People v. the Court: School Finance Reform and the New Jersey Supreme Court

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INTRODUCTION

The fortieth anniversary of Brown v. Board of Education brings into sharp relief the difficulties courts have had effecting significant social or political change. In school desegregation suits, courts, by themselves, largely were unable to undo the ravages of legally required separation of the races. Undaunted by the federal judiciary's experience with school desegregation — and perhaps even inspired by it — state courts have em-

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barked over the past twenty years on their own efforts to effect dramatic changes in public education. These efforts focused not on racial segregation but on the financing disparities among school districts. Since the U.S. Supreme Court ruled in *San Antonio Independent School District v. Rodriguez* that school financing inequities do not violate the Equal Protection Clause of the Fourteenth Amendment, state supreme courts in twenty-eight states have ruled on school financing suits under the provisions of their state constitutions. One half ruled in favor of greater equity, while the other half ruled against it. These

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school finance decisions, which are part of a larger trend of using state courts for the protection of civil rights under state constitutions, have the potential to alter dramatically the fiscal policy of numerous state governments. Specifically, these decisions would affect both the amount of resources allocated to public education and the political fights over those resources. The legal community noted a number of these cases but paid little attention to the impact these decisions had either on the actual distributions of funds within a state or on the political divisions within the state. This article examines the changes


I located only one study that directly assesses the effects of state supreme court decisions across a number of states: G. Alan Hickrod, The Effect of Constitutional Litigation on Education Finance: A Preliminary Analysis, 18 J. EDUC. FIN. 180 (1992). Unfortunately, this study has some significant methodological problems. First, the school finance figures are not adjusted for inflation; only constant figures are used. As the article compares
in the distribution of funds wrought by the judiciary and the political divisions over school financing in New Jersey. New Jersey provides an exceptionally important case study of court-initiated school finance reform because of the prominence of its state supreme court\textsuperscript{11} and the historical role that school financing battles have played in New Jersey fiscal policies.\textsuperscript{12}

However, beyond the role school finance plays in New Jersey's internal politics, the New Jersey Supreme Court's constitutional treatment of school finance issues also has broad implications for educational policy-making across the Nation. According to the Education Commission of the States, twenty-two states either currently face school finance lawsuits or are developing policy responses to recent trial and state Supreme Court decisions.\textsuperscript{13} Thus, the example set by both the New Jersey Supreme Court and the New Jersey state legislature provides a template against which other states can evaluate their own actions. Moreover, and perhaps more importantly in this transformative political year, New Jersey's actions could produce new national political leaders. At the time of his election, many Democratic politicians and activists looked to Jim Florio's policies as a possible source of renewal for the Democratic party.\textsuperscript{14} Similarly, many Republicans today proclaim Christine Todd Whitman as the spark that ignited the Republican gubernatorial brushfire last fall.\textsuperscript{15}

\begin{itemize}
\item Data over a fairly long time span (1970 to 1990), inflation could account for much of the increase in educational expenditures by state and local government. Second, measures of school financing equity are used that precede state supreme court decisions in Kentucky, Montana, Texas and New Jersey. This data, then, cannot be used to evaluate the courts' effectiveness in those states.
\item See G. Alan Tarr & Mary Cornelis Aldis Porter, State Supreme Courts in State and Nation 184-236 (1988), for an analysis of the New Jersey Supreme Court's stature and influence among state supreme courts.
\item See Richard Lehn, The Quest For Justice 1-22 (1978).
\end{itemize}
and its attendant issues of taxation and wealth distribution proved to be Jim Florio’s political undoing, and it also could dim Whitman’s political star. The New Jersey Supreme Court handed down its third Abbott decision in July 1994, declaring that the existing system still did not provide enough aid to New Jersey’s urban, special needs school districts. Confronting the same issue as Florio, Whitman also is caught between the mandate of the court and the demands of the electorate. The navigation of these treacherous political waters is an ordeal for virtually every elected official confronted with the issue. In order to fully understand this seemingly intractable political dilemma, one must explore its roots in depth.

In no state has court-initiated school finance reform continued as long or as contentiously as it has in New Jersey. Beginning just thirteen days after the U.S. Supreme Court’s 1973 decision in Rodriguez, the New Jersey Supreme Court’s involvement in school finance reform has produced ten supreme court decisions, two major legislative overhauls of school financing, an income tax and, quite possibly, the electoral defeat of at least one governor. However, despite this intense involvement, the question remains whether the court has been able to produce the elusive parity in school financing it has sought for over twenty years.

This article examines the most recent efforts of the New Jersey Supreme Court to achieve greater equity in school

20 Homestead Property Tax Rebate Act of 1990, ch. 61, §§ 11-20, 1990 N.J. Laws 671-678; See also LEHNE, supra note 12, at 126-163.
21 For a post-mortem account of Jim Florio’s election woes, see generally Frank Luntz & Mike Dabadie, Read Our Lips, No More Florio, CAMPAIGNS AND ELECTIONS, Dec. 1993, at 32.
financing, and focuses on the years 1989 through 1994. It argues that the efforts of the New Jersey Supreme Court to define more narrowly the school finance issue in its 1990 *Abbott II* decision created a set of distributional winners and losers that exacerbated existing tensions in New Jersey politics. In the *Abbott II* decision, the court tried to focus more precisely on what it perceived to be the worst constitutional wrongs of the New Jersey educational financing system. However, in doing so, the court rendered more remote its goal of achieving a limited but meaningful parity. The taxes Governor Jim Florio imposed to pay for school financing equalization and his efforts to redistribute educational resources provoked a sharp political backlash among voters and organized interests. This backlash, in turn, forced the revision of Florio’s school finance reform effort and ultimately contributed to his own political demise.22

This article explores four threads of this story: 1) The *Abbott II* decision itself; 2) the passage of the Quality Education Act of 1990 (QEA)23 and the political backlash against it; 3) the nature and shape of popular attitudes towards *Abbott II* and the QEA; and 4) the quantitative effects of *Abbott II* and the QEA on school financing equality in New Jersey. Together, these four threads of analysis explore the effects that courts, legislatures, interests, and popular opinion can have on both the political outcomes of school financing disputes and the quantitative distribution of school funds.

These four strands have been broken down to illuminate them. Part I examines the doctrinal evolution of the court from the first *Robinson v. Cahill*24 decision in 1973 to the 1994 *Abbott v. Burke*25 decision.26 Part II traces the policy response of the Florio administration to *Abbott II* — the QEA. Part III explores public opinion concerning the QEA as it was

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22 For an account of the relative importance of special interests and public opinion in New Jersey politics, see generally BARBARA G. SALMORE & STEPHEN A. SALMORE, NEW JERSEY POLITICS AND GOVERNMENT: SUBURBAN POLITICS COMES OF AGE 87-105 (1993) [hereinafter NEW JERSEY POLITICS].


24 303 A.2d 273 (N.J. 1973) (*Robinson I*).


26 However, the recent *Abbott III* largely reiterates and strongly reaffirms the 1990 *Abbott II* decision. Because *Abbott II* represents the New Jersey Supreme Court’s most highly developed argument against the existing school finance system, it will receive the bulk of my attention herein.
originally passed and discusses various determinants or opposition to the act. In particular, Part III examines the racial aspects of opposition to the QEA among New Jerseyans. In short, the findings indicate that when analyzed as a whole, race was not a salient predictor of opposition among all residents, but that it was salient among parents of school-age children. Part IV analyzes the political backlash against the QEA and the political pressures that forced Florio to accept substantial modifications to the QEA. Part V quantitatively determines whether the New Jersey Supreme Court achieved its stated goal of placing property-rich and property-poor districts, largely urban and minority, on an equal footing. This part tracks three measures of school financing equity over a six year period. The results show that the New Jersey Supreme Court's decisions had a notable impact on the distribution of funds among New Jersey's schools. Finally, Part VI comments on the risks that face the New Jersey Supreme Court as it strives to better the educational opportunities of poor urban and minority districts.

The overall conclusion of this article is that the New Jersey Supreme Court has had a significant and notable quantitative effect on the redistribution of state aid to education, but these modest victories cost the court its political allies. Thus, its recent gains are threatened by its current lack of support in the governor's office, in the legislature, and among the electorate at large. The court won some early battles, but the political costs were high — perhaps too high to sustain continued improvements in school finance equity.

I. THE TWIN SHADOWS OF ROBINSON

Two shadows loomed over the Abbott II decision handed down by the New Jersey Supreme Court in June 1990: the language and logic of the Robinson v. Cahill series of decisions decided in the mid-1970s, and the obvious failure of previous court decisions to resolve adequately the school financing issue. The former limited the range and play of the Abbott II decision, while the latter animated the court's desire to resolve the issue properly and finally.

The Robinson v. Cahill series of opinions (running from Robinson I in 1973 through Robinson VII in 1976\(^\text{27}\)) marked

\(^{27}\text{Robinson I, 303 A.2d 273 (N.J. 1973); Robinson II, 306 A.2d 65 (N.J. 1975); Robinson III, 335 A.2d 6 (N.J. 1975); Robinson IV, 351 A.2d 713 (N.J. 1979).}
the New Jersey Supreme Court's first efforts to tackle the issue of school finance reform. The *Robinson I* decision simultaneously heralded a new era of state court intervention in school financing and signalled New Jersey's departure from the Supreme Court's analytical framework for adjudicating school finance equity claims. But the *Robinson I* decision had a longer-lasting impact on New Jersey school financing than the rest of the *Robinson* litigation. As the original doctrinal basis for the court's intervention, *Robinson I* meant that the New Jersey Supreme Court could not easily abandon, or even modify, its primary arguments.29

A. A Basic Standard of Education

The central analytical distinction of *Robinson I* was its rejection of the fundamental rights approach of the U.S. Supreme Court and its heavy reliance on the "thorough and efficient" clause of the New Jersey Constitution.30 Because *Robinson I* declared that education was not a fundamental right under the New Jersey Constitution, an equal protection analysis became irrelevant to the issue of school financing.31 Instead, the court viewed the constitutional mandate that the legislature provide a "thorough and efficient" education as the central issue of the litigation.32 The court chose to interpret a "thorough and efficient" education not as an allocation of precisely equal resources among students but as a mandate that the state


29 For a confirmation of *Robinson*’s underlying analytical framework, see *Abbott v. Cahill*, 575 A.2d 359, 367-71 (N.J. 1990) (*Abbott II*).

30 N.J. CONST. art. VIII, § 4, cl. 1.

31 *Robinson I*, 303 A.2d at 282.

32 Id. at 294-95.
provide an "equal educational opportunity." As the court wrote in Robinson I:

[I]t cannot be said the 1875 amendments were intended to insure statewide equality among taxpayers. But we do not doubt that an equal educational opportunity for children was precisely in mind. The mandate that there be maintained and supported "a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years" can have no other import. Whether the State acts directly or imposes the role upon local government, the end product must be what the Constitution commands. A system of instruction in any district of the State which is not thorough and efficient falls short of the constitutional command. Whatever the reason for the violation, the obligation is the State's to rectify it. If local government fails, the State government must compel it to act, and if the local government cannot carry the burden, the State must itself meet its continuing obligation.

This substantive interpretation of "thorough and efficient" means, however, that the state constitution requires the state to offer a minimum level of thoroughness and efficiency in education that changes with the economic and social expectations of the times. Contrasting the educational system of 1875 with current standards, the unanimous court stated that "[t]oday, a system of public education which did not offer high school education would hardly be thorough and efficient."

The New Jersey Constitution does not specify a required level of education, and at the time of Robinson I neither the legislative nor executive branches had attempted to define a constitutionally appropriate public education. The court needed a standard by which to judge educational opportunities in order to determine whether the financing system provided such an education. It settled on the following: "The

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33 Id. at 294.
34 Id.
35 Id. at 295.
36 Id.
37 Id.
Constitution's guarantee must be understood to embrace that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market.\textsuperscript{38}

In \textit{Robinson I}, the court focused on financial disparities among school districts because that was the only measure available and because the court observed a common-sense linkage between educational expenditures and the quality of education.\textsuperscript{39} Despite the emphasis placed on per pupil expenditures in \textit{Robinson I}, the court did not view strict expenditure equality as the \textit{sine qua non} of a constitutional educational system. Money is simply a convenient indicator of educational opportunity, and it provides \textit{some} measure of the quality of the educational offering. As the court stated in \textit{Robinson I}:

\begin{quote}
The trial court found the constitutional demand had not been met and did so on the basis of discrepancies in dollar input per pupil. We agree. We deal with the problem in those terms because dollar input is plainly relevant and because we have been shown no other viable criterion for measuring compliance with the constitutional mandate. The constitutional mandate could not be said to be satisfied unless we were to suppose the unlikely proposition that the lowest level of dollar performance happens to coincide with the constitutional mandate and that all efforts beyond the lowest level are attributable to local decisions to do more than the State was obliged to do.\textsuperscript{40}
\end{quote}

In sum, in the \textit{Robinson I} decision, the New Jersey Supreme Court was concerned with distancing itself from an equal protection analysis based on fundamental rights. Instead, it sought to provide a substantive educational content to the "thorough and efficient" clause by requiring the state to ensure that all students received sufficient educational opportunities to become informed citizens and competitive workers in the labor market.

\textsuperscript{38} \textit{Id.}\\
\textsuperscript{39} \textit{Id.}\\
\textsuperscript{40} \textit{Id.}
B. EQUAL COMPETITIVE FOOTING IN EDUCATION: ABBOTT II

The logic of Robinson I cast a shadow over the Abbott line of decisions, primarily because Robinson I left unresolved the question of what comprises a constitutionally adequate level of education. In Abbott II the court determined that a constitutionally adequate level of education would exist if students from all districts were placed on the same competitive plane. The problem with this formulation, however, is that it creates a set of distributional winners, exacerbating existing political tensions and rendering the objective of the court's decisions more remote.

Early in the Abbott II decision, the court reexamined its holding in Robinson I, and stated that "the clear import [of Robinson I] is not of a constitutional mandate governing expenditures per pupil, equal or otherwise, but a requirement of a specific substantive level of education." A few lines later the court added:

The State's obligation to attain that minimum [level of education] is absolute — any district that fails must be compelled to comply. If, however, that level is reached, the constitutional mandate is fully satisfied regardless of the fact that some districts may exceed it. In other words, the Constitution does not mandate equal expenditures per pupil.

This completes the court's departure from equal protection analysis. Expenditures are not the issue; instead, the provision of a constitutional minimum is the central issue. The next logical step, then, would be to identify those districts that fall below the constitutional minimum, since those are the districts where the state has failed to meet its constitutional obligation.

Instead, the court returned to Robinson I's notion of educational opportunity as equality in labor market competition and citizen development. The court expanded upon this idea in Abbott II by requiring the state to ensure that students from poor, disadvantaged districts be placed on an equal competitive

42 Id. at 368.
43 Id. at 369.
footing with students from advantaged areas.\textsuperscript{45} Referring to its holding in \textit{Abbott I}, the court stated

We said, in effect, that the requirement of a thorough and efficient education to provide "that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market," meant that poorer disadvantaged students must be given a chance to be able to compete with relatively advantaged students. The Act and its system of education have failed in that respect, and it is that failure that we address in this case.\textsuperscript{46}

However, this is a far more rigorous standard than the one articulated in \textit{Robinson I}. Under the \textit{Robinson} formulation, school districts (and the state) were obliged merely to equip students with the basic principles of citizenship and to make them employable.\textsuperscript{47} Under \textit{Abbott II}, the disadvantaged must be put in a position to compete effectively with the advantaged.\textsuperscript{48} In the court's view, this requires a compensatory educational program that exceeds the offerings in advantaged districts:

It is clear to us that in order to achieve the constitutional standard for the student from these poorer urban districts -- the ability to function in that society entered by their relatively advantaged peers -- the totality of the districts' educational offering must contain elements over and above those found in the affluent suburban district. If the educational fare of the seriously disadvantaged student is the same as the "regular education" given to the advantaged student, those serious disadvantages will not be addressed, and students in the poorer urban districts will simply not be able to compete.\textsuperscript{49}

\textsuperscript{45} \textit{Abbott II}, 575 A.2d at 372.
\textsuperscript{46} \textit{Id.} (citation omitted).
\textsuperscript{47} \textit{Robinson I}, 303 A.2d at 295.
\textsuperscript{48} \textit{Abbott II}, 575 A.2d at 372.
\textsuperscript{49} \textit{Id.} at 402-03.
But this equalization of the opportunity to compete only applies to those who do not receive the constitutional minimum.\textsuperscript{50} Relying on a New Jersey Department of Education classification scheme that places districts into socioeconomic groupings, the court applied its ruling only to the twenty-eight districts in District Factor Groups (DFG) A and B, the districts with the lowest socioeconomic score,\textsuperscript{51} and stated that "these poorer urban districts in DFGs A and B become the sole object of the remedy we impose."\textsuperscript{52}

The resulting decision simultaneously rejects a strict equalization of funds as the constitutional goal and then requires an equalization of funds for the remedy: "We find that in order to provide a thorough and efficient education in these poorer urban districts, the State must assure that their educational expenditures per pupil are substantially equivalent to those of the more affluent suburban districts, and that, in addition, their special disadvantages must be addressed."\textsuperscript{53} The court thus provided a ruling that is at best circular, and at worst contradictory and self-defeating. Restated, the ruling found that equality is not required constitutionally, but a minimal education is required. For those not receiving the minimal education, however, equality is required constitutionally. Thus, the equalization only takes place between the top and bottom rungs of the educational ladder. Furthermore, this equalization is not merely a straightforward equalization of funds; it is both an expenditure equalization and a more nebulous equalization of the opportunity to compete within society at large. The equalization of opportunity is far broader than expenditure equalization, and requires, as the court indicated, a greater attention to the special needs of particular districts.\textsuperscript{54}

Rather than trying to make educational opportunities more alike, the court narrowed its task: it strove to make the educational opportunity of the worst-off equivalent to that of the best-

\textsuperscript{50} Id. at 387.

\textsuperscript{51} The New Jersey Department of Education classifies all school districts in the state according to socioeconomic status. The classifications for the over 700 school districts in the state can be found in the annual BUREAU OF GOVT RESEARCH AND DEPT OF GOVT SERVICES, NEW JERSEY LEGISLATIVE DISTRICT DATA BOOK (1991).

\textsuperscript{52} Abbott II, 575 A.2d at 387.

\textsuperscript{53} Id. at 408.

\textsuperscript{54} Id.
off. In doing so, the court caught itself in a contradiction: it rejected the measure of financing disparities as a standard by which to judge the constitutionality of New Jersey's educational system, while it determined that the elimination of financing disparities among certain groups rendered constitutional New Jersey's educational system. As a result, the attempt to narrow the focus of the policy problem makes the rationale nearly incoherent.

C. INNOVATIVE SOCIAL POLICY: EQUITY PRINCIPLES

Although Abbott II may make little sense from a jurisprudential point of view, it makes good sense from an innovative social policy perspective. In order to see the New Jersey Supreme Court's policy innovation in Abbott II, one must explore some theories about school finance equality. Berne and Stiefel cite three kinds of equality as relevant to discussions of school finance equity: horizontal equality, equality of opportunity, and vertical equality.55 Horizontal equality — the allotment of the same resources to all students — traditionally has received the bulk of courts' attention.56 Equality of opportunity exists when school expenditures are not highly correlated with either property values or the racial composition of a school district.57 Thus, equality of opportunity exists when statistical measures of correlation show no relationship between expenditures and property wealth or race.58 Vertical equality is best illustrated by its most commonly accepted application in the field of special education.59 Advocates of vertical equality argue that additional resources are necessary if one is to give a handicapped child an education equivalent to the one provided to an able-bodied child.60 Pro-

56 See, e.g., cases cited supra note 4.
57 BERNE & STIEFEL, supra note 55, at 17.
58 Id.
59 See id. at 14 (Table 2.1) (noting areas of relative consensus and disagreement among specialists concerning vertical equity).
60 In New Jersey's case, this takes a statutory form in the Quality Education Act of 1990 § 14, where a number of physical, mental, developmental and educational disabilities are assigned weights, called "additional cost factors," thereby increasing the state aid for each pupil with these disabilities.
viding a disabled child with the same bundle of resources as one would provide a child without that disability would ignore the special needs of the former; additional resources are required to make the educational experiences of the two children equivalent. Typically, this assessment of the special needs of a student occurs on an individual basis, through screenings for learning disabilities or enrollments in special education programs. The state then provides additional funds to school districts through "additional cost factors" that pay for the supplemental costs of the special education required for the child.\footnote{BERNE \& STIEFEL, supra note 55, at 14.}

But in the \textit{Abbott II} decision, the court designated entire school districts as "disabled."\footnote{See Abbott v. Burke, 575 A.2d 359, 387 (N.J. 1990).} This combination of individualized assessment of student needs with a geographical designation of special needs constitutes a novel application of vertical equality. The notion that particular geographical regions of the state (school districts) require additional funds (on top of existing special education cost factors) in order to compensate for the educational difficulties faced by individual students redefines the scope of vertical equity. Freed from the physical and intellectual characteristics of individual students, a geographically-based vertical equity has the potential to become far more politicized. Because few would oppose grants to disabled (i.e. handicapped or learning impaired) students, individualized vertical equity rarely receives criticism from those who do not receive it.

In contrast, a geographically-based vertical equity taps into the place-driven political divisions of contemporary American politics. Generally, benefits that accrue to places, independent of individual need, are subject to political opposition based on geography, class, or race in a way that individualized benefits accrued on the basis of universal eligibility are not. Place-driven benefits, rather than individualized benefits, echo and reinforce existing political divisions. The New Jersey Supreme Court may have sought to narrow the scope of the beneficiaries in order to make its program of equalization more feasible, but its reliance on geographical vertical equality in order to achieve this enhances, rather than reduces, the prospect for political conflict.
The school finance reform jurisprudence of the New Jersey Supreme Court has a long history. The court's stance in the *Abbott II* decision is clearly constrained by previous jurisprudential commitments, most notably the court's reliance on the "thorough and efficient" clause. As a result, the court is caught in a number of inconsistent positions as it strives to maximize the political feasibility of judicially-imposed social change within the existing jurisprudential framework. But more significant than the jurisprudential inconsistencies, which most likely are noticed only by judicial scholars, is the creation of judicial social policy that exacerbates existing social and political conflict in its efforts to defuse it. The application of vertical equity principles to entire school districts, as opposed to individual students who meet eligibility requirements, exemplifies that kind of judicial social policy.

D. DEPOLITICIZING SCHOOL FINANCE: *ABBOTT III*

In July 1994 the New Jersey Supreme Court reinforced and made explicit this line of reasoning in its most recent decision in the *Abbott* lineage, *Abbott III*. In *Abbott III*, the court reaffirmed a central concept from *Abbott II*, stating:

 Those students in the special needs districts, given their educational disadvantages and the circumstances of their environment, will not be able to function effectively as citizens in that society, will not be able to fairly compete as workers. They are entitled at least to the chance of doing so, and without an equal educational opportunity, they will not have that chance.

The court accepted *Abbott II*'s premise that entire districts could be designated in effect as disabled and require additional resources to make their students competitive with students in affluent districts.

However, the *Abbott III* holding departs from *Abbott II* in an important way. In *Abbott III*, the New Jersey Supreme Court implied that school financing parity issues should remain independent of executive and legislative discretion. The court, in short, sought to depoliticize the issue of school finance. This

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64 Id. at 580.
implication follows from the court's finding that "[b]ecause the QEA's design for achieving parity depends fundamentally on the discretionary action of the executive and legislative branches to increase the special needs weight, . . . the statute fails to guarantee adequate funding for those districts." Ultimately, this discretionary action is a function of politics, because electoral pressures and public opinion determine the latitude permitted of elected leaders in such a hotly contested issue as school finance.

In a subtle but important shift from Abbott II, the Abbott III court seemingly wants to insulate the school finance system from political pressures limiting discretion. To understand the court's concern about legislative and executive discretion (i.e., politics) undermining its holdings, one must examine the policy response enacted in the wake of Abbott II. Part II below examines how the executive and legislative branches of New Jersey responded to the Abbott II decision. It includes an evaluation of the degree to which the court was able to concretely shape the educational financing system of New Jersey.

II. EXECUTIVE AND LEGISLATIVE RESPONSES TO ABBOTT II

In 1989, Governor James Florio rode into Drumthwacket, the New Jersey governor's mansion, with the third largest margin of victory in a New Jersey gubernatorial race. He quickly put that political capital to work by advancing gun control and raising income and sales taxes in order to erase the state budget deficit and to fund a school finance equalization program. Within two years, his approval rating eroded to twenty-six percent and his Democratic majority within the
statehouse was turned out by a veto-proof Republican majority that vowed to roll back virtually every Democratic legislative achievement of the previous two years. Clearly, Jim Florio was not a popular man. What had provoked the ire of New Jerseyans within those two years?

The fiscal consequences of Florio's aggressive efforts to equalize school financing and eliminate the state deficit were enormous. To accomplish both, Florio had to increase taxes by $2.8 billion just as New Jersey entered a recession. These fiscal consequences, in turn, had enormous political consequences: disastrous results for Democrats in the 1991 statehouse elections and the loss of the governorship in 1993. Thus, indirectly, the issue of school finance reform, and, more importantly, Florio's handling of the issue, had important consequences for the political control and direction of the Garden State.

