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PRESS RELEASE

HIGH COURT EXPECTS LAWMAKERS TO ADDRESS FACILITIES FUNDING IN FY08 STATE BUDGET

ELC CAN RENEW REQUEST FOR RELIEF IF LEGISLATURE DOES NOT ACT

Newark NJ – May 24, 2007

In an [Order issued today](#), the NJ Supreme Court denied a motion by urban school children asking the Court to direct the Legislature to authorize more school construction funding by June 30th. However, the Court made clear that it is not acting at this time based on its "assumption" that lawmakers will address the need for facilities funding "in the context of the Fiscal Year 2008 budget."

The Order is the latest in the landmark *Abbott v. Burke* education equity case. Hundreds of new and renovated school projects have been stalled for over 18 months because of the lack of funds, prompting ELC to file a motion in April asking the Supreme Court to direct the Legislature to take action.

In denying the motion, the Court stated that the relief sought by ELC is "premature" since the FY08 budget has not yet been adopted, and that the Court will not assume in advance that the State will fail to comply with its constitutional obligation to provide a "thorough and efficient" education to the Abbott school children, which includes providing funding to ensure safe and adequate school facilities.

The Court also denied the motion "without prejudice," which means ELC can renew its request for relief if the state budget – which must be adopted by June 30th – does not address the problem.

"The Court has sent a clear signal that it expects the Governor and Legislature to provide urgently needed school construction funds in the FY08 budget," said David Sciarra, counsel for the Abbott school children. "We're ready to work with the legislators, officials in the Governor's Office and NJ Schools Construction Corporation, and other stakeholders to make sure this gets done, and to avoid future legal action."

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