The Struggle for Equity:
An Analysis of New Jersey’s School Funding Policies in the Wake of Abbott v. Burke

Michael Ojeda

New York University, Steinhardt School of Culture, Education, and Human Development
Abstract
This paper analyzes education policy in New Jersey in the wake of Abbott v. Burke, a succession of landmark court decisions regarding equitable school funding. The paper is guided by two primary research questions: (1) how have succeeding Abbott decisions influenced efforts to provide equitable educational opportunities for New Jersey’s students, and (2) what tensions have characterized attempts to revise New Jersey’s school funding formulas and additional legislation related to the Abbott rulings? In assessing four interplaying contexts within the debate over Abbott reforms, the researcher notes several recurring themes including (1) debate over the role of the court in political decision-making related to education, (2) criticism of the New Jersey Department of Education (NJDOE) in developing and implementing Abbott policies, (3) dispute over rising suburban property taxes, and (4) the impact of Abbott reforms on students in Abbott school districts. The author concludes with four policy recommendations aimed at remedying shortcomings within the existing school finance apparatus.
In 1981, the Education Law Center (ELC) of New Jersey filed a legal action, Abbott v. Burke, on behalf of the state’s urban students. The facts of the case concerned the state’s lack of compliance with previous mandates to improve the funding of urban schools. In addressing these concerns, the New Jersey Supreme Court identified the 28 school districts involved in the case as having special budgetary needs requiring compensatory support from the state government.\(^1\) Since then, the court has issued nine additional decisions and numerous orders aimed at improving conditions in the targeted school districts. The result has been a landmark in educational jurisprudence related to issues of equity and school finance.

The purpose of this paper is to analyze state educational policy in the wake of the Abbott decisions. Specifically, this paper is guided by two primary research questions: (1) how have succeeding Abbott decisions influenced efforts to provide equitable educational opportunities for New Jersey’s students, and (2) what tensions have characterized attempts to revise New Jersey’s school funding formulas and additional legislation related to the Abbott rulings? The analysis begins with a discussion of the history of the Abbott decisions and an outline of the current state funding regime. This is followed by a review of literature focusing on school finance in New Jersey. The paper concludes with policy recommendations aimed at remedying several shortcomings associated with the state’s school funding apparatus.

*Abbott v. Burke: Background and Policy*

The struggle for equitable funding for New Jersey’s urban schools may be traced back to April 1973 when the New Jersey Supreme Court issued its ruling in Robinson v. Cahill. The case, litigated on behalf of students from four of New Jersey’s urban communities (i.e. Camden, East Orange, Irvington, and Jersey City), concerned inequities in the state’s school funding formula. The court held that the reliance on property taxes for school funding resulted in
inequalities that discriminated against urban students. Furthermore, the court noted that an 1875 amendment to the state constitution mandating the provision of a “thorough and efficient system of free public schools” placed the onus for education on the state government (Constitution of the State of New Jersey, 2007). As a result, the court struck down the state’s school funding formula and noted the need for greater equalization of funding between urban and suburban districts (Anyon, 1997; Education Law Center, 2007b).

In July 1975, the New Jersey State Legislature passed the Public School Education Act, which included a new formula for school funding predicated on increased tax revenues. After a protracted debate with the state legislature over failing to raise the necessary taxes to fund the system appropriately, the New Jersey Supreme Court ordered the closing of all New Jersey public schools until an adequate remedy was adopted. The result of the eight-day closing of the public schools during the summer of 1976 was the enactment of New Jersey’s first state income tax. Despite this, the system of school funding in New Jersey remained inadequate (Anyon, 1997). After attempts to address these concerns through successive reiterations of the Robinson case failed, the Newark-based ELC filed a new case, Abbott v. Burke, challenging the school funding system on behalf of 28 urban school districts.