But what were the specifics of the QEA that elicited such outrage? The following list outlines the important elements of the school finance package passed by the legislature within three weeks of the New Jersey Supreme Court's decision in Abbott II.

- The existing guaranteed tax base formula was replaced with a foundation formula, setting the basic foundation

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73 See King, supra note 71.


75 The following list is adapted from both the Quality Education Act of 1990 and secondary sources, primarily MARGARET E. GOERTZ, THE DEVELOPMENT AND IMPLEMENTATION OF THE QUALITY EDUCATION ACT OF 1990 (1992); WILLIAM A. FIRESTONE, ET AL., WHERE THE MONEY WENT: REVENUE, EXPENDITURE, AND PROGRAMMATIC CHANGES IN THE FIRST YEAR OF NEW JERSEY'S QUALITY EDUCATION ACT (1993); and New York Times articles on the QEA from March 1990 through October 1990 cited supra notes 70, 71, 74. See also NEW JERSEY POLITICS, supra note 22, at 273-78.

76 Quality Education Act of 1990, ch. 52, § 4.
aid at $6,835 per pupil. Each district received a proportion of that aid, depending on its wealth (measured in both property and income) and local tax revenues.

- Total state aid to education increased by $1.15 billion.

- Thirty "special needs" districts received an additional payment of five percent of their foundation aid. These were almost exclusively poor urban districts.

- The minimum foundation aid to approximately 151 so-called wealthy districts was phased out over four years, by twenty-five percent per year. Minimum aid to an additional seventy to eighty districts was reduced over this period.

- Teacher pension fund payments and social security costs were shifted back to school districts.

- An important categorical aid program was revamped and transformed from a "compensatory education" program (based on the number of students in a district with failing test scores) into one for "at-risk" students (based on the number of economically disadvantaged students in a district).

- Each district was required to contribute a local "fair share" in order to be eligible for state foundation aid.

The Quality Education Act was billed not only as providing greater equity in New Jersey's school finance, but also as a tax break for the middle class. Upon legislative approval of the
plan, Governor Florio declared, "Something historically significant is happening here. . . . This is a day we bring fairness to the children of New Jersey and the beleaguered and besieged middle class." 66

A. THE QEA AND GOVERNOR FLORIO'S TAX PLAN

The heart of the appeal to the middle class was a property tax rebate, passed in conjunction with the QEA. 67 Florio and his advisors thought they could reduce property taxes for the middle class in two ways: 1) by providing a progressive property tax rebate of up to $500; 68 and 2) by picking up the tab for local costs of welfare, AFDC, and psychiatric hospitals, thereby allowing local governments to lower their tax rates. 69 By increasing the amount of state aid to a majority of the state's districts, and by sweetening the pot with a property tax rebate, Florio and his advisors thought they could secure middle-class support for school finance equalization. 70

Unfortunately for the middle class, Florio didn't stop there. At the same time, he sought to raise income taxes by $1.4 billion to pay for both the QEA and the property tax rebates. 91 In addition, he called for an increase and expansion of the sales tax to erase the state's $1 billion deficit and to create a $275 million surplus to guard against future shortfalls. 92 Thus, the news of the property tax rebates was lost on an electorate that saw only a dramatic increase in the income and sales taxes. 93 Moreover, in the approximately 220 districts in which state aid would be reduced or eliminated, school officials indicated they would be forced either to seek increased property taxes or to

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66 Id. at B2.
68 See id. § 3b.
70 See NEW JERSEY POLITICS, supra note 22.
91 Homestead Property Tax Rebate Act of 1990 §§ 12-17; see also NEW JERSEY POLITICS, supra note 22, at 253.
93 See NEW JERSEY POLITICS, supra note 22, at 254.
slash school offerings. Thus, for many residents the prospect of a tax rebate paled in comparison to the prospect of boosted local property taxes. Statewide, the Star-Ledger/Eagleton Poll indicated that sixty-nine percent thought their property taxes would go up in the wake of the QEA, precisely the opposite of what Florio said he wanted.

B. THE OPPOSITION TO GOVERNOR FLORIO'S PLAN

The QEA and Florio's tax changes did more than pit public opinion against him. Various elements of the QEA directly assaulted the interests of organized groups and thereby ensured that these groups would not only oppose the original passage of the QEA, but also actively work for its reversal. The key elements that turned traditional (or potential) friends into enemies were: 1) the shift of teachers' pension and social security payments to districts; 2) local districts' "fair share" requirement for state aid eligibility; 3) the elimination of minimum foundation aid to so-called wealthy districts; and 4) to a lesser extent, the reformulation of compensatory education (based on failing test scores) into an aid program for "at-risk" students (based on family income of students). Each of these components of the QEA helped forge a broad alliance dedicated to revising the QEA. The New Jersey Education Association (NJEA), financially-strapped cities, and wealthy districts each lobbyed hard for revisions and, simultaneously, rode the public outrage that peaked in the late summer and fall.

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96 See GOERTZ, supra note 75, at 13; NEW JERSEY POLITICS, supra note 22, at 275-76.

97 Quality Education Act of 1990, ch. 52, §§ 78-79.

98 Id. § 7.

99 Id. § 25.

100 Id. § 80.
of 1990. Combined, these organized interests and the intense public pressure forced Florio to accept revisions to the QEA that struck both at the original intent of Florio's plan and at the New Jersey Supreme Court's objectives as articulated in Abbott II. This dual-edged democratic backlash, from pressure groups and mobilized public opinion, reversed major elements of QEA in the spring of 1991 and placed the legislature and the executive on yet another collision course with the New Jersey Supreme Court. Thus, both the organized opposition of persistent players in New Jersey's perennial school financing drama and the opinions of New Jersey's residents and taxpayers provided strong opposition to the QEA.

1. Districts Pay Pension and Social Security Costs

In political terms, perhaps the most costly of the QEA's changes was the shift of teachers' pension and social security payments back to the districts. The rationale for the change was simple: because districts negotiated retirement packages and wages with teachers, but did not pay either the pension or social security costs that accompanied those contracts, they had no incentive to keep costs down. In effect, they spent the state's money without first obtaining the state's approval. Moreover, these payments amounted to indirect subsidies to affluent districts because they generally paid their teachers more than did poor districts. This resulted in pension and social security payments by the state contributing to financing inequities rather than to greater equity.

101 See NEW JERSEY POLITICS, supra note 22, at 274.


103 See FIRESTONE, supra note 75, at 5-7.

104 See Peter Kerr, Teachers and Bergen Democrats Attack Florio Budget Plan, N.Y. TIMES, June 14, 1990, at B1; see also Wayne King, Teachers Flunk Democrats (And Vice Versa) in Jersey, N.Y. TIMES, Sept. 1, 1991, § 4 at 5; Jay Romano, Elderly Worry About School Tax Revisions, N.Y. TIMES, Sept. 9, 1990, §12 (New Jersey) at 1.

105 See Robert Hanley, Schools in New Jersey Open Amid Uncertainty, N.Y. TIMES, Sept. 6, 1990, at B3; see also Abbott, 575 A.2d at 383-84; Priscilla Van Tassel, Schools Preparing for Changes in Financing, N.Y. TIMES, Sept. 2, 1990, §12 (New Jersey), at 1.

106 GOERTZ, supra note 75, at 11 (1992); see also Abbott II, 575 A.2d at 383-84.
By attacking these payments, Florio and the legislature incurred the wrath of the NJEA, a group consistently ranked as the strongest interest group in the state.107 With six full-time lobbyists, the state's largest PAC fund,108 nineteen field offices throughout the state, and thirty-seven field representatives, the NJEA had a capacity to mobilize pressure virtually unmatched among New Jersey's interest groups.109 The NJEA opposed the pension and social security shift because it meant, in effect, lower wages if districts could not raise taxes to offset the new burden.110 Furthermore, the stakes were huge: newspaper reports at the time indicated the state would save $800 million with the local assumption of pension and social security obligations.111 Florio and his aides were able to muscle the bill past a legislature heavily lobbied by the NJEA by labelling the organization a special interest that was holding New Jersey's children hostage for financial gain.112 This name-calling stung the NJEA, which had endorsed Florio enthusiastically in his 1989 gubernatorial bid.113 Dolores Corona, NJEA's director of governmental relations, told a New York Times reporter that the organization felt betrayed by the Florio administration and that it had been treated like "an enemy."114 This loss of a key ally hurt Florio significantly when the legislature, terrified by the tax revolt of 1990, turned to the QEA as a source of funds for tax relief in the winter and spring of 1991.115 Moreover,


108 NEW JERSEY POLITICS, supra note 22, at 100 (The NJEA PAC ranked first among perennial PACs in 1985, 1987, and 1991, and contributed $268,000 to New Jersey elections in 1991); Salmore & Salmore, supra note 107, at 247.

109 Salmore & Salmore, supra note 107, at 236.

110 See sources cited supra note 104.

111 See Kerr, supra note 104.

112 Id. at B5.

113 Craig J. Shearman, Florio Wins NJEA Endorsement, U.P.I., Aug. 28, 1989 (LEXIS, Nexis library, UPI file). NJEA President Betty Kraemer stated at a press conference announcing the endorsement: "Jim Florio is the crystal-clear choice of educators. . . . NJEA is ready to go all out for the man who has shown he is ready to lead our state into the 1990s." Id.

114 See Kerr, supra note 104.

115 David Kehler, The Trenton Tea Party: The Story of New Jersey's Tax Revolt, 60 POL'Y REV. 46, 48 (Spring 1992); see also Van Tassel, supra note
without the educational establishment behind him, Florio had difficulty claiming that the enormous changes wrought by the QEA would improve New Jersey’s educational system.

2. State Aid Eligibility: Taxing the Cities

Another group that had reason to oppose particular elements of the QEA was, strangely enough, some of New Jersey’s financially strapped cities.116 Although the thirty poorest urban areas were slated to receive approximately forty percent of the $1.15 billion dollar infusion of state aid, they also were required to raise their local tax rates in order to qualify for foundation aid, which constituted the bulk of the state’s contribution.117 Estimates in the fall of 1990 indicated that eight of the thirty districts would have been required to raise taxes to qualify for full foundation aid.118 Given the vehement anti-tax sentiment raging throughout New Jersey at that time,119 tax increases in these urban areas proved no more popular than in the suburbs, especially since they virtually were mandated by the state.120 This dilemma, combined with localities’ assumption of pension and social security payments,121 meant the QEA was not a godsend for many urban localities. Although unwilling to criticize directly the QEA because it provided them with a large infusion of resources, these districts were not opposed to tinkering with the plan, especially concerning the pension and social security payments and the local “fair share requirement.”122 Thus, if districts that gained the most from

105, at 9. Presumably, this lack of support hurt him even more in the 1993 gubernatorial race against Christine Whitman, when the NJEA decided to endorse neither candidate.

116 See Salmore & Salmore, supra note 107, at 275-76; see also School Officials, supra note 94.

117 School Officials, supra note 94.

118 Id. The eight are Irvington, Milville, Passaic, Union City, Phillipsburg, Garfield, West New York and Vineland. Irvington, according to press reports, would have to raise $6.1 million in local revenues in order to qualify for a $5.3 million increase in foundation aid. Id.

119 For an overview of the New Jersey tax revolt of 1990-91, see Kehler, supra note 115, at 46-49.

120 See School Officials, supra note 94.

121 See Kerr, supra note 104.

122 See School Officials, supra note 94.
the QEA were willing to see it amended, then virtually no one would be opposed to some modification of the plan. In this regard, the urban districts' objections to the QEA took the brakes off the amendment process.

3. Elimination of Minimum Aid to Wealthy Districts

School administrators in the relatively affluent districts that were to be weaned from state aid over the next four years also were dismayed by the effects of the QEA. A total of 220 districts would see their foundation aid either reduced or eliminated over that time period, while 150 districts were scheduled to receive no state foundation aid whatsoever. Thus, in order to balance their budgets, these districts would have been required either to cut existing programs or to raise local taxes. Neither option was desirable.

On October 31, 1990, at the opening of the annual conventions of the New Jersey School Board Association and the New Jersey Association of School Administrators, hostile superintendents verbally attacked state Education Commissioner John

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125 Florio's School Aid, supra note 94.

Some school districts explored a third option of privately funding public schools:

[T]he Board of Education is now exploring various avenues of alternate funding . . . For example, the P.T.A. will be asked to lend its fund-raising expertise to help the school begin an endowment fund. . . .

One avenue of funding that has been quite successful in many New Jersey school districts is an education foundation. An education foundation exists as a non-profit, non-political entity independent of the Board of Education. Its mission involves the development of supportive community and private sector relationships with a school or school system. . . .

Perhaps an education foundation, which provides private support for public education is an idea whose time has come for the Essex Fells School.

