

RAYMOND ARTHUR ABBOTT, et al.,

Plaintiffs,

v.

FRED G. BURKE, et al.,

Defendants.

SUPREME COURT OF NEW JERSEY

DOCKET NO. 42,170

CIVIL ACTION

PLAINTIFFS' BRIEF IN SUPPORT OF MOTION IN AID OF LITIGANTS' RIGHTS

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PRELIMINARY STATEMENT

A year ago, this Court held that, with the School Funding Reform Act of 2008 ("SFRA"), the "legislative and executive branches...have enacted a funding formula that is designed to achieve a thorough and efficient education for every child, regardless of where he or she lives." Abbott v. Burke, 199 N.J. 140, 175 (2009) ("Abbott XX"). Declaring the constitutionality of the SFRA formula "is not an occurrence at a moment in time; it is a continuing obligation," the Court explicitly directed the State to provide school funding aid "at the levels required by SFRA's formula" and conduct a three-year review of formula's "full implementation." Id. at 146, 174. The Court also vowed to "require remediation of any deficiencies of a constitutional dimension, if such problems do emerge." Id. at 146.

The State has now indisputably violated its Abbott XX obligations: an over \$1 billion aid reduction for 2010-11 below the current (2009-10) level, causing severe cuts in teachers and programs that are at the heart of the SFRA, including those for at-risk students. The State's flagrant disregard of the SFRA and Abbott XX, and the ensuing devastation to New Jersey's school children, constitute the very "deficiencies of a constitutional dimension" that this Court warned it would promptly remediate. The time for that remediation has come.

