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SUPREME COURT OF NEW JERSEY
DOCKET NO. 42,170

RAYMOND ARTHUR ABBOTT, et al.,)		
Plaintiffs,)	<u>Civil Action</u>
v.)	CERTIFICATION OF
FRED G. BURKE, et al.,))	BARBARA GANTWERK
Defendants.)	

I, Barbara Gantwerk, of full age, hereby certify that:

1. I am the Assistant Commissioner of the Division of Students Services, Department of Education ("Department" or "DOE"). In this capacity I am responsible for, among other things, oversight of numerous federal and State programs designed to enhance the educational programs of at-risk and special education students as the Offices of Special Education Services and Title I Accountability report to me.

2. I have held several positions at the Department starting in 1979. Prior to my current position, I held the position of

Director of the Office of Special Education Programs from November 12, 1994 to January 2006.

3. I have asked my staff to compile data regarding Title I funding, Individuals with Disabilities Education Act (IDEA) funding, and supplemental American Recovery and Reinvestment Act ("ARRA") for Fiscal Years 2010 and 2011. That data, described *infra* at ¶4, 5 and 7, is attached hereto as Exhibit A

4. Title I funding is available to Abbott districts through the longstanding Title I grant programs of the No Child Left Behind Act (2001) and prior to that, the Improving America's Schools Act (1994). This grant funding also includes an allocation for School Improvement Activities or "SIA". For FY 2011, more than \$145 million in Title I funds will be available to the Abbott districts, or approximately \$519 per pupil. This represents approximately 52% of the total Title I, Part A funds allocated to districts. The per pupil amount is provided for illustrative purposes. Title I funds are provided to districts based on poverty and then allocated by the district to schools based on school-level poverty rates. Per pupil amounts will vary by district and school. The per pupil amount was derived using the 2009 ASSA data as that is the data used to determine the 2011 award.

5. In addition to annual Title I funding, ARRA Title I funds were made available to Abbott districts. This Title I ARRA funding was awarded in 2009 for use in FY 2010 and FY2011. In other words,

Title I ARRA funds are a two-year allocation and provided to districts on a reimbursement basis. Districts have until August 31, 2011 to obligate ARRA Title I funds in order to seek reimbursement. As of June 30, 2010, DOE has reimbursed \$29.6 million of the \$112.9 total ARRA allocation to the Abbott districts.

6. Districts also have IDEA Part B grant funds available to support special education programs. While the FY 2011 IDEA district allocations have not been completed, the State FY 2011 award is very similar to the State's FY 2010 award and district allocations will likely be similar to FY 2010. Changes over a district's FY2010 allocation would only occur if the district had significant changes in enrollment or poverty levels. For FY 2010, the Abbott districts received 22% of the New Jersey's IDEA Basic award. Assuming a similar allocation, approximately \$72.5 million will be allocated to the Abbott districts in FY 2011.

7. ARRA also provided a two-year allocation of additional Basic IDEA and Preschool IDEA for the FY10 and FY 11 school years that is also to be provided to the districts on a reimbursement basis. As of June 30, 2010, DOE has reimbursed \$11.8 million of the \$86.5 million total IDEA Basic and Preschool ARRA allocation to Abbott districts. Districts have until August 31, 2011 to obligate ARRA IDEA funds in order to seek reimbursement.

I hereby certify that the statements made by me are true.
I am aware that if any of the foregoing statements are willfully
false, I am subject to punishment.