Ellis and Florio's top education advisor, Thomas Corcoran, the chief architect of the QEA.\textsuperscript{126} As the New York Times wrote, "Today's conference became a forum for confronting Dr. Ellis and Mr. Corcoran."\textsuperscript{127} When Ellis asked the approximately 400 people in the room for a show of support, detractors outvoted supporters by a ratio of nine to one.\textsuperscript{128}

4. Compensating Poverty Versus Low Scores

The next day, chief administrative officers from twenty-five wealthy suburban school districts met with Ellis for two hours to persuade him to change the QEA.\textsuperscript{129} The administrators raised the topic of compensatory educational aid, because at-risk aid would now be allocated on the basis of a student's poverty rather than on test scores. This meant that affluent districts stood to lose a tremendous amount of aid,\textsuperscript{130} because within affluent districts, the percentage of students who perform poorly on achievement tests exceeds the percentage of students from poor families. Indeed, this change irritated some superintendents more than did the elimination of minimum aid. The New Jersey Supreme Court explicitly ruled minimum aid unconstitutional in \textit{Abbott II},\textsuperscript{131} but critics saw Florio's revamping of compensatory education to direct more aid to poor (and typically urban) districts as moving beyond the court's mandate.\textsuperscript{132} Under the old compensatory education plan, the thirty poorest districts enrolled approximately fifty-three percent of the students eligible statewide for compensatory aid.\textsuperscript{133} Correspondingly, they received approximately fifty-three percent of total compensatory aid. Under the new plan (according to projections in the fall of 1990), these thirty districts would enroll approximately sixty-nine percent of the students eligible for at-risk aid.

\textsuperscript{126} The conference was held October 31 to November 2, 1990, in Atlantic City, New Jersey. \textit{See School Officials, supra} note 94.
\textsuperscript{127} Id.
\textsuperscript{128} Id.
\textsuperscript{129} Hanley, \textit{supra} note 123.
\textsuperscript{132} Hanley, \textit{supra} note 130.
\textsuperscript{133} Id.
and would receive approximately seventy percent of the total at-risk funding.  

After the loss of minimum aid, affluent districts were angered particularly by the additional loss of compensatory aid and viewed the shift as poor educational policy.  

The bifurcation of compensatory aid and academic performance struck many suburban administrators as damaging not only to their districts' financial interests, but also to their academic interests. As they stated in a position paper developed after the passage of the QEA, "the Quality Education Act goes beyond the mandate of the court . . . and includes provisions which will fundamentally weaken the most successful and highest-achieving public school districts in the state. . . . Weak schools should not be made strong by making strong schools weak."  

C. IMPLEMENTING ABBOTT II

The policies objected to by these interest groups were not necessarily the products of the Florio administration alone. Many of the complaints laid directly upon Florio's doorstep were in fact disagreements with the content of the Abbott II decision. In its programmatic response to Abbott II, the Florio administration, which went beyond the decision in some respects, largely accepted the validity of the court's demands. Thus, the political abuse suffered by the Florio administration stemmed in large part not from its own proposals but from the policy implications of the Abbott II decision. For example, the Florio plan to phase out minimum aid emerged directly from the court's ruling that minimum aid is unconstitutional. Further, the

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134 Id. A study of five of the 30 special needs districts conducted during the 1991-92 academic year found an average of 67% of students eligible for at-risk aid. GARY NATRIELLO & MORGAN COLLINS, NECESSARY BUT NOT SUFFICIENT: THE QUALITY EDUCATION ACT AND AT-RISK STUDENTS 27 (1993).

135 "There's not a one-to-one correlation between kids who have academic problems and kids who can't afford lunch," Robert S. Kish, Superintendent of Livingston School District, told a New York Times reporter. Alan Sugarman, Superintendent of Fort Lee schools, put it more strongly: "I think the concept is ridiculous. . . . For somebody to come to the conclusion a student is at risk because he qualifies for free lunch is crazy." Hanley, supra note 130.


137 Compare Abbott v. Burke, 575 A.2d 359, 383 (N.J. 1990) with Quality
court insisted that the funding of inner-city school districts be "substantially equal" to that of affluent suburbs and that the funding level not rest upon the taxation and budgetary decisions of local school boards.\textsuperscript{138} This, too, contributed to the QEA's overall aim to pump additional aid into New Jersey's cities through both the at-risk aid program\textsuperscript{139} and the substantial infusion of foundation aid.\textsuperscript{140}

The Florio administration did go beyond the court's ruling regarding the issue of shifting teachers' Social Security and pension payments back to local districts.\textsuperscript{141} On this matter, the Abbott II court respected a prior decision\textsuperscript{142} upholding the state's assumption of these payments on administrative grounds. However, it explicitly stated that the payments may be "constitutionally infirm" and left its jurisprudential options open for a future ruling.\textsuperscript{143} The Florio administration seized upon this ambiguity and included the local assumption within the QEA, only to open a political hornet's nest. Because Florio aggressively undertook these reforms rather than wait for the court to mandate them, his administration bore the brunt of the political outrage over these changes.\textsuperscript{144}

In sum, many of the problems with the QEA cited by organized interests were not wholly of Florio's making. His administration, although perhaps overeager and lacking political foresight, formulated a response to Abbott II that specifically and meaningfully addressed the constitutional violations found by the court. The political costs of doing so, clearly, were exceptionally high. However, to assert that the goal and aim of the reforms were Florio's alone is to understate the policy implications of the court's actions.

Whether the QEA was a result of judicial or executive policy-making, the opposition among organized interest groups was intense. The three groups described above — two wings of the educational establishment and one group ostensibly best

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\textsuperscript{138} Abbott II, 575 A.2d at 385.
\textsuperscript{139} Quality Education Act of 1990, ch. 52, § 80.
\textsuperscript{140} Id. § 6c.
\textsuperscript{141} Id. §§ 78-9.
\textsuperscript{144} See supra part II.B.
positioned to benefit from the QEA — were instrumental to the movement to amend the QEA. Confronted with mounting public pressure in the form of a tax revolt, legislators saw that few parties would actively defend the QEA. Moreover, Democratic legislators saw that they would suffer at the hands of voters if they did not repair their image as proponents of heavy and destructive taxation. The expert and informed opinion that the QEA needed amending, as represented by these three groups, provided legislators with the legitimate cloak they needed to rework the QEA dramatically.

Ultimately, however, neither the urban leaders nor the NJEA were at all happy with the revisions that the legislature enacted. However, their support for the process of modification was necessary in order for the outrage felt by voters to result in substantial changes to the QEA. The fact that the NJEA and New Jersey's cities could not control the outcome of that revision process shows the strength and breadth of the tax revolt in New Jersey. Their urging was necessary to initiate the amendment process, but it was not nearly sufficient to control it. Instead, public opinion as registered by legislators in the General Assembly had much to do with the ultimate shape of the revised QEA.

III. PUBLIC OPINION AND THE QUALITY EDUCATION ACT OF 1990

The citizens of New Jersey in 1990 were of two minds concerning the equity of school financing. While a state-wide poll taken in July 1990 indicated that a majority of respondents endorsed greater equity, many of these respondents simultaneously opposed the specific policies designed to achieve that equity. This section analyzes in detail the dimensions of New

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145 Kehler, supra note 115, at 46-49.
147 See King, supra note 104. Betty Kraemer, President of the NJEA, stated: "Democrats turned their backs on educators, our schools and our students when they slashed $360 million from the original Quality Education Act." Id.
148 See, e.g., NEW JERSEY POLITICS, supra note 22; Salmore & Salmore, supra note 107.
149 Star-Ledger/Eagleton Poll, supra note 95. The Eagleton Institute has been gracious enough to provide me with the raw data of their poll. It is their
Jersey public opinion about the Quality Education Act through a logit analysis of dichotomous approval/disapproval responses to the Abbott II decision and to the QEA itself.\textsuperscript{150} This analysis ascertains the determinants of respondents' attitudes towards the QEA and integrates these survey findings within the broader patterns of New Jersey school finance politics in 1990-91.

The analysis herein tests three theories of opposition to the QEA and controls for the influence that the presence of school-age children has on respondents' answers. The findings indicate that Whites and non-Whites in New Jersey perceived school financing differently if they had school-age children. But among people without children, race did not shape the perception of school financing; instead, economic costs were more salient to the support (or lack thereof) of school finance reform.

In early July 1990 the Eagleton Institute queried 800 residents of New Jersey about their support for the school financing plan enacted by the New Jersey legislature a few weeks earlier.\textsuperscript{151} As described above, the Quality Education Act of 1990 emerged in response to the court's decision that New Jersey's existing system of funding public schools was unconstitutional, and also in response to Governor James Florio's aggressive legislative campaign to restructure educational financing in New Jersey and to alter dramatically the tax structure designed to pay for it.

On a descriptive level, in 1990 significant support for greater equity in school financing existed alongside an equally significant lack of support for the QEA. The Star-Ledger/Eagleton Poll, taken between July 2 and 10, 1990, showed that of those with knowledge of Abbott II, fifty-four percent agreed with the decision (either mildly or strongly) while thirty-eight percent disagreed (again, either mildly or strongly). The remaining eight percent were undecided in their opinion. In contrast, only thirty-five percent of those surveyed approved of


\textsuperscript{151} Star-Ledger/Eagleton Poll, supra note 95.
the recently passed QEA, while fifty-six percent disapproved, and nine percent were undecided.\footnote{Id.}

What accounts for the variation in this support for the QEA? A logistic regression technique on the original \textit{Star-Ledger/Eagleton Poll} data set can be used to estimate the influence of a number of independent variables on the inclination of a respondent to favor or disfavor either the New Jersey Supreme Court decision or the legislative response to it. The data set itself contains 157 variables encompassing not only the usual socio-economic demographics but also responses to questions about the perceived impact of new taxes, the perceived effects of school finance reform on local districts, whether the respondent has school-age children, and so on. These demographic characteristics, as well as opinions gathered by the \textit{Star-Ledger/Eagleton Poll} about other governmental policies, led to the development of distinct models that tested possible explanations about the origins of support for school finance reform in New Jersey as it was enacted in 1990.

\section*{A. MODELS OF PUBLIC ATTITUDES TOWARDS SCHOOL FINANCING}

This article develops three possible explanations for respondent opposition to either the \textit{Abbott II} decision or the QEA. The first is economic self-interest. Under this theory, opposition to the \textit{Abbott II} decision emerged from the perceived costs or benefits that court-ordered school finance equalization could bring. These costs and benefits could come in the form of increased taxes, lower state aid to a district, or possibly increased state funding to a district. Opposition to or support for the QEA was even less hypothetical; under the QEA's redistribution plan, the winners and losers were quite clear: Individuals living in affluent suburbs were slated to receive the shorter end of two sticks; their school districts would receive less state aid,\footnote{Quality Education Act of 1990, ch. 52, § 25.} and they would have to pay more in state income taxes, sales taxes,\footnote{Homestead Property Tax Rebate Act of 1990 (income tax increase), and Act of June 27, 1990, ch. 40, §§ 1-11, 1990 N.J. Laws 200 (sales tax increase).} and possibly increased local taxes as well.\footnote{See supra note 94.} Because of the zero-sum nature of school finance equalization,
economic self-interest would dictate that the losers opposed the QEA and the winners supported it. The problem with this argument, however, is that in early July 1990 there were no firm predictions of how much the winners would win and the losers would lose. The only source of any such predictions came from newspaper and television accounts that drew more from political rhetoric than from firm school finance calculations. As a result, the perception of how much aid an individual’s town or city might lose or gain played a large role in public support of and hostility to the QEA.\footnote{156}

A second model that might explain opposition to the court decision or the QEA is an ideological one. Similar to, but nonetheless distinct from an economic self-interest model, an anti-tax sentiment model could account for much of the support for or opposition to the QEA or Abbott II, independent of whether one’s district gained or lost aid or whether one’s tax bill went up or down. This would be particularly true if the sentiment were conjoint with an overall conservative ideological bent. Anti-tax sentiment was a huge force in New Jersey politics from the Summer of 1990 through the legislative elections of November 1991, when the Republicans swept out the Democratic majority.\footnote{157}

The third model is a racial geography model that examined the effect of race and geographic location on one’s likelihood to support or to oppose the court decision and the QEA. The theory behind this model is that anti-urban sentiment in the suburbs and rural areas combined with the perception that non-Whites were the sole beneficiaries of school finance equalization to yield a White/non-White and urban/suburban-rural split over the issue of school finance equalization. In some ways, this is a test of the racial politics of entitlements described by Edsall and Edsall,\footnote{158} but on a local rather than national level.\footnote{159} In

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\footnote{156}{Robert Hanley, New School Aid in ’91? Toms River Isn’t Cheering, N.Y. Times, Sept. 17, 1990, at B4 (noting that the Toms River community, largely unaware that their school districts were marked to receive millions of dollars of aid, bitterly resented Governor Jim Florio’s $1.3 billion tax increase of 1990).}

\footnote{157}{See Wayne King, Florio Faces Growing Anti-Tax Storm in New Jersey, N.Y. Times, July 23, 1990, at B1 (describing the growing "tax revolt" that threatened Florio’s popularity after he helped pass the biggest tax increase in New Jersey history); King, supra note 71 (noting the Republican’s pledge to "roll back about $550 million" of Florio’s $2.8 billion tax package after they won a majority in both houses of the Legislature).}

\footnote{158}{Thomas B. Edsall & Mary D. Edsall, Chain Reaction: The Impact
sum, this analysis tests these three alternative models—economic self-interest, ideology and anti-tax sentiment, and race and geographic location—to explain why respondents supported or opposed Abbott II and the QEA.

