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Abbott v. Burke Decisions Available Online ***Commissioner Librera Rules on 18 of 22 Abbott Appeals for Supplemental Funding***

The Department of Education announced today that decisions in 18 of the 22 Abbott budget appeals have been posted publicly online. The rulings come after Commissioner of Education William L. Librera considered the recommendations of the Office of Administrative Law (OAL).

Assistant Commissioner of Education Gordon MacInnes, who heads the DOE's Division of Abbott Implementation, said the DOE remains committed to funding programs that work within the Abbott school districts.

"We are committed to improving student achievement in our Abbott schools," MacInnes said. "If budget spending is linked directly to student achievement, we favor it wholeheartedly. We remain dedicated to working continuously with our Abbott districts in order to provide the best possible education for our children."

The decisions are found online at: www.nj.gov/njded/legal.

In his decisions, the Commissioner had to weigh the results of 18 separate hearings in which OAL recommended that an estimated \$80 million be added to the districts' budgets for the current school year. The dispute between parties over approximately \$80 million is less than 2 percent of \$5 billion, the overall amount of Abbott money budgeted.

The effect of the Commissioner's review of all the evidence under the appropriate standards was to substantially reduce the approximate \$80 million in supplemental aid, which was collectively recommended by the OAL judges. More information on exact figures will be available once DOE personnel have a chance to review the findings of the Commissioner.

"No one should draw profound conclusions from this process," MacInnes said. "This is the beginning of the efforts the DOE have launched to ensure children in the Abbott districts are learning and achieving. We are focused on defining what is effective and what is efficient."

"At its most basic definition, effective means that students are literate by the third grade and master the state's tough Core Curriculum Content Standards at every grade," MacInnes said. "Efficient means that effective work takes place without waste or duplication and instructional programs are fully integrated between state, local and federal funding sources."

The Supreme Court definition of a maintenance budget, as defined in its July 23 order, is as follows: "A maintenance budget shall mean a district will be funded at a level such that the district can implement current approved programs, services, and positions and therefore includes documented increases in non-discretionary expenditures."

Based on direction from the state Supreme Court, the DOE worked quickly within an accelerated 30-day timeframe to decide all Abbott budget appeals. Districts could then appeal to the Office of Administrative Law (OAL). The Commissioner had 25 days after receiving the OAL recommendations to issue final rulings on the Abbott budgets.

The Commissioner's decisions can be appealed to the Superior Court Appellate Division within five (5) days of their release.

The 18 districts involved in the decisions released today are as follows: Asbury Park, Burlington, Camden, Elizabeth, Gloucester, Harrison, Irvington, Jersey City, Keansburg, Neptune, New Brunswick, Passaic, Plainfield, Pleasantville, Phillipsburg, Trenton, Orange and Vineland.

The remaining four decisions are due by Oct. 28, based on extensions granted to the Office of Administrative Law.

The districts addressed in those decisions will be East Orange, Newark, Paterson and Pemberton.

Many of the Office of Administrative Law decisions appear to be based on the belief that the Department of Education had the burden of proof to determine what should be included and what should be taken out of the Abbott budgets.

However, in its July 23 order, the Supreme Court said the DOE has the burden of offering evidence to establish what was in effective and inefficient, but the ultimate burden of proof remains the with the districts to establish their entitlement to funding.

For more information, please contact the Department of Education Public Information Office at (609) 292-1126