Initially filed in 1981, the Abbott case progressed through the state’s justice system for several years. In 1988, Judge Steven Lefelt issued the court’s 600-page initial decision. The state ruled in favor of the plaintiff districts and recommended the adoption of a new state funding formula. Indisputably, the deplorable conditions in New Jersey’s urban schools swayed the court’s decision. The ELC cited overcrowded facilities in desperate need of renovation, lack of basic instructional resources, and gross inequalities between urban and suburban school funding (Kozol, 1991). Successive challenges from the state and insufficient funding measures enacted
by the legislature resulted in a series of Abbott rulings. In 1998, the court issued its Abbott V ruling, ordering the state to provide the Abbott districts with a series of supplemental programs and entitlements. These included funds for comprehensive school reform, remedial and enrichment programs, increased security, health and social services, facilities construction, and the provision of full-day early childhood education programs beginning at the age of three ("Abbott et al. v. Burke et al. V," NJ Sup. Ct. 1998).

Since 1998, the court has continued to issue rulings and orders refining areas of school finance policy and holding state authorities accountable for the provision of Abbott programs. Recent challenges to the Abbott rulings on behalf of New Jersey’s poor rural communities have been supported by the ELC and resulted in the expansion of Abbott designation to additional districts. In its current iteration, the state’s school funding formula outlined in the revised Comprehensive Education Improvement and Financing Act (CEIFA) has equalized funding between urban and more affluent school districts. The current system continues to rely heavily on property taxes to finance schools in non-Abbott districts while funding Abbott districts through a system of weighted student cost averaging and categorical state aid (Adler et al., 2006; White, 1999).

In the wake of increased state spending mandated by the Abbott rulings and poor fiscal management by the state government, property taxes in New Jersey have risen steadily over the past ten years. In complying with Abbott spending guidelines, the state legislature has elected to hold funding flat for many non-Abbott districts since 2004. These policies have been enacted concurrently with numerous scandals related to the state’s fiscal policies, most notably including allegations of fraud and mismanagement in the state-chartered Schools Construction Corporation (SCC) (McNichol, 2007, April 26). In May 2006, the court issued its Abbott X ruling, granting
the state a one-year freeze in Abbott funding while deliberating over its revenue issues. During
the summer and fall of 2006, Governor Jon Corzine convened a special legislative session on
property tax reform which included a committee on public school funding. The committee cited
Abbott funding as among the primary reasons for the rise in suburban property taxes (Adler et
al., 2006). While the committee’s recommendations included many of the provisions of CEIFA
(i.e. categorical aid), the committee noted the importance of revising school funding mechanisms
as a means to addressing suburban concerns over property taxes.

Review of Literature

In framing the review of literature related to New Jersey school funding policy, the work
of several researchers has proven helpful. In their comprehensive analysis of early Abbott
mandates, Firestone, Goertz, and Natriello define the tensions associated with school finance
reform in terms of conflicting contextual arrangements (1997). In particular, the authors cite
four interplaying contexts within the debate over Abbott reforms: the state political context, the
state policy context, the community, and the school district. Focusing on the interaction between
actors at different levels of government and the multiplicity of political levers utilized in
systemic reform, this framework follows a longstanding tradition in educational policy analysis
(Heck, 2004). In her study of the political economy of the Newark Public Schools, Anyon adds
to this framework by defining three primary dilemmas within the state’s school funding debate:
(1) how much should be spent on urban schools, (2) how should funds for urban school reform
be spent, and (3) who should pay for such reforms (Anyon, 1997)? The contextual levels defined
by Firestone, Goertz, and Natriello provide the organization for the literature review while the
dilemmas identified in Anyon’s work serve to highlight several recurring themes and tensions
within the policy debate: (1) the role of the court in political decision-making related to
education, (2) the function of the New Jersey Department of Education (NJDOE) in developing and implementing Abbott policies, (3) the dispute over rising suburban property taxes, and (4) the impact of Abbott reforms on students in Abbott school districts.

The state political context and the role of the courts. Throughout the succession of Abbott decisions, debate has persisted regarding the role of the courts in political decision-making related to education. Longstanding dispute exists over the extent of constraint that should be exercised by judges in determining matters of law (Dworkin, 1986; Stone, 2002). In the state political context of New Jersey, this matter is complicated significantly by the number of actors who maintain authority over policy-related decisions: the governor, the legislature, the state board of education, and the commissioner of education to name a few. In light of these factors, the Abbott decisions have been characterized by an ongoing judicial-political dialogue (Jaffe & Kersch, 1991) that has helped to establish the New Jersey Supreme Court as an important actor in the development of educational policy (Sheil, 1997).