B. THE DATA

The data are in an SPSS portable file that was analyzed using SPSS/PC+. The file contains 800 observations and 157 variables. The Star-Ledger/Eagleton Poll weighted all observations to improve sample selection (ensuring that age and education frequencies corresponded to U.S. Census data for New Jersey) by using an iterative raking algorithm. The two responses used as dependent variables—an approval/disapproval question concerning Abbott II and an approval/disapproval question concerning the QEA—were collapsed. A number of independent dummy variables were also collapsed into dichotomous approval/disapproval responses or into polytomous responses, as detailed below.

C. OPERATIONALIZING THE MODELS

1. The Economic Self-Interest Model

The poll contains a number of questions directly related to the perceived economic impact of the school finance reform package and of the income and sales taxes levied in part to pay for it. Specifically, respondents were asked whether they thought the tax package would hurt, have no effect, or help
"people like you" (Variable EFFECT); whether they thought property taxes would go up, stay the same, or go down (Variable PROPTAX), and whether they thought their local school district would lose or get aid (Variable GETAID). Further, they were asked to identify their income level from four categories (Variable INCOME2). I then recoded EFFECT into a dichotomous (hurt vs. help/no difference) variable (Variable EFFECT_R). Together, these four variables (EFFECT_R, PROPTAX, GETAID, INCOME2) comprise the economic self-interest model.

2. The Anti-Tax and Ideology Model

The poll also contains data on whether respondents would accept an increase and expansion of the sales tax (Variable SALESTAX), whether they would accept an increase and expansion of the state income tax (Variable INCTAX), and a ideological self-identification score, using the terms conservative, moderate, and liberal (Variable IDEOLOG). These three variables (SALESTAX, INCTAX, IDEOLOG) comprise the anti-tax and ideological model.

3. The Racial Geography Model

Using a racial self-identification variable, I collapsed all non-Caucasian values into a "non-White" value, which yielded a dichotomous White/non-White variable (Variable RACE). For the geographic residence of the respondent, I employed the poll's classification of municipalities into four varieties: center city, city and old suburb, new suburb, and rural, and thereby yielded a polytomous variable (Variable TYPE). These two variables (RACE, TYPE) comprise the racial geography model.

D. PUBLIC ATTITUDES TOWARD ABBOTT II

1. All Respondents

There was a significant measure of support for the Abbott II decision among respondents to the Star-Ledger/Eagleton Poll. Fully fifty-four percent of those polled said they ap-
proved of the decision; thirty-eight percent disapproved.\textsuperscript{163} Through the use of a logistic regression technique, this section explores in close detail some of the possible explanations for the variation of support for Abbott II.\textsuperscript{164} Figure One\textsuperscript{165} shows the findings of that logistic regression among all respondents. Four of the variables meet the conventional threshold significance of 0.05: perceived effect of tax package (EFFECT), perceived loss or gain of school aid in local district (GETAID), acceptance of an increase and expansion of an income tax (INCTAX), and ideology (IDEOLOG). Both the economic self-interest model (represented by EFFECT and GETAID) and the anti-tax/ideology model (INCTAX and IDEOLOG), apparently exerted a strong negative influence on support for the Abbott II decision.\textsuperscript{166}

To discern the magnitude of these relationships one must look at the right side of Figure One. A logistic regression requires a further interpretative step because the parameter estimate $B$ is not equivalent to a regression coefficient. It represents, instead, the change in the log of the odds ratio of approving or disapproving the Abbott II decision, given a per-unit increase of each particular independent variable. From this measure, however, we can calculate the probability that an individual would approve or disapprove of the Abbott II decision or the QEA, holding the values of the other independent variables constant at their means. This calculation for each variable is shown in the "Change in Probability" column of Figure One.\textsuperscript{167}

Figure One shows that an anticipated loss of school aid to one's district led to a sixteen point drop in the likelihood that a respondent approved of Abbott II with all other values held constant at their means. Similarly, the difference between viewing oneself as a liberal or as a conservative (1=liberal, 2= moderate,

\textsuperscript{163} Id.

\textsuperscript{164} See generally ALDRICH & NELSON, supra note 150 (providing a brief discussion of logistic regression techniques).

\textsuperscript{165} See app. infra at 190.

\textsuperscript{166} The dependent variable was coded "1" for approval and "2" for disapproval; a positive parameter estimate, then, means a greater propensity to disapprove of Abbott II.

\textsuperscript{167} This table and its calculations follow the "first differences" formulas recommended in KING, supra note 150, at 107-08.
3=conservative) translated into a seventeen point drop in the likelihood of approval for Abbott II.

Changes indicated in the "Change in X" column in the four significant variables (EFFECT, GETAID, INCTAX, and IDEOLOG) generated for each independent variable a sixteen to nineteen point drop in the probability that a respondent approved of Abbott II with all other independent variables held constant at their means. Thus, economic self-interest and anti-tax/ideological sentiment appear to have underlain the opposition to the Abbott II decision, at least among the population at large.

2. Parents of Children Enrolled in Public Schools

Turning now to an analysis of parental attitudes towards the Abbott II decision, Figure Two\textsuperscript{168} shows the findings for a logistic regression among parents of children enrolled in public schools. The important difference between Figures Two and One lies in the diminished significance of the anti-tax/ideological model. Neither ideology nor attitudes towards the income tax meet the conventional 0.05 threshold. In contrast, the only significant variable is the perceived loss or gain of state aid to one's local district. Not only is this variable the only significant one (at 0.005), it also results in a forty-two point drop in the likelihood that a respondent supported Abbott II, the largest decrease (or increase) in the regression. Clearly, parents of public school children reacted to the direct or indirect gain or benefit Abbott II produced for their district. Remarkably, this finding is controlled for race, municipality, ideology and income. But as discussed below, it contrasts sharply with parental attitudes toward the Quality Education Act.\textsuperscript{169}

Based on this analysis, one can conclude that those who expected to pay for the equalization either in the form of increased taxes or reduced state aid to their local district were, quite understandably, less likely to support the Abbott II decision than those who expected to benefit from it. In addition, ideological sentiments and attitudes towards the income tax also significantly influenced attitudes towards Abbott II. Among parents of children enrolled in public schools, political ideology and anti-tax sentiment did not predict with reliability

\textsuperscript{168} See app. infra at 191.

\textsuperscript{169} See infra part IV.E.2.
respondents' attitudes towards the *Abbott II* decision. Instead, parents were much more responsive to their perception of whether their district would lose or gain state aid. Race does not appear to predict with reliability the support for the *Abbott II* decision either among parents or the population at large, after controlling for perceived effects of the equalization effort. This last finding, however, lies in dramatic contrast to the reliability of race as a predictor of attitudes among parents towards the Quality Education Act of 1990.

E. ATTITUDES TOWARD THE QUALITY EDUCATION ACT OF 1990

1. *Attitudes of All Respondents*

In contrast to fairly strong support for the *Abbott II* decision, public opinion weighed heavily against the Quality Education Act of 1990, as indicated above. Respondents may have supported the ideal of equality the court expressed but opposed the concrete policy designed to implement that sentiment. In order to understand the dimensions of this opposition, one must examine the findings of the logistic regression run on the approval/disapproval responses to the Quality Education Act. Figure Three\(^\text{170}\) shows the findings of this analysis for all models described above for all respondents. Figure Three reveals that economic self-interest heavily influenced attitudes towards the QEA. Only two independent variables—perceived loss/gain of aid to one's district and the perceived effect of the QEA on one's local property tax rates—are statistically significant above the 0.05 threshold; anti-tax sentiment and ideology do not appear to be significant. Moreover, the magnitude of the effect of these two significant variables is rather large: a perception that one's property taxes will rise results in a twenty-five point drop in the probability that a respondent supported the QEA. Similarly, a perception that the local school district would receive reduced state aid lowers respondents' likelihood of approval by fifteen points. Thus, one could say with reasonable assurance that among all respondents, economic self-interest most heavily influenced the attitudes towards the QEA.

\(^{170}\) See app. *infra* at 192.
2. Attitudes of Parents of Public School Children

Did parents of school-age children make the same kind of rational economic calculations when they evaluated the desirability of the QEA? As evidenced by the analysis of attitudes towards the Abbott II decision, parents employed different rationales in evaluating the desirability of school finance reforms than did the population at large. An analysis of parental attitudes toward the QEA shows a similar shift. The data shown in Figure Four\textsuperscript{171} indicates that race and the respondent's type of municipality are far more reliable predictors of QEA support than economic self-interest. Among parents of children enrolled in public schools, the race and the municipality of the respondent are the only statistically significant variables, even when controlled for income, perceived impact on state aid, ideology, and the perceived effect on property taxes, among other factors. The result is that a White parent of a child enrolled in public schools was thirty-four points less likely to approve of the QEA than a non-White when all other independent values are held constant at their means.

Interestingly, however, the municipality of a respondent runs counter to the hypothesized trend. A twenty-one percentage point probability difference exists between respondents who live in the inner city versus those living in the suburbs when all other values are held constant at their means. But the direction is positive, leading to the conclusion that suburbanites favor the school aid redistribution program more than inner-city residents.

However, one must examine these patterns more carefully to understand fully the relationship. Figure Five\textsuperscript{172} represents a cross-tabulation of the approval and disapproval rates across municipality types for White parents of children enrolled in public schools, while Figure Six\textsuperscript{173} shows the same for non-White parents. Whites almost uniformly opposed the QEA at weighted rates ranging from 94.8\% in the inner city to approximately seventy-one percent in new suburbs. Non-Whites, in contrast, show a more varied response. Non-Whites in the inner city favored the QEA by weighted rates of approximately sixty-five percent to thirty-five percent. Non-Whites in the older

\textsuperscript{171} See app. infra at 193.

\textsuperscript{172} See app. infra at 194.

\textsuperscript{173} See app. infra at 195.
suburbs opposed the QEA by rates similar to Whites — seventy-eight percent opposed to twenty-two percent supporting. But non-Whites in the newer suburbs favored the QEA at rates higher than any non-White group, by approximately sixty-eight percent opposed to thirty-two percent in favor. The consistency of White opposition and the variability of non-White support across municipality types shows a non-linear relationship between municipality type and support for the QEA. Thus, interpreting the logistic regression equation alone results in the somewhat erroneous conclusion that living in the newer suburbs led to greater support for the QEA. Perhaps a better way to explain the relationship is to say that Whites in the newer suburbs were less opposed to the QEA than Whites in the inner city.

Two elements of this analysis, the White parents' intense opposition to the QEA in the inner city and the non-White parents' opposition in the older suburbs, merit further discussion. White people whose children attend public schools and who live in the inner city opposed the QEA by a ratio of approximately nine to one. This finding is remarkable because the QEA was designed to improve inner-city education. At least three possible explanations exist for this counterintuitive finding. First, Whites may feel disenfranchised in cities with large minority populations and believe that additional funds will aid minority children rather than White children. Second, Whites may feel that the money would be wasted in the inner-city schools, despite the fact that their children would receive at least some benefit. Third, Whites in the inner city may oppose the program for non-economic reasons such as racism, not realizing that benefits would accrue to them as well as to minorities. Whatever the explanation, the pronounced racial division within a group most likely to benefit directly from the QEA — inner-city parents of children enrolled in public schools — combined with the economic irrationality of White inner-city opposition, leads to the conclusion that race was an implicit factor in this group's opposition to the QEA.

A second finding, the opposition to the QEA from non-White parents of children enrolled in public schools in older suburbs, requires further explanation. Here, Whites and non-Whites expressed similar opposition to the QEA, but non-Whites in both newer suburbs and inner cities largely endorsed the plan. Why did non-Whites in older suburbs view the matter differently? One possible explanation may be that non-Whites moved to these older suburbs — most likely from the central cit-
ies — because the educational opportunities were greater for their children there. They may feel, as a result, that the inner-city schools are not worth the money, having had direct experience with them. Whatever the reason, this finding indicates that racial divisions are not uniform; rather, they bifurcate the suburb from the inner city, and rich from poor. Race thus works multivalently in New Jersey educational politics, at times salient, at times irrelevant.

