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March 6, 1998

By Hand

Stephen Townsend, Clerk
Supreme Court of New Jersey
R.J. Hughes Justice Complex
P.O. Box 970
Trenton, New Jersey 08625

Abbott v. Burke



CW-NJ-001-011

Re: Raymond Arthur Abbott, et al. v. Fred G. Burke, et al.
Docket No. M-622

Dear Mr. Townsend:

This letter is in response to several requests made by the Court on March 2, 1998 at oral argument in the above-captioned matter.

Enclosed is a copy of the draft legislation provided to the Legislature on the financing of school facility construction. The draft legislation proposes a statewide funding formula for school construction that addresses maintenance factors, renovation considerations and standards to determine the necessity and efficiency of construction. Based on assumptions regarding needed spaces as well as adequate space sizes, a square foot per pupil formula was derived that will provide the basis for debt service funding for all school districts in the State.

There are several provisions in the proposed legislation that deal specifically with the Abbott districts. The square foot requirements proposed for the Abbott districts are slightly higher than those for other districts due to the space requirements for programs and staffing identified in the Commissioner's Study of Supplemental Programs and Recommendations for the Abbott Districts. Additionally, the proposed legislation provides for an application to the Commissioner by an Abbott district in the event that facilities needs related to required programs cannot be addressed within the standards. Finally, although the proposed legislation permits flexibility in the specific spaces to be provided by districts within their square foot per pupil allotment, the Commissioner will be proposing regulations to require certain minimum spaces and room sizes be provided in the Abbott facilities.

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The Court also asked for a copy of an evaluation report of the GoodStarts program. I am advised that an evaluation report of this discontinued program is being prepared.

Finally, at oral argument, a question was raised as to whether the need for classrooms for the Commissioner's preschool proposal were included in the Vitetta Educational Facilities Assessment. I advised the Court that it was my understanding that the needed preschool classrooms consistent with the Commissioner's proposal were included in the Vitetta estimates. I have reconfirmed that my understanding was correct. The calculation used for those classroom spaces is described in Attachment II of the Vitetta Assessment, "Educational Capacity Calculations."

The reference by Justice Stein to a specific footnote addresses the classroom space needed to house current enrollments. For this discrete part of the assessment, preschool students were not included. However, the classrooms that will be needed for a half-day preschool program for four year olds was included in the room deficiency calculation for each district.

Respectfully,



Peter Verniero
Attorney General

c: David Sciarra, Esq. (with enclosure)