Debates over equitable school funding and the role of the courts are not unique to New Jersey. The Abbott case is one among more than 30 challenges to states’ school finance systems to appear before courts in the past few decades (Education Trust, 2006, December). Traditionally, such cases have been approached under the auspices of education clauses in state constitutions and the federal constitution’s equal protection clause (Baker & Green, 2005; McCarthy, 1994), although recent cases have employed arguments predicated on substantive due process (Baker & Green, 2007). These legal rationalizations address the fundamental role of the courts as defined traditionally: to translate issues of right and wrong or good and bad into matters of law (Stone, 2002). The Abbott case represents such a legal rationalization as the New
Jersey Supreme Court has struggled to define issues of equity for urban students as matters of constitutionality (Jaffe & Kersch, 1991; McCarthy, 1994).

In light of this legal struggle, debates over deference to judicial fiat have characterized the growing importance of the court in political decision-making related to education (Sheil, 1997). In his discussion of education reform in New Jersey, former Governor Thomas Kean made no mention of the court as he outlined plans for reinvigorating urban schools (Kean, 1988). The former governor described school reform as primarily a local function driven by policies developed at the state level. The policies outlined by former Governor Kean focused on accountability and excellence in matters of instruction and curriculum; despite noting the need for increased spending on education, the former governor described this issue as secondary to the need for excellence. Although the New Jersey Supreme Court would later disagree with former Governor Kean and define educational equity as primarily a concern over funding equalization (Anyon, 1997), the notion that any branch of government could drive the educational policy agenda with minimal regard for other actors has been rejected by many scholars (Heck, 2004; McCarthy, 1994; Stone, 2002).

Since the earliest decisions in Robinson v. Cahill, the court has consistently expanded the scope of its involvement in matters of school policy. In May 1975, the court issued its fourth ruling in the Robinson case and defended its growing role in the policy process. Citing prior judicial intervention in cases related to desegregation and legislative reapportionment, the court declared a clear line of precedent for its course of action. In succeeding decisions, the court addressed criticism from within the legal community that it was failing to adequately expand its conception of educational equity (Harvard Law Review, 1995, January). Over the course of its decisions in Abbott III, Abbott IV, and Abbott V, the court reframed its prior rulings, shifting
from a focus on funding equalization to educational equity; in this instance, the latter refers to the need for supplemental educational programs and entitlements for urban school districts who serve large numbers of students of color (Anyon, 1997).

In 2007, the roles of the court in the education policy process as both arbiters and public guardians are firmly established. Building on its prior work in matters concerning civil liberties and social justice, the court’s role in the Abbott cases has bolstered its judicial legitimacy (Sheil, 1997). By framing the issue of school finance as a denial of students’ rights and an evasion of government responsibility, the New Jersey Supreme Court developed a powerful legal rationalization for its actions. Beyond this, the court has utilized its place in the policy process to define the tenets of a “thorough and efficient” education and hold actors within the state-political context accountable for their decisions (Goertz & Edwards, 1999).

*The state policy context and the function of the NJDOE.* Following the Robinson and Abbott rulings, the NJDOE assumed significant responsibility for the development and implementation of court-mandated policies. Throughout this period, the practices of the NJDOE have been studied and critiqued by numerous researchers, lawmakers, and public advocates. As a result, the primary tension noted within the state policy context has been debate over the function of the NJDOE, especially in light of allegations of organizational mismanagement (Goertz, 2001, March; Walker, 2004). Such critiques, substantiated for the public by several missteps and failed initiatives, have led educational advocates across the state to call for external performance audits of the agency (Education Law Center, 2006).