This quantitative analysis of public opinion about the Abbott II decision and the Quality Education Act of 1990 is illuminating for a number of reasons. First, it reveals that for the population at large, race had little to do with either support for Abbott II or for the QEA. Instead, pocketbook considerations of effect on individual taxes and on aid to one's local district largely determined attitudes of the general population. In contrast, the attitudes of parents of children enrolled in public schools toward Abbott II were influenced less by tax issues than by issues of local aid. In addition, race is the strongest determinant of this group's support for or opposition to the QEA. But the racial cleavage is somewhat fluid, because it intersects with geography and class in ways that sometimes align minorities and Whites but usually divide them.

A question immediately arises, however, from this analysis. Why were parents of children enrolled in public schools more racially divided on this issue than the public at large? Clearly, racial segregation and public education have long been contentious issues, and scholars have noted that self-interest is not always the driving force behind issues that link education and race.174 From this perspective, the politics of school finance equalization may be more symbolic than economic.175 The issue conjoins race and class in a volatile mix, provoking in some people an economically irrational but possibly symbolically important opposition. The data above show that school finance equalization in New Jersey means different things to different people, and at least one of those meanings equates race with

174 See generally David O. Sears et al., Whites' Opposition to "Busing": Self-Interest or Symbolic Politics? 73 AM. POL. SCI. REV. 369 (1979) (concluding that self-interest had little or no effect on White hostility toward busing children for the purpose of racially integrating public schools).

poverty. In this way, parents of school-age children may see school finance equalization through the lens of racial politics rather than through taxation policy.

One must also keep in mind the multivalence of school finance politics in New Jersey in 1990. Different groups opposed the QEA for different reasons. For the population at large, race had little to do with the opposition to, or support for, the Quality Education Act. Instead, the perceived economic impact of the new financing system largely determined support or opposition. However, for parents (particularly parents of public school children) other issues were more determinative, and the evidence indicates that one of these more salient cleavages was race.

IV. TAX REVOLT, BACKLASH, AND THE QEA II

As important as public opinion concerning the QEA was in the summer and fall of 1990, the political and legislative response to a larger tax revolt largely dictated the fate of the QEA. The organized opposition to the first QEA (as expressed loudly by affluent districts and by the NJEA, and more quietly by New Jersey's urban areas) ensured there would be some modification to the plan in the winter and spring of 1991. However, the sweeping changes to the QEA far exceeded those anticipated by these groups. Indeed, the NJEA, though initially opposed to the QEA, wound up fighting to keep it. The NJEA opposed the reform bill passed into law by a Democratic majority because "it would place new caps on spending." Having prodded for significant revisions, these groups helped

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176 See supra part IV.E.1.

177 See supra part IV.E.2.

178 Governor Florio conceded as much in early November 1990 when he allowed the Department of Education to engage in planning discussions with school districts. See Hanley, supra note 123; Hanley, School Officials, supra note 94. It became a certainty in January when the Democratic leadership in the General Assembly broke with Florio and introduced its own plan to overhaul the QEA. See Robert Hanley, Plan to Revise Aid to Schools Deepens New Jersey Tumult, N.Y. TIMES, Jan. 12, 1991, at A28 [hereinafter Plan to Revise].


180 Id.
initiate revisions that soon exceeded their own goals — or fears.181

The calls for reform initiated a new round of policy-making, but under a completely changed political climate. The nearly-defeat of U.S. Senator Bill Bradley by political neophyte Christine Todd Whitman in November 1990 showed both Florio and New Jersey state legislators that voters were willing to punish legislators for raising taxes in a recessionary economy.182 Florio himself stated that voters had sent him a "humbling message" in the November 1990 election.183 He added that the electoral results "were really directed at me and the policies of my administration."184 Massive public opposition to the sales and income tax increases created legislative and electoral incentives to rescind the benefits of Florio's original fiscal priorities.185 The hostility generated by Florio's tax package created a legislative rush to reform the QEA and to replace aid to inner-city districts with middle class property tax relief.186 Legislators, fearful of the wrath of New Jersey's voters in the upcoming November 1991 elections, sought to present a more tax-friendly face to a crucial voting bloc — suburban voters who were pinched both by tax increases and by looming cuts in state aid to their school districts.187 The legislative results, the Quality Education Act of 1991 (QEA II)188 and the Supplemental Municipal Property Tax Relief Act,189 produced a significant shift in the distribution of school aid from urban districts to suburban districts, both middle class and affluent.190 These
modifications did not, however, eliminate increases to the special needs districts, although they reduced the size of the increase, primarily to grant property tax relief to suburban homeowners.

In early January 1991, New Jersey Senate President John Lynch and Senate Majority Leader Daniel Dalton introduced a plan to cut back the QEA's $1.1 billion price tag by $450 million and to apply the funds to property tax relief. Under the Lynch-Dalton plan, the thirty special needs districts would lose $170 million of the total $450 million cut. Florio administration officials claimed they were surprised by the size of the proposed cutbacks and hoped to reduce the figure to between $150 and $200 million.

In an attempt to forestall huge cuts to the QEA, Florio joined a proposal put forth in mid-February 1991 by Speaker of the Assembly Joseph Doria. The Doria plan would have provided only $244 million in property tax relief, instead of Lynch-Dalton's $395 million, and would have obtained the funds from the transition aid suburban districts were scheduled to receive under the QEA. It also would have protected most of the aid to the state's thirty special needs districts. In response to this proposal Senator Lynch stated, "The plan appears to be strongly weighted in favor of the urban centers at the

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191 See generally Goertz, supra note 75, at 14 and 26 for a clear explanation.

192 Supplemental Municipal Property Tax Relief Act, supra note 189.

193 Hanley, supra note 178; King, supra note 186.

194 Hanley, supra note 178.

195 Id.

196 Kerr, supra note 179; Peter Kerr, Trenton Officials Reach Pact to Alter Florio School Plan, N.Y. Times, March 5, 1991, at B2 [hereinafter Trenton Officials].


198 Id.
expense of the suburbs.... I must say the plan leaves me disappointed.”

After Doria put forward his proposal, negotiations between the Florio administration and the legislative leadership soon closed, and Florio conceded much ground. On March 4, state legislative leaders announced a compromise on QEA II. The total amount of aid shifted from the QEA to property tax relief was $355 million. Other objections to the QEA also were resolved: local assumption of Social Security and pension payments was deferred for two years, and the minimum tax effort for property-poor districts was relaxed. Within a week the plan passed both houses, and Florio signed the bill on March 14. At the bill-signing ceremony, Senator Lynch stated that "The people who pay property taxes in this state... made us do the type of reform that we arrived at here, and made us put in place a system that will work for the short-term and for the long-term for property tax relief.”

The QEA II reduced the state's infusion of new money into education by $355 million, but that reduction was not evenly dispersed among all districts in the state. The thirty special needs districts lost $238 million, which accounted for approximately sixty-seven percent of the cutback. Although the QEA II represented a $750 million increase in state spending for education over the 1990-91 school year, it basically restored the status quo ante distribution of those educational

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199 Id.
200 See Trenton Officials, supra note 196.
201 Id.
202 Although newspaper reports at the time indicated the shift was $360 million, Goertz's calculations show it was $355 million. Goertz, supra note 75, at 27 (Table 5). The Supplemental Municipal Property Tax Relief Act did appropriate $360 million for tax relief, however. Supplemental Municipal Property Tax Relief Act, supra note 189, at § 20.
205 Id.
206 Goertz, supra note 75, at 25 (Table 4A), 27 (Table 5).
207 Id. at 25 (Table 4A).
208 Id. at 27 (Table 5).
resources. The first QEA advocated a larger slice of the educational pie to inner-city schools, but the QEA II, although it increased the overall size of the pie, actually shrank or kept constant the slice of the pie for New Jersey's special needs districts.\footnote{Id. at 26.} For example, before the QEA passed, the thirty special needs districts received 36.9% of the Total Maximum School Aid fund during the 1990-91 school year.\footnote{Id. Total Maximum School Aid is money spent by the state on elementary and secondary education. For the years discussed here, it does not include some de minimis sums, such as debt service aid.} If the first QEA had been implemented they would have received about 39.4% of the Total Maximum School Aid fund; under QEA II, they received only 37.2%.\footnote{Id. at 26 (Table 4B).} Within certain categories of funding those percentages declined below pre-QEA levels. For example, in the 1990-91 school year the thirty special needs districts received 52.1% of all foundation aid.\footnote{Id. Foundation aid is the general equalization fund and largely is unrestricted, unlike categorical state funds which must be spent on particular programs.} Under the QEA, foundation aid would have grown to 53.8%, but under the QEA II they received only 47.7%.\footnote{Id.} At best, the QEA II left the thirty special needs districts in roughly the same position vis-à-vis the other districts in the state as they were prior to the Abbott II decision.\footnote{Id.}

The QEA II, then, provided a double hit to the special needs districts in the New Jersey. The tax relief measure aided largely suburban homeowners, and the QEA II's redistribution of educational funds primarily benefitted the non-special needs districts.\footnote{See Kerr, supra note 203.} Although the overall spending went up under the QEA II, that aid did not increase the slice of the pie allocated to the special needs districts.

Because legislators responded sharply to the vocal demands both of organized interests and of popular pressure, the redistribution effected by the original QEA became politically untenable. After Senator Bradley's near defeat, legislators saw that the popular outrage over the QEA and its attendant tax increas-
es had potentially disastrous electoral results. However, their efforts to appease an angry electorate appear to have failed. In November 1991, eight months after the passage of the QEA II and its property tax rebates, voters replaced Democratic control in the New Jersey legislature with a veto-proof Republican majority. The Democrats lost ten seats in the Senate and twenty-one seats in the Assembly. This put the Republicans in absolute control of both houses for the first time in twenty years.

One analysis of the voters' reaction to the QEA and to the QEA II indicates that the QEA II did little to alter the electorate's mood. Using household-level income and property tax data, Bogart and VanDoren modeled the 1991 state Senate election to determine whether voters punished New Jersey state legislators for voting against their constituents' economic interests. After regressing the percentage vote obtained by a candidate in the election against whether the legislator voted in favor of the QEA, the candidate's party and incumbent status, whether the candidate was unopposed, as well as the effect of the QEA on household income, Bogart and VanDoren concluded that the QEA II revisions did little to alter the voters' candidate selection. Indeed, "[t]he legislators' attempt to curry favor with their constituents through revisions to the QEA that diluted its redistributive character was discounted by voters whose reactions toward incumbents were governed mainly by the senators' behavior toward the original QEA in June 1990." Instead of being appeased by the QEA II, voters appear to have been deeply angry at Democrats and simply voted them out of office. In an electoral sense, the legislative changes to the QEA were for naught.

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216 Senate President John Lynch, in particular, felt strongly about appeasing middle-class anger. Id.
217 See Bogart & VanDoren, supra note 69, at 372.
218 See King, supra note 71.
219 Id.
220 See, e.g., Bogart & VanDoren, supra note 69.
221 Id. at 357-58.
222 Id. at 371.
223 Id.
V. A QUANTITATIVE ASSESSMENT OF THE EFFECTS OF ABBOTT II AND THE QEA ON SCHOOL FINANCE EQUALITY IN NEW JERSEY

Despite the revisions and amendments passed in 1991 and 1992, the Quality Education Act remains the statutory response to the New Jersey Supreme Court's ruling in Abbott II. Additionally, despite the public opposition it faced, the divisions within New Jersey politics it created, and the electoral defeats to which it contributed, the QEA's central importance for the New Jersey Supreme Court lies in its direct effect on the equity of school funding in New Jersey.\(^{224}\) In order to determine this effect, one must examine the Act's impact on the actual distribution of funds in New Jersey over an extended period of time. This section explores in quantitative terms the relative success and failure of the QEA to achieve parity between affluent suburban districts and generally poor inner-city districts, a parity the New Jersey Supreme Court explicitly declared to be its primary objective in the Abbott II decision.\(^{225}\) The court explicitly ruled unconstitutional the level of education offered in those twenty-eight inner-city districts designated by the New Jersey Department of Education as having the lowest socioeconomic status within the state — District Factor Groups A and B.\(^{226}\) As discussed in Part II above, Abbott II requires that educational resources in those districts be equalized with the resources in the most affluent districts in the state — districts in District Factor Groups I and J. Specifically, the court ruled that the existing school financing law

must be amended, or new legislation passed, so as to assure that poorer urban districts' educational funding is substantially equal to that of property-rich districts... The level of funding must also be adequate to provide for the special educational needs of these poorer urban districts and address their extreme disadvantages.\(^{227}\)


\(^{225}\) Id. at 408.

\(^{226}\) Id. at 387.

\(^{227}\) Id. at 408.
By examining a number of equality measures over time, one can trace the effectiveness of the court's decision to bring together the educational resources of these two groups.

