
RAYMOND ARTHUR ABBOTT, et al.,

Plaintiffs,

v.

FRED G. BURKE, et al.,

Defendants.

SUPREME COURT OF NEW JERSEY
DOCKET NO. 42,170

CIVIL ACTION

BRIEF OF AMICI CURIAE NEW JERSEY STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, THE
PATERSON BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, THE PATERSON EDUCATION FUND, NEW JERSEY
COMMUNITY DEVELOPMENT CORPORATION, THE AMERICAN CIVIL LIBERTIES
UNION OF NEW JERSEY, NEW JERSEY BLACK ISSUES CONVENTION, AND THE
NEWARK TEACHERS UNION

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PRELIMINARY STATEMENT

In Abbott v. Burke, 149 N.J. 145 (1997) ("Abbott IV") and 153 N.J. 480 (1998) ("Abbott V"), this Court continued its historic effort to vindicate the constitutional rights of students in New Jersey's poorest school districts (the "Abbott" districts) to a thorough and efficient education.¹ The Court held that a comprehensive set of remedies "must be implemented" by the State "in order to ensure that public school children from the poorest [] communities receive the educational entitlements that the Constitution guarantees them." Abbott V, 153 N.J. at 489; see also Abbott IV, 149 N.J. at 166. Those remedies are the culmination of a decades long struggle to ensure a constitutionally adequate education to which the disadvantaged students in Abbott districts are entitled. Abbott IV, supra, at 153-60 (discussing genesis of the Abbott litigation, beginning with Abbott I decision issued in 1985, 100 N.J. 269); Abbott V, supra, at 490-493 (same).

Specifically, the Abbott remedies, set forth in Abbott IV and Abbott V, supra, require that students in the Abbott districts be provided the following resources and programs:

¹ The pertinent history of the Abbott litigation is fully set forth in Abbott V, 153 N.J. at 490-94. In this brief, "Abbott" refers to the entire Abbott v. Burke litigation, unless a particular decision is referenced.

- (1) standards-based education supported by parity funding, Abbott IV, 145 N.J. at 161-62; Abbott V, 153 N.J. at 498;
- (2) supplemental programs, including comprehensive whole school reform in Abbott elementary schools, Abbott V, 153 N.J. at 494-502, and other programs of "particular importance" in Abbott middle and high schools, id. at 508-517; see also Abbott IV, 149 N.J. at 177-80;
- (3) needs-driven program planning, Abbott V, 153 N.J. at 511, 517-19;
- (4) adequate funding for all programs, Abbott V, 153 N.J. at 517-19, 525-26; and
- (5) safe and adequate facilities, Abbott IV, 145 N.J. at 188; Abbott V, 153 N.J. at 519-25.

In particular, supplemental programs, the very remedy that the State now seeks to eliminate, were specifically held by this Court to be integral to the provision of a thorough and efficient education. Indeed, in Abbott II, 119 N.J. 287 (1990), the Court recognized that "the educational needs of students in poorer urban districts vastly exceed those of others . . . " and held that "in order to achieve the constitutional standard . . . the totality of the [Abbott] districts' educational offering must contain elements over and above those found in the affluent [] districts." Id. at 302-03, 366-374, 385; accord Abbott III, 136 N.J. 444, 454-55 (1994) ; Abbott IV, supra, at

156-57, 179-200; Abbott V, supra, at 509-519 (ordering funding for supplemental programs to Abbott districts).²

Despite this Court's clear mandate that supplemental funding and programs are necessary in order to provide students in Abbott districts with the thorough and efficient education that New Jersey's Constitution demands, the State now moves this Court for relief from the continued implementation of the Abbott remedies. Specifically, on April 7, 2006, the State filed an "Application for Approval of the Governor's FY2007 Proposed Budget for School Aid to Abbott Districts, ("State's Br.") seeking to "flat" fund all school districts, i.e., to provide no increase in state aid over last year's budget. (State's Br. at 4) If granted, the State's proposal will deprive Abbott

