



*State of New Jersey*

PHILIP D. MURPHY  
*Governor*

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY

ANDREW J. BRUCK  
*Acting Attorney General*

SHEILA Y. OLIVER  
*Lt. Governor*

DIVISION OF LAW  
25 MARKET STREET  
PO Box 112  
TRENTON, NJ 08625-0112

MICHELLE L. MILLER  
*Director*

November 23, 2021

**VIA E-MAIL AND HAND DELIVERY**

Honorable Chief Justice Stuart Rabner  
Associate Justices of the Supreme Court  
Supreme Court of New Jersey  
Richard J. Hughes Justice Complex  
25 Market Street, P.O. Box 970  
Trenton, New Jersey 08625  
supremectbrief.mbx@njcourts.gov

Re: Raymond Abbott, et al. v. Fred G. Burke, et al.  
Docket No.: 085333

Dear Chief Justice Rabner and Associate Justices:

Please accept this letter, on behalf of the State Defendants, as a supplement to the State's November 8, 2021, submission requested by the Court. As noted in that submission, the New Jersey Department of Education (DOE) and the Schools Development Authority (SDA) have been in close collaboration to develop a method of allocating the \$75 million direct appropriation provided by the FY22 Appropriations Act to address emergent school facilities and capital maintenance projects in SDA and regular operating districts.



We write to inform the Court that on November 19, 2021, the DOE and the SDA issued a joint broadcast announcing the availability of the \$75 million, which included a chart providing for the individual allocations to the respective districts. Certification of Manuel Da Silva, November 23, 2021 ("Da Silva Cert. 2"), ¶¶ 4-5. In particular, \$50 million of the \$75 million appropriation was allocated to address the emergent needs and capital maintenance projects in SDA districts, including costs related to addressing COVID-19 concerns. Id. at ¶ 5. By way of example, Elizabeth City will receive \$4,790,521 in funds; Jersey City will receive \$4,516,719; Newark City will receive \$6,455,930; Paterson City will receive \$4,499,987; Union City will receive \$2,228,438; and Trenton City will receive \$2,195,946. Ibid. Districts will also be permitted to use the funds to offset appropriate project costs incurred this fiscal year. Id. at ¶ 4.

Under joint guidance provided by the DOE and SDA, districts wishing to receive their allocated funds must first submit a certification from their superintendent or business administrator representing that the funds will be used for the permitted purpose. Id. at ¶ 6. Districts must also complete "Attachment A" to the certification - identifying the particular school facility requiring emergent or capital maintenance work, and providing a description of the scope of work to be performed at the facility. Ibid. Once these documents are submitted, the SDA and DOE will

review the project(s) to verify that the scope qualifies as an eligible emergent or capital maintenance project. Id. at ¶ 7. Once this is confirmed, the SDA will electronically transfer the designated funds to the district. Ibid.

Thank you for your courtesy and consideration in accepting this supplemental submission.

Respectfully submitted,

ANDREW J. BRUCK  
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: /s/Christopher Weber  
Christopher Weber  
Deputy Attorney General

cc: all counsel of record (via e-mail and regular mail)