Before turning to the findings of this analysis, discussion of some methodological difficulties confronting a quantitative comparison of funding levels for the A and B districts and for the I and J districts is necessary. One problem immediately confronted is that many of the affluent I and J districts are not K-12 (kindergarten through grade twelve) school districts. Many towns in New Jersey have K-6 or K-8 schools and then send their children to a regional high school.228 In contrast, all of the special needs districts are K-12 districts. When confronted with districts of different grade levels, a researcher has two choices: "[E]xamine each type of district separately, or combine the data of high school districts and their 'feeder' elementary districts to form fictitious K-12 districts."229 The first choice was not viable in this instance because there are no K-6 or K-8 special needs districts. Thus, in order to render these districts comparable, hypothetical K-12 districts were constructed from those I and J non-K-12 districts that enroll their high school students in a common regional high school. By adding enrollments and funding levels for all constituent K-6 or K-8 districts to the regional high school enrollments and funding levels, hypothetical districts were created that are comparable to the other K-12 districts in the state. By constructing these districts, approximately ninety-five percent of all students enrolled in the I and J districts and the special needs districts were included in the analysis.230

A second problem is defining the group of districts that fall into the I and J categories. According to the New Jersey Department of Education's 1980 classification, there were 118 I and J districts (K-6, K-8, K-12 and regional high schools (both

228 The annual New Jersey Legislative District Data Book, supra note 51, provides information on every school district in the state, including each district's grade levels and factor groups.

229 Berne & Stiefel, supra note 55, at 46-47.

230 The remaining five percent were enrolled in affluent I and J districts that were part of a regional high school that was not classified as an I or J district by the New Jersey Department of Education. See New Jersey Legislative District Data Book, supra note 51. Omitted from the analysis, in other words, are the K-6 or K-8 districts that are I and J districts but which are part of a regional high school that is a G or H district, and thus not subject to the Abbott II ruling.
According to the 1990 classification, there were 132 such districts. If one considers those that were listed in either the 1980 or 1990 classification, the total rises to 144 districts. In order to include as many districts as possible, all districts that were included in either the 1980 or 1990 classification were used herein. This group was somewhat restricted, however, since it included only the K-12 or hybrid K-12 districts for a total of seventy-eight I and J (affluent) districts.

At the other end of the classification scale, there are only twenty-eight districts included in the District Factor Groups A and B. Upon passage of the first QEA, the New Jersey legislature added two additional districts to this "special needs" category. Thus, the analysis includes thirty almost exclusively urban and heavily minority special needs districts and seventy-eight I and J districts (K-12 or hybrid K-12). Together, these 108 districts enrolled approximately 450,000 of the 1.36 million students enrolled in New Jersey public schools during the 1993-94 academic year.

The third problem involves which school financing object to measure. Net budget revenues reveal the amount of money available to a district, but do not disclose how a district allocated those funds among competing programs. The Abbott court was less concerned, however, with ensuring that districts spent their resources on identical programs (different districts, after all, have different needs) than with ensuring that districts had similar financing available to use as they saw fit. Thus, one must examine net budget revenues.

The decision also made clear that the state needed to address the particular educational hardships of the special needs districts. The legislature sought to meet this court mandate in two ways. First, the special needs districts were allocated an additional five percent of foundation aid over the

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231 These school district classifications were included with the financing data set obtained from the New Jersey Department of Education, Finance Division. In Abbott II, the New Jersey Supreme Court relied on the 1980 I and J classification. Abbott II, 575 A.2d at 408-09.

232 Quality Education Act of 1990, ch. 52, § 3.

233 Telephone interview with Linda Jones, Research Department, New Jersey Education Association (April 7, 1994).


235 Id. at 408-09.
non-special needs districts. Second, the reformulation of the compensatory education program into an at-risk aid program was designed to channel more funds into those districts that faced poverty in the home. Thus, in order to determine whether the QEA equalized the funds for regular educational programs, one must omit the at-risk aid from the equality measures. This is done for the coefficient of variation and Gini index measures described below.

Turning now to this analysis, Figure Seven shows the high, low, and mean per pupil net budget revenues for the years 1988 through 1993. Each district’s per pupil net budget revenue figures are weighted for district enrollment and expressed in constant 1993 dollars. The chart shows a widening spread between the high and low ends of the financing scale and an annually increasing mean. In constant dollars, the mean doubled over this six year period. The only year in which the range decreased was 1993. Looking closely at Figure Seven, one can see a noticeable jump in the bottom district and a leveling off of the rate of increase for the top district in 1993. This produced the one year in which the spread between the top and bottom districts actually decreased in constant dollars.

The problem with the range measure is that it registers only the changes at two locations, the district with the highest revenues and the district with the lowest. A different measure that registers all transfers among districts is the coefficient of variation, which is the standard deviation of revenues among all districts divided by the mean. Figure Eight shows the trend in the coefficient of variation over the six year period for both the per pupil net budget revenues and the per pupil net budget revenues minus at-risk aid. In Figure Eight, the lines are basically flat until 1992, the first year the QEA was implemented. The QEA’s second year saw an even sharper drop

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236 Quality Education Act of 1990 § 6a.

237 See app. infra at 196.

238 Net budget revenues are the combination of state aid and local tax revenues. Federal aid is not included. State aid includes both aid for regular education, as well as categorical aid, such as aid for transportation, special education, etc.

239 These 1993 figures must be considered preliminary because they have not yet been audited.

240 See app. infra at 197.

in the overall levels of inequality. Clearly the QEA had a notable influence on the inequality between the I and J districts and the special needs districts. However, when one omits the at-risk aid, the overall level of inequality increases. This indicates that the plan uses at-risk aid to even out total revenues among affluent and poor districts, when the aid should be used to boost the revenues for the poor districts above those of the affluent I and J districts. Although revenues targeted at regular education expenses have seen an improvement in equality in the first two years under the QEA, the New Jersey Supreme Court's additional mandate that the legislature address the special needs of the poor, inner-city districts has not been met. Thus, even when taking into account aid designed to give them a modest head start, poor, inner-city districts have not been able to match the resources of affluent suburban districts.

Figure Nine\(^{242}\) tells a similar story when one uses a Gini index to ascertain levels of equality.\(^{243}\) What is striking here is the roughly equal drop in percentage terms in the level of inequality as with the coefficient of variation. The Gini index and the coefficient of variation reflect the same improvement in equality. Both measures reveal a basically flat line until 1992 (the first year of the QEA's implementation) and a significant improvement in equality for 1992 and 1993.

Thus, the QEA appears to have improved significantly the equality of educational resources available for regular education. However, this examination is not an equity study of all districts in New Jersey, but only those that are the focus of the court's ruling. Inclusion of more middle to upper-middle class districts, which were omitted from this analysis, could increase the Gini and coefficient of variation scores described here.

One must also note the difference between the "substantially equal" demand imposed by the New Jersey Supreme Court and the further requirement that the state respond in explicit financial terms to the special educational needs of the poorest districts in the state. Although there has been some improvement, the QEA thus far has not produced the "substantially equal" levels of funding called for by *Abbott II*. Obviously the second mandate of the court has not been met. Moreover, the

\(^{242}\) See app. *infra* at 198.

current improvement may not be sustainable given the recent developments in New Jersey politics outlined below.

VI. THE QEA: ON THE ROAD TO EQUALITY OR AT THE HIGH WATER MARK?

What can be learned from the twin sagas of Abbott II and the QEA? Early results show that the court produced some meaningful gains for equality between the most affluent and the most impoverished school districts. However, the story of court-initiated school finance reform in New Jersey has not ended. The early success of the QEA would have been even more pronounced had the state legislature not undertaken revisions to produce property tax relief. Instead, legislators responded to public outcry and reduced state equalization aid, and political pressures to further scale back state aid continue to mount.

To date, the voters' demands have been met. In the Spring of 1994 Governor Christine Todd Whitman proposed, and the legislature approved, only a $28 million increase to the thirty special needs districts — much less than the $115 million the QEA provided in 1993. The Quality Education Act is dead. Nonetheless, the reasons for its origin still exist. The recent Abbott III decision requires that the legislature enact by September 1996 legislation that ensures parity between the special needs districts and the affluent districts in District Factor Groups I and J. The estimated cost of bridging the gap between these districts is currently $450 million. Governor Whitman has not announced how she plans to raise this money and is not expected to provide details until she releases her budget proposal for 1995-96.

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246 Abbott III, 643 A.2d at 576-77.

247 Mary Ellen Schoonmaker, Beyond School Funding; Panel Says Tie Aid to Tangible Results, THE RECORD (Trenton, N.J.), Oct. 23, 1994, at A29.

Other legislators, however, introduced proposals that would eliminate the local property tax as a funding mechanism for public education.249 Last year, Michigan adopted this seemingly drastic approach to educational financing,250 and now some New Jersey legislators are looking to the Michigan plan as a model.251 Although it is not clear how this proposal would meet the court's mandate, it is clear that eliminating local property taxes as a method of funding schools would go a long way toward ensuring greater parity among New Jersey's school districts. A primary danger of this proposal, however, is that it could easily diminish the overall level of funding for New Jersey education. That, clearly, is not in the interests of New Jersey schoolchildren, regardless of the district in which they live. The backlash against the Quality Education Act survives as a backlash against spending for public education in all districts.

Although the New Jersey Supreme Court, as the findings here show, has been able to equalize the expenditures among affluent districts and their inner-city neighbors, it has done so at a tremendous political risk, not only to elected officials but to public education as a whole. The next round of legislation will reveal not only whether there is any meaningful political support left for equalization, but also whether public education in New Jersey is threatened by the state's angry anti-tax mood. The New Jersey Supreme Court, thus far, remains above the fray, and has achieved some substantial results. However, there is an equally substantial risk inherent in its decisions, because the court's efforts to ensure meaningful educational equality among the state's poorest and most affluent districts may diminish in the long run the resources available to all children. In the conflict between the court and the people over the cost of equality, a larger battle brews over the nature of public education.


### Figure One

**Logit Model of Support for Abbott II in New Jersey Among All Respondents, 1990**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Parameter Est. (B)</th>
<th>S.E.</th>
<th>Estimate/SE</th>
<th>Change in X (from, to)</th>
<th>Change in Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>0.0673</td>
<td>0.3729</td>
<td>0.18</td>
<td>(1,2)</td>
<td>-0.02</td>
</tr>
<tr>
<td>Type of Municipality</td>
<td>-0.0409</td>
<td>0.1523</td>
<td>-0.27</td>
<td>(1,3)</td>
<td>0.02</td>
</tr>
<tr>
<td>Perceived Effect of Tax Package*</td>
<td>0.8082</td>
<td>0.3500</td>
<td>2.31</td>
<td>(1,2)</td>
<td>-0.18</td>
</tr>
<tr>
<td>Perceived Loss or Gain of School Aid in Local District**</td>
<td>0.6716</td>
<td>0.2725</td>
<td>2.46</td>
<td>(1,2)</td>
<td>-0.16</td>
</tr>
<tr>
<td>Perceived Effect of QEA on Local Property Tax Rates</td>
<td>0.3869</td>
<td>0.2915</td>
<td>1.33</td>
<td>(1,3)</td>
<td>-0.17</td>
</tr>
<tr>
<td>Income</td>
<td>0.2180</td>
<td>0.1235</td>
<td>1.77</td>
<td>(1,4)</td>
<td>-0.16</td>
</tr>
<tr>
<td>Accept an Increase &amp; Expansion of Sales Tax</td>
<td>0.0391</td>
<td>0.2969</td>
<td>0.13</td>
<td>(1,2)</td>
<td>-0.01</td>
</tr>
<tr>
<td>Accept an Increase and Expansion of Income Tax**</td>
<td>0.8108</td>
<td>0.2955</td>
<td>2.74</td>
<td>(1,2)</td>
<td>-0.19</td>
</tr>
<tr>
<td>Ideology**</td>
<td>0.3591</td>
<td>0.1313</td>
<td>2.73</td>
<td>(1,3)</td>
<td>-0.17</td>
</tr>
<tr>
<td>Constant***</td>
<td>-6.7246</td>
<td>1.2182</td>
<td>-5.52</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N=345
Proportion predicted correctly = 68.21%
Dist. of Dependent Variable: Agree=57.72%; Disagree=42.28%

*Significant at 0.05
**Significant at 0.01
***Significant at 0.005
****Significant at 0.0001

*Change in Probability* is the change in probability that a respondent will favor the holding of Abbott II given the change in the independent variable that is specified in the "Change in X" Column, holding the other independent variables constant at their means.

