jersey education: that the vast needs of urban kids, established by huge social deficiencies stemming from poverty, require vast sums of money to help them reach average. Money alone may not be the answer, but its absence doesn’t make the challenge of educating the least advantaged any easier. Still, as Lynne Strickland points out, this year is anomalous for just about everyone: “The economic crisis and federal stimulus funds are huge variables,” she says. “To be instantly against the new formula loses some credibility in the times we’re living economically.”

It remains to be seen if the past decade in New Jersey will look like a brief window of opportunity for poor kids, many of whose schools improved, if marginally — or even the beginning of a national push for quality pre-K.

The unexpected, heart-warming successes of a program that stimulates the minds of 3- and 4-year-olds may, in the end, be the key to helping high schoolers as much as any high-minded standards-based-whole-school-accountability-slash-charter-expansion project lauded as school reform.

And New Jersey stands nearly alone among states in trying. Oklahoma has universal pre-K for 4-year-olds but not 3-year-olds, for instance. “There aren’t other states far ahead of us when it comes to 3-year-olds,” says Steve Barnett. “We really start earlier with a bigger investment than practically any other state.”

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