² At least in part because of its trailblazing remedial structure, Abbott is considered to be "the most significant education case since the [United States] Supreme Court's [] ruling [in Brown v. Board of Education, 349 U.S. 294 (1955)] [] fifty years ago." A Truce in New Jersey's School War, NEW YORK TIMES, Feb. 9, 2002, at A18; see also, John Sullivan, McGreevy Seeks to Revamp Support for Poorest Schools, NEW YORK TIMES, Dec. 29, 2002, at 1 (describing Abbott as "groundbreaking" and "widely considered of national importance"). In September 2005, the Assistant Commissioner for Abbott Implementation himself characterized the Abbott remedies as "an unprecedented effort to close the achievement gap between rich and poor, black and white, Latino and Anglo." Closing the Achievement Gap: Two-Year Plan on Instructional Priorities Division of Abbott Implementation (New Jersey Department of Education) Sept. 22, 2005, at 1 (published by, and on file with, the New Jersey Department of Education), <http://www.state.nj.us/njed/abbotts/plan.pdf>.

districts of the resources necessary to fully implement the Abbott remedies, specifically the supplemental programs element, that are essential to ensuring that Abbott students are provided a constitutionally adequate education.

By motion dated April 17, 2006, amici curiae sought leave to participate in this matter. Amici are the New Jersey State Conference of the National Association for the Advancement of Colored People, the Paterson Branch of the National Association for the Advancement of Colored People, the Paterson Education Fund, New Jersey Community Development Corporation, the American Civil Liberties Union of New Jersey, New Jersey Black Issues Convention, and the Newark Teachers Union. Amici appear in this matter in order to advise the Court that continued enforcement of the full Abbott remedies is essential to ensuring that a thorough and efficient education is provided to New Jersey's most disadvantaged students, especially those students in poor and highly segregated schools. First, amici will demonstrate that, contrary to the State's assertions, where the Abbott remedies have been implemented, there have been significant gains in educational achievement, and that where the State has failed to implement or fund such remedies, schools have failed to improve and students have failed to see significant gains. Second, amici will argue that while there have been significant

gains, there is still a great deal of progress that must be made in the Abbott districts in order for those districts to provide a thorough and efficient education, and that if the State's motion for relief is granted, many of the Abbott districts will not make this progress. Third, amici will demonstrate that the State's assertion that the Abbott remedies do not reach the students who are most in need is specious, and that, to the contrary, the Abbott districts are both extremely poor and, as a result of segregation in the state, are composed of a predominantly minority student population. Fourth and finally, amici will demonstrate that the enforcement of the constitutional right to a thorough and efficient education may not be made contingent upon the state's budgetary allocations and constraints. Amici respectfully request that this Court deny the State's application requesting relief from the continued implementation of the remedies found by this Court to be an integral element of a constitutionally adequate education for the state's most disadvantaged students.

ARGUMENT

I. **CONTINUED IMPLEMENTATION OF THE ABBOTT REMEDIES IS ESSENTIAL TO ENSURING THAT A THOROUGH AND EFFICIENT EDUCATION IS PROVIDED TO DISADVANTAGED SCHOOL CHILDREN IN NEW JERSEY.**

The State's application for relief relies on an underlying assumption that is fundamentally flawed: that implementation of

the Abbott remedial structure has "not seen a corresponding increase, or even a significant increase, in educational achievement." State's Br. at 5) In fact, as will be discussed in detail below, when the State implements the Abbott remedies, as it has at the preschool and elementary school levels, the quality of education offered Abbott students improves measurably. In contrast, where the State has failed to implement those remedies, as in the case of Abbott secondary schools, the lack of progress is notable. That the State seeks to blame the Abbott districts and, by implication, the Abbott school children themselves, for any lack of progress is thus ironic - for it is the State's historic inaction at the secondary school level that is, in fact, blameworthy.

A. Implementation of the Abbott Remedies Has Markedly Improved Academic Performance at Pre-school and Elementary School Levels.

The available empirical evidence, including studies sponsored by the Department of Education, demonstrates that when the State invests in the implementation of the Abbott remedies, Abbott students' academic achievement increases markedly. The State, despite its repeated protests to the contrary, appears to concede that truth, recognizing, that "gains in achievement in Abbott districts are evident, and the achievement gap is decreasing." State's Br. at 16. As will be discussed in detail

below, the available evidence demonstrates that implementation of the Abbott remedies does, in fact, produce tangible results and is essential for ensuring that Abbott students are provided a constitutionally adequate education.

