ELC wins Abbott case

By Bill Mooney | May 24th, 2011 - 10:01am

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In the latest chapter in the long-running Aboott V. Burke school funding case, the State Supreme Court has ruled the Christie administration did not fully fund pe performing students and must spend an additional $500 million to comply with the state's school funding formula.

The court's rulling is not as onerous on the state as some had predicted, requiring the state to increase funding in only the 31 so-called Aboott districts. The tot would have been $1.7 billion, but relief was granted limiting funding for the upcoming fiscal year to only the Abbotts.

"The Appropriations Clause creates no bar to judicial enforcement under the circumstances presented here," the court ruled. The court said that, "The funding t Abbott districts in FY 2012 must be calculated and provided in accordance with the School Funding Reform Act of 2008. Relief is limited to the plaintiff class of from Abbott districts for whom the court has a historical finding of constitutional violation and for whom the Court has had specific remedial orders in place throu Abbott."

"The motion is granted , and it is ordered that the funding to the Abbott districts in FY 2012 must be calculated and provided in accordance with the SFRA formu
Based on Office of Legislative Services figures, the best estimated cost of this remedy is $500 million.

Justice Albin has filed a separate, concurring opinion joining in Justice LaVecchia's remedy and analysis that majority rules in deciding a motion, but expressing
view that there was sufficient credible evidence in the record before the Special Master to affirm a finding that the underfunding of 205 school districts operating
their adequacy budgets, in violation of SFRA, deprived at-risk children of their right to a constitutionally adequate education, and therefore he would order fundi
the levels required under SFRA for those 205 districts in the coming school year.

Justice Rivera-Soto has filed a separate, dissenting opinion in which Justice Hoens joins, expressing the view that, in the context of this motion in aid of litigant
rights, three votes to grant relief are insufficient because a minimum of four votes is required to grant a substantive motion and that, on jurisprudential grounds,
such as what is ordered here should not be granted on a 3-to-2 vote.

Justice Hoens has filed a separate, dissenting opinion, in which Justice Rivera-Soto joins, expressing the view that plaintiffs' motion must be denied for three pr
reasons including that the evidence in the record is insufficient to meet the high standard required for the extraordinary relief of an order in aid of litigant's rights
andthere is insufficient support for the Special Master's findings that less than full funding of the SFRA formula prevented school districts from delivering a
constitutionally adequate education.

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