

ELC EDUCATION LAW CENTER

April 8, 2014

Mr. Mark Neary, Clerk
Supreme Court of New Jersey
Hughes Justice Complex
25 Market Street
Trenton, NJ 08625-0970

Re: Abbott v. Burke (Docket No. 42,170)
Motion in Aid of Litigants' Rights

Dear Mr. Neary:

Please accept this letter in reply to the State Defendants' response, dated April 7, 2014, to Plaintiffs' Motion in Aid of Litigants' Rights filed March 27, 2014 in the above-captioned matter.

Plaintiffs' Motion raises two issues of State non-compliance with this Court's orders in Abbott v. Burke, 199 N.J. 140 (2009) (Abbott XX) and 206 N.J. 332 (2011) (Abbott XXI) and the School Funding Reform Act (SFRA): 1) the failure to notify school districts of the approved adjustments to the costs, weights, aid amounts and other components of the SFRA formula for 2014-15 and 2015-16; and 2) the failure to notify districts of the maximum aid amounts and adequacy budgets under the SFRA for the 2014-15 school year.

As to the first issue, the State's response does not indicate whether the Commissioner will notify school districts of the approved adjustments to the costs, weights, aid amounts and other SFRA components for 2014-15 and 2015-16, as required by N.J.S.A. 18A:7F-5a and the Abbott XX and XXI orders. Plaintiffs contend that these approved formula adjustments are those accepted and objected-to by the Legislature in Senate Concurrent Resolution No. 134 (February 13, 2013).

As to the second issue, the State Defendants indicate that, "on or about April 28, 2014," the Commissioner of Education will issue state aid notices to each school district, pursuant to the SFRA. However, until such notices are issued and can be reviewed, Plaintiffs are unable to ascertain whether the notices fully comply with the specific requirements of the SFRA, N.J.S.A. 18A:7F-5a, and the Abbott XX and XXI orders.

For these reasons, Plaintiffs are unable at this time to determine whether the notices to be issued by the Commissioner on or about April 28th will be "responsive" to Plaintiffs' Motion, as the State Defendants assert in their April 7th correspondence. Accordingly, Plaintiffs respectfully request the Court hold the Motion in abeyance until Plaintiffs have had the opportunity to review the state aid notices and can promptly advise the Court of the sufficiency of the notices in addressing all issues of non-compliance with the Abbott XX and XXI orders raised by Plaintiffs in this Motion.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Sciarra". The signature is fluid and cursive, with a prominent initial "D" and "S".

David G. Sciarra, Esq.
Attorney for Plaintiffs

cc: Michelle Lyn Miller, Assistant Attorney General