



NJDOE News

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[Court Filing](#) (131 kb PDF)

State Returns to Court to Give Abbott Districts Flexibility to Close Achievement Gap between Richest and Poorest Districts

TRENTON - Commissioner of Education William L. Librera announced that the Department of Education is returning to state Supreme Court to give the Abbott special needs school districts the flexibility they need to succeed.

"Having closed the funding gap between the state's richest and poorest school districts, we must now close the achievement gap," Commissioner Librera said.

The issue addressed in the petition filed Monday afternoon is to reaffirm the education Commissioner's authority to fulfill his Constitutional obligation to ensure that children residing in Abbott school districts are given the best opportunity to achieve academically. The approximately 325,000 students enrolled in 454 schools in the 30 Abbott districts comprise 25 percent of the state's 1.35 million student population.

In previous rulings, the state Supreme Court had adopted as a mandate a former Commissioner's single approach for all Abbott districts and schools. Since that approach has not achieved the progress expected in improving students' achievements, the Department of Education is returning to court to win for Abbott school districts the flexibility they need to deliver an effective education in the classroom.

"The array of specific remedies will not result in the achievement we need," Dr. Librera said. "What works educationally should be decided by results and evidence from our schools, not by a prescribed list of remedies that every school must follow."

The Commissioner has also determined that the greater local flexibility and individualization the state is seeking is required to meet the federal mandates of the Adequate Yearly Progress (AYP) provisions of the No Child Left Behind Act.

"The emphasis has been on closing the financial gap between our poorest and richest districts," Dr. Librera said. "New Jersey has not only closed, but reversed the gap. This administration seeks to reemphasize its responsibility and commitment to continue adequate funding of Abbott districts and to see that these funds are used efficiently in support of student achievement."

Comparative per pupil costs in the 2001-02 fiscal year for the Abbott districts range from \$9,897 to \$15,315, with an average per pupil cost of \$11,741. That is higher than the average comparative per pupil cost of \$9,344 in the state's richest school districts and higher than the comparative per pupil cost of \$8,706 for all of the other non-Abbott school districts.

The Commissioner said that while some Abbott districts are succeeding in improving achievement, far too many have not yet shown acceptable progress.

"The emphasis now must be on raising the achievement in the Abbott districts," Dr. Librera said. "Our return to court is motivated by that. These determinations are based on what constitutes an effective education and evidence of results, particularly from those Abbott districts where students whose achievements far exceed expectations for high-poverty schools."

"Early literacy is the bedrock of the Abbott decisions," said Gordon MacInnes, Assistant Commissioner for Abbott Implementation. "The primary purpose for returning to court is to focus Abbott on what works educationally. We must make sure that we use this opportunity to make every third grader a strong reader and make sure that all students master the core standards."

The court filing sets three goals for students in the Abbott districts:

. Districts and schools need to document what their students need to achieve at a higher level and to determine how to get there. The evidence may suggest that their current "whole school reform" models should be retained or it may lead to adopting other approaches that are more tailored to each school's particular needs.

. All Abbott districts should not be treated alike. Each has its own challenges and priorities requiring different educational approaches. The Commissioner will still require certain fundamental elements for all, such as high-quality preschool and intensive early literacy programs.

. The considerable resources provided to Abbott districts must be directed to programs, practices and instructional strategies that are the most current, sound, and educationally effective approaches.

"To succeed, districts and schools must take responsibility for and ownership of their improvement plans," Commissioner Librera said. "A state-initiated, state-dictated policy in a 'one-size-fits-all' approach does not work."

"Our application to the court will allow for greater flexibility," the Commissioner continued. "Not every school and district will be treated alike. Rather, their individual needs will be addressed. As the state Supreme Court stated in 1994, this will enhance the likelihood that school children in those districts will attain the constitutionally prescribed quality of education to which they are entitled."

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