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NEWS RELEASE

ELC ASKS HIGH COURT TO REPLENISH SCHOOL BUILDING FUND COMMISSIONER'S INACTION PROMPTS RETURN TO COURT

August 11, 2005 -- Newark, NJ

ELC is asking the NJ Supreme Court to order State officials to obtain more funding from the Legislature for school construction projects in the urban school districts.

The legal action in the landmark *Abbott v. Burke* case was prompted by a July 27th decision by the NJ School Construction Corporation to stop work on over 200 urban school construction projects. The agency decided to stop work on the projects after disclosing it had spent all but \$1.4 billion of an initial \$6 billion in school construction funds allocated by the Legislature in 2000.

In the court filing, ELC faults the Commissioner of Education for not keeping the Legislature up-to-date on school construction spending, including annual reports on the need for additional funds. The reports are mandated by law. ELC also underscores the devastating impact caused by the work stoppage, and estimates an increase of at least \$40-60 million for every year of delay in completing the projects.

ELC is asking the Supreme Court to order the Commissioner, after consulting with the SCC and State Treasurer, to estimate the cost of all projects now "in development" at the SCC, and to present the estimate to the Legislature within 15 days of the Court's order. ELC is also asking that the Commissioner then promptly secure additional construction funds from the Legislature, and report back to the Court by the end of the year.

"We go to the Court with great reluctance, and only after it became clear that the Commissioner would not take action to obtain more funds, as he must do under the *Abbott* rulings," said David Sciarra, ELC Executive Director and *Abbott* Counsel. "Without additional funding, these long overdue new schools and school renovation projects will remain stalled, increasing their cost and causing harm to students and their communities," he added.

ELC expects many *Abbott* school districts to join in the legal action. Douglas Eakeley of the Lowenstein Sandler firm is serving as co-counsel on this *Abbott* motion.

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