As a result of the historic Abbott V mandate, implementation of the Abbott remedies has really begun in earnest only over the last several years, albeit almost exclusively at the elementary education level. The State's investment in high quality pre-school and elementary school programs in the early grades was spurred by the 1998 decision in Abbott V, in which the Court concluded that "if at-risk children are to have any chance of achieving educational success, they must be education-ready" in the early years. Abbott V, supra, at 461. In keeping with that conclusion, the Court ordered implementation of a host of specific supplemental programs, including, inter alia, pre-school for three and four-year olds, full day kindergarten, early reading and math literacy programs, limitations on class size, and provisions for social and health services. Id. at 461-67, 512-18; see also 177 N.J. 578 (2003) (Abbott X). That investment has produced tangible results. Empirical evidence gathered by recent studies and reports, which sought to measure the effect that the Abbott remedies have had on academic achievement, demonstrate that once sustained resources and programs are brought to bear, the quality of

education afforded the youngest Abbott students improves markedly.

For example, one study conducted by the National Institute for Early Education Research at Rutgers University captures gains in school readiness skills for children who participate in the Abbott pre-school program. See Cynthia Lamy, W. Steven Barnett, and Kwanghee Jang, The Effects of New Jersey's Abbott Preschool Program on Young Children's School Readiness, National Institute for Early Education Research, Rutgers University (Dec. 2005), <http://nieer.org/resources/research/multistate/nj.pdf> (the "Rutgers study"). The Rutgers study concludes that attendance at "Abbott Preschool program[s] has statistically significant and meaningful impacts on children's language, literacy, and mathematical development." Id. Specifically, the study determined that attending Abbott preschool programs:

- increases students' vocabulary scores by 26% - a particularly significant finding, since vocabulary scores are strongly predictive of general cognitive abilities;
- increases scores on measures of early math skills by 24%; and
- increases print awareness scores by 61% - thus significantly improving children's knowledge of letters and letter-sound associations, and familiarity with words and book concepts upon entering kindergarten.

Id. (emphasis added).

Another study conducted by the Department of Education, in partnership with seven New Jersey colleges and universities, concluded that implementation of the Abbott preschool program has resulted in "sustained and dramatic improvement in the quality of Abbott preschool education and indicates substantial effects" in the performance of [Abbott] students at the early childhood level. See Giant Steps for the Littlest Children: Progress in the Sixth Year of the Abbott Preschool Program, Early Learning Improvement Consortium (2005), <http://www.state.nj.us/njded/ece/abbott/giantsteps/>.

And, a recent report issued by the Education Law Center determined that implementation of the Abbott remedies, including high quality pre-school, improved teacher qualifications and small class size, has had a similarly beneficial effect on the performance of Abbott students at the fourth grade level. That study concluded that the achievement gap between Abbott and non-Abbott fourth graders has been cut in half in the areas of language arts, literacy, and math as a result of implementation of the Abbott early childhood remedies. See The Abbott Districts in 2005-2006: Progress and Challenges, Education Law Center (Spring 2006), http://www.edlawcenter.org/ELCPublic/elcnews_060313_AbbottIndicatorsReport_2005_06.pdf. The studies and report discussed here thus illustrate that the sustained, increased investment of

resources required by Abbott V, supra, has created real gains in the quality of education and educational outcomes for Abbot students.

Although the State itself recognizes the positive effects of the Abbott programs and reforms on academic performance in the early grades, (State's Br. at 15-16), it now asks for relief from the full implementation of the Abbott remedies. The State's application must be denied because, if granted, it would effect a real -- and unconstitutional --retreat from the gains that have resulted from implementation of the Abbott remedies. The State argues that the new budget will simply provide the same resources to Abbott districts that it did last year, (State's Br. at 4), thus implying that the districts will be able to continue to offer the same programs and services as were offered in FY2006. That argument, however, ignores that fact that flat funding will, in reality, reduce Abbott districts' operating budgets by approximately 4.04%, after the natural cost of living increases reflected in rising salaries, energy, and other fixed costs.³ The consequences of the State's proposal are therefore dire for students in the Abbott districts, their

³ That number is not in dispute, and represents the presumptive cost of living increase identified by the Department of Education in a March 6, 2006 memorandum from the Assistant Commissioner for Abbott Implementation to relevant Abbott district personnel.

schools and local communities. In order to operate with a budget that has effectively decreased by 4.04%, the Abbott districts will have no alternative but to make substantial cuts in order to cover increased costs. In the process, the districts will be faced with budgetary choices that will inevitably force them to eliminate or substantially reduce programs and services, including those supplemental programs and services that have proven essential to increasing student academic performance at the critical pre-school and elementary school levels.

