

EDUCATION LAW CENTER
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Attorneys for Plaintiffs-Movants

RAYMOND ARTHUR ABBOTT, ET AL.,

Plaintiffs-Movants

vs.

FRED G. BURKE, ET AL.,

Defendants-Respondents

SUPREME COURT OF NEW JERSEY
DOCKET NO. 42,170

CIVIL ACTION

ORDER

This matter having come before the Court on Motion in Aid of Litigants' Rights by Plaintiffs seeking the State Defendants' ("State") compliance with the Supreme Court's mandate for school facilities improvements and construction in poorer urban or "SDA districts" in Abbott v. Burke, 153 N.J. 480 (1998) ("Abbott V") and Abbott v. Burke, 164 N.J. 84 (2000) ("Abbott VII"), and the implementing requirements in the Education Facilities Construction and Financing Act ("EFCFA"), N.J.S.A. 18A:7G-1 to 48.

And it further appearing that the State has failed to update

its 2011 statewide strategic plan for construction of priority facilities projects in SDA districts, as required by N.J.S.A. 18A:7G-5m(3);

And it further appearing that all available funds for school construction in SDA districts have been allocated to facilities projects on the 2011 statewide strategic plan;

And it further appearing that the State has not moved any priority projects to active construction since 2014;

And it further appearing that, as a result of a lack of funds, the State has been unable to advance to construction at least 23 projects on the 2011 plan and dozens of additional projects in 29 SDA districts identified in 2019 as priority projects;

And it further appearing that a revised statewide strategic plan for priority projects, and additional funding for construction of those projects, is required for the State's continuing compliance with the Court's mandate for school facilities improvements in SDA districts;

And for good cause shown;

It is HEREBY ORDERED that Plaintiffs' Motion for Aid to Litigants' Rights requesting relief to ensure the State Defendants' compliance with the mandate for facilities improvements in Abbott V and Abbott VII is granted; and it is further

ORDERED that the State Defendants, within 30 days, and based

on the Commissioner of Education's 2019 Educational Facilities Needs Assessment, submit to the Legislature a revised statewide strategic plan of priority school facilities projects in SDA districts, as required by N.J.S.A. 18A:7G-5m(3), to be funded and managed by the Schools Development Authority over the next five years; and it is further

ORDERED that, upon submission of the revised statewide strategic plan, the State Defendants promptly seek and secure such school construction funding from the Legislature as is required to manage and complete the school facilities projects in the revised statewide strategic plan.

Dated:
