

SUPREME COURT OF NEW JERSEY
M-976/996/997/1004/1125/1126
September Term 2002
42,170

RAYMOND ARTHUR ABBOTT, a minor, by his Guardian Ad Litem, FRANCES ABBOTT; ARLENE FIGUEROA, FRANCES FIGUEROA, HECTOR FIGUEROA, ORLANDO FIGUEROA and VIVIAN FIGUEROA, minors, by their Guardian Ad Litem, BLANCA FIGUEROA; MICHAEL HADLEY, a minor, by his Guardian Ad Litem, LOLA MOORE; HENRY STEVENS, JR., a minor, by his Guardian Ad Litem, HENRY STEVENS, SR.; CAROLINE JAMES and JERMAINE JAMES, minors, by their Guardian Ad Litem, MATTIE JAMES; DORIAN WAITERS and KHUDAYJA WAITERS, minors, by their Guardian Ad Litem, LYNN WAITERS; CHRISTINA KNOWLES, DANIEL KNOWLES, and GUY KNOWLES, JR., minors, by their Guardian Ad Litem, GUY KNOWLES, SR.; LIANA DIAZ, a minor, by her Guardian Ad Litem, LUCILA DIAZ; AISHA HARGROVE and ZAKIA HARGROVE, minors, by their Guardian Ad Litem, PATRICIA WATSON; and LAMAR STEPHENS and LESLIE STEPHENS, minors, by their Guardian Ad Litem, EDDIE STEPHENS,

Plaintiffs-Respondents
and Cross-Movants,

v.

FILED

APR 29 2003

Stephen T. Townsend
CLERK

O R D E R

FRED G. BURKE, Commissioner
of Education; EDWARD G.
HOFGESANG, NEW JERSEY
DIRECTOR OF BUDGET and
ACCOUNTING; CLIFFORD A.
GOLDMAN, NEW JERSEY STATE
TREASURER; AND NEW JERSEY
STATE BOARD OF EDUCATION,

Defendants-Movants and
Cross-Respondents.

The parties having made a joint application to the Court last year for a one-year relaxation of the remedies provided for in Abbott v. Burke, 149 N.J. 145 (1997) (Abbott IV) and Abbott v. Burke, 153 N.J. 480 (1998) (Abbott V);

And the Court having granted relief related to that application in Abbott v. Burke, 172 N.J. 294 (2002) (Abbott IX)¹;

And the parties having represented to the Court that they have participated together in working groups under the auspices of the Abbott Implementation and Compliance Coordinating Council;

And the Court having urged the parties to work cooperatively;

And the within matter having been initiated by a motion filed by the Attorney General on behalf of the Department of Education (DOE) for modification of the decision in Abbott V;

¹ The intervening decisions of the Court in respect of this matter include Abbott v. Burke, 163 N.J. 95 (2000) (Abbott VI), Abbott v. Burke, 164 N.J. 84 (2000) (Abbott VII), and Abbott v. Burke, 170 N.J. 537 (2002) (Abbott VIII).

And the Court having duly considered that motion (M-976);

And the Court having considered the cross-motions filed by the Education Law Center for an expedited schedule for decisions on district budgets and for an order that the DOE conduct a formal evaluation of the implementation of whole school reform and for counsel fees (M-996/997);

And the Court having considered the motion of the Boards of Education of Asbury Park, Elizabeth, Passaic, Pemberton and Trenton for leave to intervene in this matter (M-1004);

And the Court having considered the motions of the New Jersey Education Association (M-1125) and the Newark Teachers Union (M-1126) to participate as amici curiae;

And good cause appearing;

It is ORDERED that:

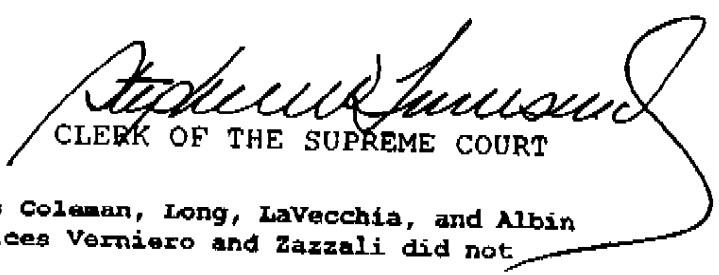
1. The application of the Boards of Education of Asbury Park, Elizabeth, Passaic, Pemberton and Trenton to intervene in this matter is denied, provided, however, that the applicants are permitted to participate as amici curiae (M-1004);
2. The applications of the New Jersey Education Association and the Newark Teachers Union to participate as amici curiae are granted (M-1125 and M-1126, respectively);
3. The parties shall participate in mediation as follows:
 - a) Superior Court, Appellate Division, Judge Philip S. Carchman, is appointed to serve as mediator for the sole purpose of resolving

the issues raised in defendants' motion and the cross-motion of plaintiffs;

- b) During mediation, Judge Carchman shall consider the positions espoused those who were granted amicus curiae status pursuant to this Order;
 - c) Mediation shall be completed by May 30, 2003;
 - d) Judge Carchman shall report specifically on all areas of agreement and on any areas on which agreement could not be reached;
 - e) During and after completion of the mediation process, no further submissions to the Court may be made unless requested by the Court; and
4. The budget for FY 2004 shall provide monies for parity aid in the amount determined under the standard set forth in Abbott v. Burke, 119 N.J. 287 (1990) (Abbott II).

Jurisdiction on the applications (M-976 and M-996/997) is otherwise retained.

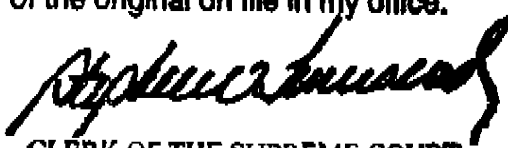
WITNESS, the Honorable Deborah T. Poritz, Chief Justice, at Trenton, this 29th day of April, 2003.



CLERK OF THE SUPREME COURT

Chief Justice Poritz and Justices Coleman, Long, LaVecchia, and Albin join in the Courts' Order. Justices Verniero and Zazzali did not participate.

The foregoing is a true copy of the original on file in my office.



CLERK OF THE SUPREME COURT
OF NEW JERSEY