B. This Court's Continued Enforcement of the Abbott Remedies is Essential Because the State Has Recently Initiated Implementation at the Middle and High Schools.

In contrast to the investment made in pre-school and elementary education, the State has, until very recently, done little to implement the Abbott remedies at the middle and high school level ("secondary education"). In 1998, this Court recognized that the Commissioner of the Department of Education had not even made recommendations regarding the specific reforms that were necessary to improve the quality of education offered Abbott students at the middle and high school levels. 153 N.J. at 508-509 (Abbott V). In fact, it was not until June 2003 that the Court ordered implementation of specific secondary education reforms for the Abbott districts. 177 N.J. 578, 584-88 (2003)

(Abbott X). In that decision, known as Abbott X, the Court ordered that a working group be created to develop "protocols and guidance for a program of whole school reform in Abbott district middle and high schools" by December 31, 2003. Id. at 586-87. In 2005, more than two years after Abbott X, the State launched the "Abbott Secondary Education Initiative," a plan to implement reform of middle and high schools Abbott districts, first, in four "pilot" districts and then, in the remaining Abbott districts by September 2008. See Secondary Education Initiative (New Jersey Department of Education), <http://www.state.nj.us/njded/abbotts.sei/>; Secondary Education Initiative (SEI) Update (New Jersey Department of Education), Nov. 2005, <http://www.state.nj.us/njded/abbotts/sei/update.shtml>. The intended reforms include: breaking up large middle and high schools into smaller schools, increasing the rigor of instruction to prepare students for college, and elevating the level of regular and personalized attention given students by school staff. Id.

The State thus stands at the precipice of taking the steps necessary to provide a constitutionally adequate education to middle and high school students in the Abbott districts. If allowed, however, the State's budget proposal would render the Abbott districts incapable of implementing these new programs in the middle and high school. That is necessarily so because,

with flat funding, the Abbott districts will be deprived of the supplemental funding necessary to offer new programs. In that event, the investment made in early childhood education will have been rendered meaningless, as students who previously enjoyed a thorough and efficient education in their early years will be forced to attend middle and high schools rendered incapable of providing this constitutionally mandated education. See Brief in Opposition to Defendants' Motion and In Support of Plaintiffs' Cross Motion in Aid of Litigants' Rights, at 16-19 (citing Certification of Melvin Wynn, ¶¶ 35-38); State's Br., Certification of Lucille Davy, ¶ 5.

C. Depriving Abbott Districts of Supplemental Funding Will Cause Further Financial Hardships, Given the Significant Expenses Many Districts Must Incur in Order to Comply with the No Child Left Behind Act.

In addition to the state constitutional mandate to provide a thorough and efficient education, Abbott districts must also comply with the requirements of the federal law known as the No Child Left Behind Act ("NCLB"). See 20 U.S.C. § 6301, et seq. Pursuant to the NCLB, states must "ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education" and, individually, school districts and schools must demonstrate that they are making "adequate yearly progress" toward achieving, by 2014, student proficiency on state assessments. See 20 U.S.C. § 6311 (b)(2); see also 20

U.S.C. § 6316 (b)(3)(A); See 20 U.S.C. § 6311. The failure to comply with NCLB triggers a spectrum of remedial steps which require schools to, inter alia, implement curriculum overhauls, lengthen the school day or year, hire outside experts to plan for school improvement, and fund supplemental services such as tutoring. 20 U.S.C. § 6316 (b)(1) - (8). Schools that are subject to these NCLB remedies are provided no additional state or federal funding with which to pay for the additional programs and services required by the NCLB.

As discussed here, Abbott schools have made great strides in improving the quality of education offered their students. That is not to say, however, that all Abbott schools are now uniformly capable of offering the same level of education as their non-Abbott counterparts; indeed many are not. The reality is that continued implementation of the Abbott remedies will be necessary to ensure equal educational opportunity for Abbott students. That reality is illustrated by the fact that, as of the 2005-2006 academic year, 248 Abbott schools have been deemed non-compliant with the "adequate yearly progress" requirement of the NCLB. See 2005-2006 Schools in Need of Improvement and Schools in Early Warning (New Jersey Department of Education, Office of Title I), <http://www.state.nj.us/njded/title1/accountability/sini/sini05>

06.pdf. As a result, unless those schools can show sufficient progress during this academic year, as demonstrated by students' performance on state assessments administered this spring, they will be required to implement a variety of the NCLB remedial steps discussed above. The Abbott districts in which those 248 schools are located will thus have to spend substantial additional monies in order to offer the programs and services required by the NCLB.