Data Source: Star-Ledger/Eagleton Poll, July 1990 (Poll #: EP 79-4). Conducted by the Eagleton Institute, Rutgers University
## Figure Two

Logit Model of Support for the Abbott II Decision in New Jersey Among Parents of Children Enrolled in Public Schools, 1990

<table>
<thead>
<tr>
<th>Variable</th>
<th>Parameter Est. (B)</th>
<th>S.E.</th>
<th>Estimate/SE</th>
<th>Change in X (from, to)</th>
<th>Change in Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>-0.0806</td>
<td>0.6544</td>
<td>-0.12</td>
<td>(1,2)</td>
<td>0.02</td>
</tr>
<tr>
<td>Type of Municipality</td>
<td>-0.4184</td>
<td>0.3162</td>
<td>-1.32</td>
<td>(1,3)</td>
<td>0.20</td>
</tr>
<tr>
<td>Perceived Effect of Tax Package</td>
<td>0.9138</td>
<td>0.7276</td>
<td>1.26</td>
<td>(1,2)</td>
<td>0.22</td>
</tr>
<tr>
<td>Perceived Loss or Gain of School Aid in Local District†</td>
<td>1.7758</td>
<td>0.6388</td>
<td>2.76</td>
<td>(1,2)</td>
<td>0.42</td>
</tr>
<tr>
<td>Perceived Effect of QEA on Local Property Tax Rates</td>
<td>-0.4217</td>
<td>0.6473</td>
<td>-0.65</td>
<td>(1,3)</td>
<td>0.20</td>
</tr>
<tr>
<td>Income</td>
<td>0.0729</td>
<td>0.2948</td>
<td>0.25</td>
<td>(1,4)</td>
<td>-0.05</td>
</tr>
<tr>
<td>Accept an Increase &amp; Expansion of Sales Tax</td>
<td>-0.8165</td>
<td>0.6380</td>
<td>-1.28</td>
<td>(1,2)</td>
<td>0.20</td>
</tr>
<tr>
<td>Accept an Increase and Expansion of Income Tax</td>
<td>1.0335</td>
<td>0.6139</td>
<td>1.68</td>
<td>(1,2)</td>
<td>-0.25</td>
</tr>
<tr>
<td>Ideology</td>
<td>0.3884</td>
<td>0.2703</td>
<td>1.44</td>
<td>(1,3)</td>
<td>-0.19</td>
</tr>
<tr>
<td>Constant</td>
<td>-3.3197</td>
<td>2.1400</td>
<td>-1.55</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N=87

Proportion predicted correctly = 72.73%

Dist. of Dependent Variable: Agree=50.00%; Disagree=50.00%

*Significant at 0.05
**Significant at 0.01
***Significant at 0.005

*Change in Probability* is the change in the probability that a respondent will favor the holding of Abbott II given the change in the independent variable that is specified in the *Change in X* Column, holding the other independent variables constant at their means.

Data Source: Star-Ledger/Eagleton Poll, July 1990 (Poll #: EP 79-4). Conducted by the Eagleton Institute, Rutgers University
## Figure Three

Logit Model of Support for the Quality Education Act in New Jersey
Among All Respondents, 1990

<table>
<thead>
<tr>
<th>Variable</th>
<th>Parameter Est. (B)</th>
<th>S.E.</th>
<th>Estimate/SE</th>
<th>Change in X (from, to)</th>
<th>Change in Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>0.0394</td>
<td>0.2723</td>
<td>0.14</td>
<td>(1,2)</td>
<td>-0.01</td>
</tr>
<tr>
<td>Type of Municipality</td>
<td>0.2307</td>
<td>0.1243</td>
<td>1.88</td>
<td>(1,3)</td>
<td>-0.11</td>
</tr>
<tr>
<td>Perceived Effect of Tax Package</td>
<td>0.3070</td>
<td>0.2616</td>
<td>1.17</td>
<td>(1,2)</td>
<td>-0.07</td>
</tr>
<tr>
<td>Perceived Loss or Gain of School Aid in Local District***</td>
<td>0.6612</td>
<td>0.2248</td>
<td>2.94</td>
<td>(1,2)</td>
<td>-0.15</td>
</tr>
<tr>
<td>Perceived Effect of QEA on Local Property Tax Rates**</td>
<td>0.5289</td>
<td>0.2162</td>
<td>2.45</td>
<td>(1,3)</td>
<td>-0.25</td>
</tr>
<tr>
<td>Income</td>
<td>0.0607</td>
<td>0.1035</td>
<td>0.59</td>
<td>(1,4)</td>
<td>-0.04</td>
</tr>
<tr>
<td>Accept an Increase &amp; Expansion of Sales Tax</td>
<td>0.1457</td>
<td>0.2490</td>
<td>0.59</td>
<td>(1,2)</td>
<td>-0.03</td>
</tr>
<tr>
<td>Accept an Increase and Expansion of Income Tax</td>
<td>0.3309</td>
<td>0.2434</td>
<td>1.38</td>
<td>(1,2)</td>
<td>-0.08</td>
</tr>
<tr>
<td>Ideology</td>
<td>0.1448</td>
<td>0.1111</td>
<td>1.30</td>
<td>(1,3)</td>
<td>-0.07</td>
</tr>
<tr>
<td>Constant***</td>
<td>-4.3413</td>
<td>0.8406</td>
<td>-5.16</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N=439
Proportion predicted correctly = 67.54%
Dist. of Dependent Variable: Approve=36.85%; Disapprove=63.15%
*Significant at 0.05
**Significant at 0.01
***Significant at 0.005
****Significant at 0.0001

*Change in Probability* is the change in probability that a respondent will favor the QEA, given the change in the independent variable that is specified in the "Change in X" Column, holding the other independent variables constant at their means.

Data Source: Star-Ledger/Eagleton Poll, July 1990 (Poll #: EP 79-4). Conducted by the Eagleton Institute, Rutgers University
Figure Four
Logit Model of Support for the Quality Education Act in New Jersey Among Parents of Children Enrolled in Public Schools, 1990

<table>
<thead>
<tr>
<th>Variable</th>
<th>Parameter Est. (B)</th>
<th>S.E.</th>
<th>Estimate/SE</th>
<th>Change in X (from, to)</th>
<th>Change in Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race**</td>
<td>1.4592</td>
<td>0.5263</td>
<td>2.77</td>
<td>(1, 2)</td>
<td>-0.33</td>
</tr>
<tr>
<td>Type of Municipality*</td>
<td>-0.5622</td>
<td>0.2508</td>
<td>-2.22</td>
<td>(1, 2)</td>
<td>0.21</td>
</tr>
<tr>
<td>Perceived Effect of Tax Package</td>
<td>0.2633</td>
<td>0.5544</td>
<td>0.48</td>
<td>(1, 2)</td>
<td>-0.08</td>
</tr>
<tr>
<td>Perceived Loss or Gain of School Aid in Local District</td>
<td>0.4933</td>
<td>0.5115</td>
<td>0.96</td>
<td>(1, 2)</td>
<td>-0.11</td>
</tr>
<tr>
<td>Perceived Effect of QEA on Local Property Tax Rates</td>
<td>-0.2221</td>
<td>0.4630</td>
<td>-0.48</td>
<td>(1, 3)</td>
<td>0.09</td>
</tr>
<tr>
<td>Income</td>
<td>-0.0695</td>
<td>0.2322</td>
<td>-0.30</td>
<td>(1, 4)</td>
<td>0.04</td>
</tr>
<tr>
<td>Accept an Increase &amp; Expansion of Sales Tax</td>
<td>0.6025</td>
<td>0.4883</td>
<td>1.23</td>
<td>(1, 2)</td>
<td>-0.13</td>
</tr>
<tr>
<td>Accept an Increase and Expansion of Income Tax</td>
<td>-0.3497</td>
<td>0.4884</td>
<td>-0.70</td>
<td>(1, 2)</td>
<td>0.07</td>
</tr>
<tr>
<td>Ideology</td>
<td>0.4209</td>
<td>0.2314</td>
<td>1.82</td>
<td>(1, 3)</td>
<td>-0.18</td>
</tr>
<tr>
<td>Constant</td>
<td>-1.9041</td>
<td>1.5991</td>
<td>-1.19</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N=116
Proportion predicted correctly = 72.87%
Dist. of Dependent Variable: Approve=33.33%; Disapprove=66.66%
*Significant at 0.05
**Significant at 0.01
***Significant at 0.005

*Change in Probability* is the change in the probability that a respondent will favor the QEA, given the change in the independent variable that is specified in the "Change in X" Column, holding the other independent variables constant at their means.

Source: Star-Ledger/Eagleton Poll, July 1990 (Poll #: EP 79-4). Conducted by the Eagleton Institute, Rutgers University
Figure Five
Cross-Tabulation of QEA Approval and Type of Place Respondent Lives
White Parents of Children Enrolled in Public Schools

<table>
<thead>
<tr>
<th></th>
<th>Center City</th>
<th>City &amp; Old Suburb</th>
<th>New Suburb</th>
<th>Rural</th>
<th>Row Total Pct. of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td># Who Approve of QEA</td>
<td>1</td>
<td>7</td>
<td>22</td>
<td>5</td>
<td>35</td>
</tr>
<tr>
<td>Percent of Row Total</td>
<td>1.4</td>
<td>20.1</td>
<td>63.3</td>
<td>15.1</td>
<td>26.6</td>
</tr>
<tr>
<td>Percent of Column Total</td>
<td>5.2</td>
<td>28.2</td>
<td>29.2</td>
<td>25.3</td>
<td></td>
</tr>
<tr>
<td># Who Disapprove of QEA</td>
<td>9</td>
<td>18</td>
<td>53</td>
<td>15</td>
<td>95</td>
</tr>
<tr>
<td>Percent of Row Total</td>
<td>9.6</td>
<td>18.6</td>
<td>55.6</td>
<td>16.2</td>
<td>73.4</td>
</tr>
<tr>
<td>Percent of Column Total</td>
<td>94.8</td>
<td>71.8</td>
<td>70.8</td>
<td>74.7</td>
<td></td>
</tr>
</tbody>
</table>

Column Total
Percent of Total

Percentages are weighted slightly to adjust for sampling error.
Figure Six
Cross-Tabulation of QEA Approval and Type of Place Respondent Lives
Non-White Parents of Children Enrolled in Public Schools

<table>
<thead>
<tr>
<th></th>
<th>Center City</th>
<th>City &amp; Old Suburb</th>
<th>New Suburb</th>
<th>Rural</th>
<th>Row Total Pct. of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td># Who Approve of QEA</td>
<td>13</td>
<td>4</td>
<td>11</td>
<td>1</td>
<td>29</td>
</tr>
<tr>
<td>Percent of Row Total</td>
<td>45.7</td>
<td>13.0</td>
<td>36.9</td>
<td>4.4</td>
<td>52.2</td>
</tr>
<tr>
<td>Percent of Column Total</td>
<td>64.5</td>
<td>22.3</td>
<td>68.4</td>
<td>50.0</td>
<td></td>
</tr>
<tr>
<td># Who Disapprove of QEA</td>
<td>7</td>
<td>13</td>
<td>5</td>
<td>1</td>
<td>26</td>
</tr>
<tr>
<td>Percent of Row Total</td>
<td>27.4</td>
<td>49.1</td>
<td>18.7</td>
<td>4.8</td>
<td>47.8</td>
</tr>
<tr>
<td>Percent of Column Total</td>
<td>35.5</td>
<td>77.7</td>
<td>31.6</td>
<td>50.0</td>
<td></td>
</tr>
<tr>
<td>Column Total</td>
<td>20</td>
<td>17</td>
<td>16</td>
<td>2</td>
<td>55</td>
</tr>
<tr>
<td>Percent of Total</td>
<td>37.0</td>
<td>30.3</td>
<td>28.2</td>
<td>4.6</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Data Source: Star-Ledger/Eagleton Poll, July 1990 (Poll#: EP-79-4). Conducted by the Eagleton Institute, Rutgers University. Percentages are weighted slightly to adjust for sampling error.
Figure Seven
High, Low & Median Revenues Among Special Needs and I & J Districts in NJ, 1988-93

K12 and hypothetical K12 districts constructed from regional high schools and K8 and K6 districts
All values weighted for district enrollment and expressed in constant 1993 dollars
Data source: New Jersey Department of Education, Finance Division. 1993 figures are preliminary.
Figure Eight
Effect of QEA on Special Needs and I & J District Equity in New Jersey, 1988-93

K12 and hypothetical K12 districts constructed from regional high schools and K8 and K6 districts
All values weighted for district enrollment and expressed in constant 1993 dollars
Data source: New Jersey Department of Education, Finance Division. 1993 figures are preliminary.
Figure Nine
Effect of QEA on Special Needs and I & J District Equity in New Jersey, 1988-93

K12 and hypothetical K12 districts constructed from regional high schools and K8 and K6 districts
All values weighted for district enrollment and expressed in constant 1993 dollars
Data Source: New Jersey Department of Education, Finance Division. 1993 figures are preliminary.