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Manchester Regional High School funding battle gets hearing in state court

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The years-long arguments over how to equitably fund Manchester Regional High School continued in a state appeals courtroom on Tuesday as three Passaic County boroughs made their cases for why they each should pay less to fund the district.

The Appellate Division of the Superior Court at the Essex County Courthouse in Newark heard from North Haledon, on one side, and Prospect Park and Haledon, on the other, each opposing a 2013 state decision setting a new funding formula for the school was wrong and unfair.

That decision, by former Commissioner of Education Chris Cerf, changed the funding formula to give greater weight to the number of students each borough sends to Manchester and to rely less on the boroughs' property values, splitting the difference 50-50.

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The change favored North Haledon, which has the fewest students in the district — 87 to Prospect Park's 339 and Haledon's 394 — and the highest property valuation of \$1.3 billion, compared with Prospect Park's \$263 million and Haledon's \$538 million. Yet, under the current formula, North Haledon still pays more per pupil than its neighbors.

North Haledon is arguing that Cerf's formula doesn't go far enough, that the formula should be based 80 percent on enrollment and 20 percent on property values, compared with the current 50-50 split. While Haledon and Prospect Park, both cash-strapped towns, argue it should be based entirely on property values, which would shift more of the funding burden to North Haledon.

Before Cerf's decision, the funding formula was based 67 percent on property values and 33 percent on enrollment. An administrative law judge in 2011 recommended the commissioner reverse that weighting by adopting a formula based 33 percent on property values and 67 percent on enrollment.

The formula change, which has been in effect over the past two years, has resulted in tax increases of hundreds of dollars for homeowners in Haledon and Prospect Park, prompting Prospect Park residents to charter a bus to an Assembly Budget Committee hearing in Trenton in April to appeal for more state aid. State aid, however, stayed flat.

In his decision, Cerf noted the Manchester Regional High School district, at its founding, was funded based solely on enrollment, and the state Legislature changed it to be based on property values in 1975.

As North Haledon's property values shot up, outpacing the growth of Haledon's and Prospect Park's, residents and officials began agitating to leave the district. North Haledon voters elected to do that in a 2002 referendum, but in 2004, the state Supreme Court blocked the move, ruling North Haledon's departure would upset the racial and ethnic balance of the district. Haledon and Prospect Park have more minority residents.

All three boroughs appealed Cerf's decision.

"Our main argument is the commissioner of education went too far in terms of interpreting what the Supreme Court has ordered the Department of Education to do," said Prospect Park Mayor Mohamed Khairullah.

Lawyers for Prospect Park, Allan Dzwilewski, and Haledon, Derlys Gutierrez, could not be reached for comment.

"The argument went well," said Vito Gagliardi, North Haledon's attorney in the case, adding, "I'm certain the formula will never revert back to the 100 percent equalized property value" — what Haledon and Prospect Park are asking for.

A decision is due before the end of the court term in June.

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