Several researchers have characterized the poor implementation of school-based reforms designed by the NJDOE as a significant lapse in the organization’s performance. Studying the implementation of school-based budgeting and decision-making procedures, Goertz observed the
results of poor planning and communication on behalf of the department (2001, March). Goertz concluded that the primary failure of these reforms resulted from unrealistic expectations on the part of the NJDOE, as well as inadequate training and communication. Goertz also observed frequent instances of micromanagement which severely limited schools’ capacity to plan and address student needs. Walker noted similar shortcomings in her study of whole school reform policies implemented by the department (2004). Walker cited the agency’s inflexibility and over reliance on regulations as inhibiting schools’ implementation of reform models. Rather than act as collaborative agents in the reform process, NJDOE personnel functioned as monitors of regulatory compliance. In light of these findings, both researchers questioned the agency’s viability as a partner in the court-mandated process of school improvement.

The NJDOE has also been criticized for inadequate communication with public advocates and legislative bodies, as well as poor fiscal management. Recently, after releasing the new Report on the Cost of Education, the NJDOE commissioned a review of its work by several policy analysts in anticipation of public hearings (Odden, 2007). However, the department failed to release the findings of these analyses until the week prior to the commencement of public testimony. The questionable bases for the calculations in the report, as well as the failure to release commissioned analyses in a timely manner, served to delegitimize the report among several public advocates (Education Law Center, 2007a; Testimony of Professor Paul L. Tractenberg, 2007). These allegations were compounded by the widely publicized failures of the state-chartered Schools Construction Corporation (SCC) (McNichol, 2007, April 26; Ocasio, Argote-Freyre, & Santo Pietro, 2005, June). Although policy analysts reported since the entity’s inception that the NJDOE had not prepared adequately for a task involving the commitment of between $6.0 and $9.2 billion (Erlichson, 2001; Ponessa, 2004, April), it was not until 2005 that
the department’s Office of School Facilities reported the mishandling of school construction funds. As of 2007, the SCC and NJDOE have stated that all funds for new school facilities in the Abbott districts will be consumed after the construction of 77 schools, less than half of the 161 schools called for in the districts’ court-mandated long range facilities plans.

Since the late 1990s, the state policy context of the Abbott debate has been consumed by criticism of the NJDOE and its implementation of court mandates. The ELC, the advocacy organization most responsible for bringing the Abbott cases to fruition, has been among the agency’s leading critics. In response to the lack of guidance accorded to school districts by the NJDOE, the ELC has developed its own series of Abbott implementation manuals for educators and parents aimed at addressing shortcomings in the department’s leadership (Behre & Rotter, 2004, February; Education Law Center, 2005, March; Henderson, 2004, February; Lucas & Villegas, 2004, February; Ponessa, 2004, April). Although the ELC has joined other organizations in calling for external audits and new leadership within the NJDOE (Education Law Center, 2006; Ocasio et al., 2005, June), recent trends point to a shift in the state-policy debate. In a recent opinion/editorial published in New Jersey’s Star Ledger, David Sciarra, the executive director of the ELC, ended his criticism of the department with a greater policy concern: the failure to address urban and regional redevelopment within the scope of school reform policy (Sciarra, 2007). As Abbott reforms continue to be implemented, such a focus on the systemic origins of poverty may provide the ELC and the courts with a direction for future reform. Rooted in disapproval of the current policy establishment and mirroring recent scholarship (Anyon, 2005; Liss, Moscovitch, Sadovnik, & Tractenberg, 2006, June; Walker & Gutmore, 2001), this line of critique may signal a new direction for the state-policy debate in New Jersey.
The community context and the debate over property taxes. Research directed toward the community context of New Jersey’s Abbott policies has focused significantly on the issue of property taxes. Driven by media reports, interest groups, legislators, and citizens, the intercommunity discourse within New Jersey has become narrowly framed in the years following Abbott V: compliance with court rulings has caused state spending in Abbott districts to rise drastically, leaving non-Abbott districts with less state aid and rising property taxes (Adler et al., 2006; Hu & Fessenden, 2007; Kenny et al., 2006; Testimony of the Garden State Coalition of Schools, 2007). The body of literature on this topic points to several recurring themes including suburban discontent with Abbott reforms, an evolving conception of taxpayer equity, and the need to reassess the issue of poverty in New Jersey with regard to rural communities.