Barbara Gantwerk
Barbara Gantwerk

Dated: July 8, 2010

Exhibit A

FEDERAL FUNDING FOR ABBOTT DISTRICTS IN FY 2011

District	Combined ARRA Title I A & SIA Allocations	Total ARRA Title I & SIA Paid As Of 6/30/2010	Total ARRA Title I & SIA Remaining 6/30/2010	FY 2011 Title I Allocation	Combined ARRA IDEA Basic & Preschool ARRA Allocations	Total ARRA IDEA Basic & Preschool Paid As Of 6/30/2010	Total ARRA IDEA Basic & Preschool Remaining 6/30/2010
ASBURY PARK	\$1,392,476	\$948,756	\$988,720	\$2,408,989	\$725,952	\$45,159	\$680,199
BRIDGETON	\$3,429,893	\$1,679,027	\$1,750,808	\$9,088,818	\$1,484,614	\$1,011,999	\$452,675
BURLINGTON CITY	\$246,967	\$65,868	\$180,699	\$561,544	\$550,908	\$254,906	\$296,002
CAMDEN CITY	\$6,989,883	\$2,680,009	\$4,259,874	\$11,949,386	\$4,155,899	\$814,995	\$9,940,844
CITY OF ORANGE TOWNSHIP	\$1,892,684	\$657,268	\$675,866	\$2,012,828	\$1,490,877	\$269,074	\$1,167,809
EAST ORANGE	\$3,803,999	\$0	\$3,803,999	\$5,047,592	\$9,189,949	\$0	\$9,189,949
ELIZABETH	\$6,907,089	\$0	\$6,907,089	\$8,094,829	\$6,751,325	\$212,666	\$6,538,659
GARFIELD	\$581,152	\$211,031	\$380,101	\$746,890	\$1,226,281	\$966,725	\$859,556
GLOUCESTER CITY	\$404,195	\$181,354	\$222,841	\$912,145	\$708,706	\$428,914	\$279,792
HARRISON	\$648,679	\$360,898	\$287,781	\$1,149,957	\$552,991	\$157,000	\$895,991
HOBOKEN	\$968,666	\$0	\$968,666	\$985,994	\$796,262	\$0	\$796,262
IRVINGTON TOWNSHIP	\$2,852,167	\$0	\$2,852,167	\$9,926,297	\$2,048,117	\$518,924	\$1,529,799
JERSEY CITY	\$19,600,691	\$19,999	\$19,580,692	\$16,701,860	\$9,590,984	\$0	\$9,590,984
KEANSBURG BOROUGH	\$482,463	\$240,881	\$191,602	\$1,244,451	\$516,707	\$445,171	\$79,596
LONG BRANCH	\$886,377	\$104,122	\$782,255	\$1,479,720	\$1,974,589	\$729,158	\$845,491
MILLVILLE	\$1,791,883	\$694,254	\$1,097,629	\$2,084,297	\$1,606,595	\$752,099	\$894,462
NEPTUNE TOWNSHIP	\$590,314	\$148,500	\$981,814	\$928,822	\$1,170,118	\$809,759	\$960,359
NEW BRUNSWICK	\$1,244,800	\$212,469	\$1,092,391	\$2,091,101	\$2,194,476	\$0	\$2,194,476
NEWARK	\$26,604,883	\$8,522,491	\$18,082,392	\$27,066,986	\$19,728,790	\$0	\$19,728,790
PASSAIC CITY	\$5,981,987	\$2,015,471	\$9,815,916	\$7,078,746	\$4,505,629	\$0	\$4,505,629
PATERSON	\$12,880,085	\$4,694,974	\$8,185,061	\$16,471,271	\$7,848,650	\$0	\$7,848,650
PERMERTON TOWNSHIP	\$942,655	\$184,877	\$408,278	\$790,975	\$1,290,965	\$565,828	\$685,197
PERTH AMBOY	\$2,077,199	\$176,132	\$1,901,067	\$9,246,748	\$2,899,900	\$808,246	\$2,090,054
PHILLIPSBURG	\$549,558	\$215,651	\$827,907	\$1,040,041	\$771,539	\$299,650	\$517,889
PLAINFIELD	\$1,757,769	\$1,089,848	\$724,421	\$2,578,186	\$2,018,748	\$0	\$2,018,748
PLEASANTVILLE	\$800,882	\$172,942	\$627,940	\$1,465,533	\$1,025,984	\$55,484	\$969,900
SALEM CITY	\$621,570	\$362,188	\$259,382	\$988,769	\$58,217	\$77,166	\$281,051
TRENTON	\$5,281,185	\$2,797,922	\$2,483,889	\$6,068,990	\$9,580,514	\$1,949,052	\$1,637,462
UNION CITY	\$4,498,861	\$0	\$4,498,861	\$6,186,955	\$8,599,825	\$0	\$8,599,825
VINELAND CITY	\$9,188,282	\$1,692,678	\$1,555,584	\$9,846,424	\$9,002,928	\$900,957	\$2,101,971
WEST NEW YORK	\$2,094,020	\$926,965	\$1,767,655	\$9,447,701	\$2,185,717	\$421,228	\$1,764,484
TOTALS	\$112,914,876	\$29,683,115	\$89,291,761	\$149,077,065	\$86,999,024	\$11,890,489	\$74,762,541

Per Pupil Basis* (2011 Title I Allocations/Fall 2009 ASSA Enrollment) \$519

*The per pupil amount is provided for illustrative purposes. Title I funds are provided to districts based on poverty and then allocated by the district to schools based on school-level poverty rates. Per pupil amounts will vary by district and school.