



Education Law Center

60 Park Place, Suite 300
Newark, New Jersey 07102
(973) 624-1815 Fax: (973) 624-7339
Email: elc@edlawcenter.org

NEWS RELEASE

STALLED PROJECTS, WORSENING CONDITIONS PROMPT SCHOOL CHILDREN TO SEEK COURT INTERVENTION

Newark, NJ – April 12, 2007

Children attending New Jersey's urban public schools – mostly poor, Black and Latino – filed legal action today asking the NJ Supreme Court to order State officials and the Legislature to provide constitutionally required funding to restart numerous stalled construction projects in Abbott districts and address emergency repairs threatening their health and safety.

The school children – Plaintiffs in the landmark *Abbott v. Burke* education equity case – are requesting the Court set a deadline of June 30th for action to approve the construction funds. The request follows the Legislature's failure to act on a request by the Schools Construction Corporation for \$3.25 billion in new funding to restart numerous, already approved building projects in urban or "Abbott" school districts, and its failure to take any action in response to the Court's December 2005 order recognizing 'significant deficiencies' in Abbott facilities that are 'likely to worsen at a severe cost to the state's most disadvantaged school children.'

"We file with the Supreme Court today as a last resort, out of frustration with the continuing lack of action in Trenton to provide the funding necessary to restart long overdue and urgently needed building projects," said David Sciarra, ELC Executive Director and Counsel to the school children in the *Abbott* case.

"We hope this action prompts Governor Jon Corzine, Senate President Richard Codey and Assembly Speaker Joseph Roberts to take immediate steps to secure needed school construction funds. We're ready to work with them, and with education, advocacy, labor and business groups, to get legislation enacted quickly," Mr. Sciarra said.

The SCC announced in the summer of 2005 that it was about to run out of the initial \$8.6 billion approved by the Legislature in 2000 to support school construction projects. Of that amount, \$6 billion was set aside for urban districts, with the remainder for projects in districts across the state.

Shortly thereafter, the SCC identified 59 "priority projects" that would proceed with the remaining funds, and hundreds more approved projects that could not proceed due to the lack of funding. In February 2006, SCC announced that no further work could be done on 97 projects "under development" at SCC.

In September 2006, Governor Corzine's "Working Group" on school construction recommended an immediate allocation of \$3.25 billion in new funds to restart suspended projects. According to the Working Group, "this level of funding is designed to allow the program to move forward in a logically sequenced manner and address the most pressing needs of the next few years." The funds would support stalled new construction and school renovation projects and health and safety repairs in urban districts, and already approved projects in suburban, middle income and other poor districts.

Despite this request, no action has been taken by the Legislature to authorize the funding, and Governor Corzine did not include this funding in his proposed FY08 State Budget.

As detailed in today's court filing, conditions in many Abbott district schools are becoming increasingly dire, and land and construction costs for the stalled projects is rapidly escalating. Funding for health and safety repairs has become a crisis, as Abbott districts are caught in a "catch-22" between the SCC and NJ Department of Education. The NJDOE prohibits Abbott districts from using operating funds for building repairs, even for emergencies, instead directing districts to the funding-depleted SCC.

Under the *Abbott* rulings, public school students are constitutionally entitled to attend school in facilities that are safe, not overcrowded and educationally adequate. In 1998 (*Abbott V*), 2000 (*Abbott VII*) and 2005 (*Abbott XIV*), the Supreme Court has reaffirmed the State's responsibility to fully fund all of the facilities improvements in the state's low wealth, high poverty urban districts to address decades of disrepair and neglect.

In establishing the school construction program in 2000 to meet the *Abbott* mandate, the Legislature also provided funding, in the form of grants, to all school districts, even the wealthiest. ELC strongly supports additional funding not just to rebuild urban schools, but also to remediate outdated and dilapidated schools elsewhere, especially those in "non-Abbott" urban and rural districts serving growing numbers of poor students and students with special needs.

Abbott v. Burke is considered to be one of the nation's most important education rulings for poor students and students of color since *Brown v. Board of Education*. For more information on *Abbott*, and ELC's innovative advocacy efforts to advance educational equity in New Jersey and across the nation, visit <http://www.edlawcenter.org>.

Education Law Center Press Contact:

David G. Sciarra

Executive Director

email: dsciarra@edlawcenter.org

voice: 973 624-1815 x16

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