Suburban discontent with Abbott reforms may be traced back to protests over the Quality Education Act of 1990, the initial legislative response to the Abbott I decision (Anyon, 1997, 2005; Firestone et al., 1997). The notion of a $2.8 billion tax increase aimed at remedying conditions in urban schools and repairing a growing budget deficit triggered angry protests throughout New Jersey. Within one year, former Governor James Florio and the state legislature capitulated to suburban discontent and redirected $360 million earmarked for school aid to reduce taxes across the state (Education Law Center, 2007b). Although quelling protests temporarily, the state’s actions provided the foundation for future Abbott rulings which guaranteed additional financial support to urban schools. In the wake of Abbott IV and Abbott V, the discourse in New Jersey’s suburban communities grew more critical of the state’s Abbott policies and the ensuing decreases in state financial support for suburban schools (The dilemma of public education funding in New Jersey, 2005, March/April; Erlichson, 2001; Finance and Facilities Committee of the South Orange-Maplewood Board of Education, 2005). With
succeeding Abbott decisions granting greater entitlements to the state’s urban districts, arguments regarding rising property taxes in middle-income and affluent districts have become conflated with criticism of Abbott policies.

Emerging from this debate is a growing notion of taxpayer equity, especially as a counterbalance to the court’s construction of educational equity (Goertz & Weiss, 2006). In assessing the current community context with regard to Abbott policies, Goertz and Weiss cite three specific challenges facing policymakers: spending equity, taxpayer equity, and the need to reduce property taxes. Although the authors cite improvements in academic achievement among urban students as a sign of the policy’s efficacy, the characterization of the community context outlined by Goertz and Weiss denotes a return to the court’s less evolved definition of reform: that being, funding equalization rather than educational equity. In addition, while the authors question the legitimacy of the tax crisis in New Jersey citing national comparative data (i.e. While the state’s per capita property tax rate is the third highest in the nation, New Jersey ranks 15th in the nation when assessing revenue collected per $1000 of income: this incongruity being a function of the state’s high level of wealth), the authors cite the existence of a deeply held political perception of crisis among the citizenry. As such, the authors reject maintenance of the current school finance apparatus as a politically viable course of action for state policymakers.

Abbott funding policies have also been criticized within the intercommunity discourse in light of their impact on non-Abbott, low-wealth communities. Ritter and Lauver (2003) studied the notion of taxpayer equity with specific regard to New Jersey’s middle-income districts and poor non-Abbott districts; for the purposes of the study, poor non-Abbott districts were defined as rural communities with a minimal number of ratables and above average property tax rates. The authors noted that while equity-driven school finance policies had achieved funding parity
between the state’s poorest and most affluent districts, the remaining school districts were adversely impacted. These detrimental effects took the form of significant tax disparities in middle income districts and school funding disparities in poor, non-Abbott districts. Poor, non-Abbott districts especially cited diminished levels of student aid as grounds for low levels of student achievement on state tests. Studying these issues further, Lauver, Ritter, and Goertz (2001) observed similar disparities. The researchers agreed with state officials who criticize CEIFA and the continued reliance on property taxes to fund public education. Affirming the view of court officials (New Jersey Department of Education, 2003) and the Education Law Center (Education Law Center, 2007c), the authors cited the need for comprehensive reform of the property tax-based system of school finance in order to remedy these disparities.

In light of suburban discontent throughout New Jersey and concerns over matters of tax and school aid disparities, state policies have failed to help. In fact, the state’s funding formulas and fiscal policies may have exacerbated these concerns. State legislators failed to repeal former Governor Whitman’s 30% income tax cut in light of the increased educational funding mandated by the Abbott V decision (Education Law Center, 2007b). In addition, state policymakers responded to growing fiscal disparities between New Jersey’s municipalities through funding freezes and reductions in aid statewide. Such policies have intensified the property tax dilemma in New Jersey and neglected shortcomings within the current school aid formula (Reock, 2007). Recommendations issued by legislators as part of New Jersey’s recent special legislative session point to a continuation of current policies and fail to address comprehensively the fundamental issue of divesting property taxes from the school funding apparatus (Adler et al., 2006; Kenny et al., 2006).
The district context and the impact of Abbott reforms on urban students. Much of the discussion within the district context of Abbott reform has focused on impact research, especially with regard to program implementation and student outcomes. Researchers and advocates have focused significant attention on specific Abbott policies including funding parity between affluent and poor school districts, provision of early childhood education, and facilities construction. Throughout this body of research, an underlying question is evident: is the investment mandated by the court’s decisions worth it?

While funding parity is considered by many to be among the greatest accomplishments associated with Abbott reforms (Education Law Center, 2007b; Lauver et al., 2001) and facilities construction among its disappointments (Erlichson, 2001; McNichol, 2007, April 26), issues of student achievement and school-based outcomes remain at the core of this research. In this respect, court-mandated reforms in New Jersey have demonstrated success and pointed to continued challenges. The states’ Abbott districts have demonstrated significant increases in elementary student achievement (Education Law Center, 2006, Spring). Between 2000-2001 and 2004-2005, rates of proficiency in language arts literacy rose from 63% to 77% among general education students; achievement in mathematics doubled between 1998-1999 and 2004-2005, rising from 36% to 72%. The Education Law Center has also observed significant increases in academic achievement throughout the Newark and Camden public schools (Education Law Center 2005, May-a, 2005, May-b).

Although these results point to substantial progress made by Abbott districts, continued challenges are also highlighted, especially with regard to high school dropout rates and high stakes accountability. Despite graduation rates in Abbott districts rising from 57% in 1998 to 68% in 2001, high school student persistence remains an area of concern. Mirroring statewide
trends, academic achievement among secondary students in Abbott districts have failed to improve since 2001 (Education Law Center, 2006, Spring). Although state policymakers have launched several initiatives aimed at remedying poor academic performance in urban secondary schools, research has pointed to the negative impact of high stakes accountability systems on Abbott districts (Smith, 2005). In her study focusing on the No Child Left Behind Act and New Jersey schools, Smith noted that 75% of the state’s failing schools were found in Abbott districts. Smith further observed that when a value-added model for measuring adequate yearly progress (AYP) was applied (i.e. a statistical model measuring student growth taking into account prior levels of achievement and student background data), as many as half of Abbott schools may have been inaccurately labeled as failing. This study joins the growing body of research focusing on the discriminatory impact of high stakes accountability policies on urban schools and students of color (Ryan, 2004; Valenzuela, 2005). The Education Law Center has noted these concerns in advocating for alternatives to standardized testing as a graduation requirement in New Jersey high schools (Education Law Center, 2006, Spring; Fine et al., 2007, August).

Overall, the impact of equity-driven finance reform in New Jersey’s schools has been positive. Class sizes in urban schools have been reduced significantly between 1994 and 2005, decreasing from 24 students per class to 19 students per class (Education Law Center, 2006, Spring). In that same time, over 40,000 students have enrolled in Abbott-funded early childhood programs throughout the state. Children enrolled in these programs have demonstrated substantial gains in language, literacy, and mathematics; these improvements have been shown to be sustained during students’ experiences in kindergarten and continue to be studied (Frede, Jung, Barnett, Lamy, & Figueras, 2007, June). Additionally, despite notable mismanagement, the effort to renovate and construct new educational facilities throughout the Abbott districts has
served to alleviate overcrowding throughout these school systems. The impact research that encompasses much of the district context of Abbott reform points to the substantial progress which may be made by connecting school-based improvement efforts with equitable state funding.

Policy Recommendations

In reviewing the multiplicity of contexts and tensions that have characterized New Jersey’s effort to provide equitable educational opportunities to its urban students, several policy shortcomings are evident. Based on these findings, my recommendations include:

1. **Divestment of property taxes from the school funding apparatus.** Since the initial Robinson v. Cahill decision in 1973, the New Jersey Supreme Court has denounced the use of property taxes as the primary source of revenues for funding public education. The detrimental effects of this arrangement are observable in the growing debate over taxpayer equity and the fiscal burdens borne by poor non-Abbott districts. In order to fulfill court mandates and address current budget deficits, the state legislature must develop a school funding formula which replaces the property tax as the primary source of recurring revenue. Alternative sources of revenue may include increases in the state sales tax, gasoline tax, gross income tax, and corporate business tax. Additional revenue may be secured through the development of a gross receipts tax, tax surcharges, and long-term leases of state highways (Tractenberg, 2006, March). Adoption of the New Jersey Save Money and Reform Taxes Homestead Tax Rebate Act (NJSMART), currently being reviewed by the General Assembly Committee on Appropriations and Budget, may provide a gradual approach to this type of reform; the legislation includes provisions for the initial divestment of 50% of property tax revenues from the public school funding
apparatus and the creation of a gross income tax surcharge (New Jersey Save Money and Reform Taxes Homestead Tax Rebate Act, 2006).