If this Court grants the State's application to suspend supplemental funding for Abbott districts, the affected Abbott districts will have no choice but to further cut Abbott-mandated programs and services in order to offer the programs and services required by the NCLB. Thus, because the NCLB scheme generates the need for additional programs and services, without providing additional funding, flat funding for supplemental services will make it impossible for Abbott districts to implement the new programs and services required by NCLB, while maintaining current Abbott reforms, programs and services.

D. Moreover, the State has Presented No Other Bases that Would Justify Abandoning the Abbott Remedies.

In addition to its specious claim that the Abbott remedies are ineffective, the State presents two additional arguments in support of its motion for relief from the continued implementation of the Abbott remedies. First, the State argues

that the Abbott remedies do not serve New Jersey's most disadvantaged children because there are low-income children in non-Abbott districts who are not receiving supplemental programs and funding. Yet, the most disadvantaged students continue to be heavily concentrated in Abbott districts -- districts which are disproportionately comprised of students of color -- and hence the Abbott remedies continue to target those most in need. Second, the State argues that New Jersey's budgetary constraints should excuse the State from its obligation to implement the Abbott remedies necessary to provide a thorough and efficient education. Yet, the enforcement of constitutional rights is not and may not be contingent upon fiscal considerations, and thus, budgetary constraints do not excuse the State from enforcing such court-ordered remedies.

1. Contrary to the State's Assertions, the Abbott Remedies Target New Jersey's Most Disadvantaged Children.

The State's brief implies that the Abbott remedies do not serve the children who are most in need. See State's Br. at 5, 36 (noting that "[m]any children in non-Abbott districts suffer the same types of disadvantages as the children in the Abbott districts."). Yet, the Abbott districts are without question comprised of the poorest and most racially segregated schools in New Jersey.

In the Abbott districts (including Camden, Asbury Park, Newark, Salem, Bridgeton, Paterson and Union), 27.8% of children are below the poverty line. See 2000 Decennial Census, Summary

File 3, U.S. Bureau of the Census. In contrast, in non-Abbott cities, only 6.8% of children are below the poverty line. See id.

Moreover, schools in New Jersey remain highly segregated, see Gary Orfield, Chungmei Lee, Brown at 50: Kings Dream or Plessy's Nightmare, Harvard University Civil Rights Project (Jan. 2004) ("Brown, at 50"), at 45-46, <http://www.civilrightsproject.harvard.edu/research/reseg04/brown.pdf>, and a majority of students in the Abbott districts belong to racial and ethnic minorities. This is highly significant because of the well-documented correlation between racial segregation and the provision of lower quality education by highly segregated minority schools. See id. at 21-22.⁴ For example, in the non-Abbott districts, 10.5% of students are Black and 10.5% are Hispanic. See 2004-05 Fall Survey (New Jersey Department of Education, Office of Public Information), http://www.state.nj.us/cgi-bin/education/data/enr_dist.pl. By contrast, in the Abbott districts, 41.3% of students are Black and 43.1% of students are Hispanic. See id. Thus, low-income minority students remain just as concentrated in New Jersey's segregated, economically disadvantaged urban school districts as they were when the Court decided Abbott IV. See 149 N.J. at 178

⁴ For example, highly segregated schools tend to offer fewer demanding pre-collegiate courses and more remedial courses, to have higher teacher turnover, and to have teachers that are less-experienced or unqualified. See Brown at 50, supra, at 21-22. Moreover, segregated schools subject students to low educational expectations and career options. See id. at 24.

(Abbott IV) (noting that in 1997 New Jersey was found to have the fourth most racially segregated school system in the nation).

For these reasons, and contrary to the State's assertions, the Abbott remedies still target those students most in need. Indeed, amici are extremely concerned that, because the Abbott districts are disproportionately comprised of minority students, the State's request for relief from its Abbott obligations will disproportionately harm minority students.