2. **Enforcement of current state guidelines regarding Abbott designation.** Current state guidelines establish a two-part test for designation of a local education agency as an Abbott district. This test is based on assessments of educational adequacy and concentration of poverty. In the wake of rulings granting Abbott designation to three districts beyond the original 28 named in the litigation, the New Jersey Department of Education has failed to enforce these guidelines and designate new Abbott districts based on rising levels of poverty. Furthermore, the NJDOE has also failed to lift Abbott designation from those districts that may have demonstrated sufficient economic growth and redevelopment and thereby ceased to meet Abbott designation criteria. In order to develop a more accurate continuum of need to assess equitable distribution of non-Abbott state aid, the NJDOE must establish protocols for the reassessment of Abbott designations (Liss et al., 2006, June). The replacement of property taxes as the primary source of revenue for public schools addresses the concern that this recommendation may become a perverse incentive for policies that perpetuate poverty and promote educational inadequacy.

3. **Adequate response to external audit of the New Jersey Department of Education.** In light of recent allegations of mismanagement on the part of the NJDOE, the department has undergone an external audit and performance evaluation (KPMG, 2007). This recent report cited numerous concerns over the department’s operations, organization, and capacity to fulfill its mission. Specifically, the report highlighted a lack of alignment between the state’s strategic plans and NJDOE goals and objectives, poor communication
 regarding key initiatives, inadequate staffing, and lack of training for personnel. Beyond a recent attempt at reorganization, the NJDOE must develop and implement a plan to respond to these shortcomings. As the report cited deficiencies in the organizations’ decision-making processes, the commissioner and State Board of Education must take great care to involve key stakeholders in the process of developing future reforms.

4. *Coordination of education and regional redevelopment policies.* The state of New Jersey’s current policies aimed at regional development and educational reform are strongly decoupled. Recent research has discussed the benefits of expanding educational reform policy to address issues of discrimination and poverty which propagate educational inadequacy (Anyon, 2005; Liss et al., 2006, June). It is recommended that New Jersey expand the scope of its Abbott initiatives to wed policies regarding public healthcare, education, children and family services, transportation, labor and workforce development, corrections, and housing. The state’s efforts at regional redevelopment have yielded some success in recent years. However, the joining of these initiatives may serve to bolster the capacity of New Jersey’s urban communities and reduce the likelihood of maintaining the inadequacies which make Abbott reforms necessary.

**Conclusion**

The educational reforms mandated by the New Jersey Supreme Court through its successive decisions in Abbott v. Burke have created a landmark in educational jurisprudence. Using a framework drawn from the work of several researchers (Anyon, 1997; Firestone et al., 1997), this paper has reviewed the history of these decisions and analyzed the body of literature related to Abbott policies. Although this analysis has revealed the successes and future challenges of New Jersey’s Abbott districts and policymakers, an undercurrent of voter
dissatisfaction and suburban discontent is evident throughout the intercommunity discourse regarding school reform. In this context, Tyack and Cuban (1995) may offer guidance: “A crucial need today is to negotiate a common ground of purpose sufficiently generous, compelling, and plausible that it can unify citizens in support of public schooling” (p. 140). The legacy of Abbott v. Burke maintains the potential to be one of societal fracture or social justice. To seek this common ground is the endeavor confronting over 8 million New Jerseyans at the dawn of a new century.
Notes

1 Currently, there are 31 Abbott districts receiving additional state aid. In 1998, the New Jersey Legislature designated Neptune and Plainfield as Abbott districts. In 2004, Salem City was designated an Abbott district in compliance with Commissioner William Librera’s decision in Bacon v. New Jersey Department of Education.
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