2. The Right to a Thorough and Efficient Education is Not Contingent Upon the State's Fiscal Constraints and Budgetary Choices.

The State's obligation to fully fund the adequate education to which its students are entitled does not depend upon the State's fiscal constraints or budgetary choices. Indeed, the Constitution is clear: "The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years." N.J. Const. of 1947, art. VIII, § 4, para. 1. And the Legislature's obligation is plain: it is constitutionally obligated to provide for the maintenance and support of a thorough and efficient system of free public schools. Nor did the Court make the constitutional remedies set forth in Abbott IV and Abbott V contingent upon the State's decisions about the allocation of resources. Thus, the State's assertion that the Governor's budget "calls for shared sacrifice" among all administrative

departments is unavailing in this context. See State's Br. at 19. While noble sounding, such sacrifice may not constitutionally be extended to the Legislature's obligation to provide for the maintenance and support of a thorough and efficient education.

Indeed, the State's obligation to provide a thorough and efficient education to its students is "absolute." Abbott II, 119 N.J. 287, 306, 307 (1990); see also Robinson v. Cahill, 69 N.J. 449, 462-63 (1976) (noting that the State has a constitutional obligation to insure that its educational mandates are supported by the "necessary funds"). Thus, the Court's "constitutional mandates regarding the education of all of our children cannot be diluted in response" to the financial difficulties in the State. Abbott v. Burke, 177 N.J. 596, 599 (2003) (Abbott X) (Long, J., dissenting).

Nor is this a radical proposition: other states' high courts have also determined that states may not avoid constitutionally mandated school finance remedies on the basis of fiscal constraints. Indeed, the failure to comply with such constitutional mandates have never excused compliance because of the vagaries of funding. See Lake View Sch. Dist. No. 25 v. Huckabee, ___ S.W.3d ___, No. 01-836, 2005 WL 3436660 (Ark. Dec. 15, 2005) (holding that Legislature's failure to fully fund education system that would comply with a ruling by the Arkansas Supreme Court's, as well as the education clause in the Arkansas Constitution, because of alleged budget constraints violated the

Constitution); Claremont Sch. Dist. v. Governor, 147 N.H. 499, 514, 794 A.2d 744, 799 (2002) (holding that "[t]he State's duty [to provide a constitutionally adequate education] cannot be relieved by the constraints of a school district's tax base or other financial condition"); State v. Campbell, 19 P.3d 518 (Wyo. 2001) (holding that "[b]ecause education is one of the state's most important functions, lack of financial resources will not be an acceptable reason for failure to provide the best educational system."); Rose v. Council for Better Education, 790 S.W.2d 186 (Ky. 1989) (rejecting state's definition of "an efficient system of common schools" as "one which is operated as best as can be with the money that was provided," id. at 208, and finding instead that "[t]he taxpayers of this state must pay for the system, no matter how large, even to the point of being 'unexpectedly large or even onerous'" so that each child has the opportunity to receive a constitutionally adequate education, id. at 211); see also Montoy v. State, 279 Kan. 817, 819, 112 P.3d 923, 926 (Kan. 2005) (invalidating education finance system that was based not on the actual costs of educating children, "but rather on political and other factors not relevant to education"). Thus, other states' courts have affirmed precisely what this Court has long recognized -- that the Legislature's constitutional obligation to provide for the maintenance of a thorough and efficient education is absolute; and that fiscal constraints and budgetary choices will not and cannot excuse this fundamental obligation. The "shared sacrifice" to which

the State refers is inapplicable where the State is asking this Court to sacrifice a fundamental constitutional right.

CONCLUSION

As discussed here, continued implementation of the Abbott remedies is essential in order to ensure that students are provided the thorough and efficient education to which they are constitutionally entitled - both at the early education level, where gains have been made as a result of implementation, and at the secondary education level, where the State has only recently begun to take steps to implement the Abbott remedies. In light of the continued importance of the remedies, and because the State has offered no justification for abandoning them, amici curiae respectfully request that the Court deny the State's application to suspend implementation of the Abbott remedies. Amici further urge the Court to reaffirm the continued importance of the Abbott remedial structure in ensuring that New Jersey's most disadvantaged students are provided the thorough and efficient education to which they are constitutionally entitled.

Respectfully submitted,

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