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Fees Waived Pursuant to N.J. Ct. R. 1:13-2(a)

J.D., by his mother TRISHA SCIPIO-DERRICK; J.G., by her guardian MARCELLE GREGORY-BECK, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

LUCILLE E. DAVY, Commissioner of the New Jersey Department of Education, in her official capacity; STUART RABNER, New Jersey Attorney General, in his official capacity; BRADLEY ABELOW, Treasurer of the State of New Jersey, in his official capacity; YUT'SE THOMAS, Assistant Commissioner of the New Jersey Department of Education, Finance Division, in her official capacity; SCOTT WEINER, Chief Executive Officer, New Jersey Schools Construction Corporation, in his official capacity,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION [GENERAL
EQUITY]: ESSEX COUNTY DOCKET
NO:

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

INTRODUCTION

1. In the Abbott v. Burke line of cases, the New Jersey Supreme Court held that concentrated poverty presents unique challenges to the education of urban children, and that the State must therefore guarantee funding and facilities sufficient to meet these extraordinary needs. As a result of these decisions, the State provides traditional public schools in Newark with over \$15,000 in annual per-pupil educational funding, as well as over \$37,000 in per-pupil facilities funding. These resources, provided by the State to implement the Abbott mandates, are designed specifically to address the unique educational challenges of urban poverty.

2. At the same time, state law denies urban children attending Newark public charter schools, which are public schools operating under charters granted by the New Jersey Department of Education, access to all Abbott funding and State facilities funding. Even though Newark children attending public charter schools face the same unique educational challenges produced by urban poverty as children attending Newark's traditional public schools, the State provides Newark public charter school students with a mere \$5,969 in per-pupil educational funding, less than 40 percent of the \$15,658 per pupil the state provides students in the city's traditional public schools.

3. This disparity, amounting to over \$9,600 annually per pupil, is even more stark when combined with the over \$37,000 per pupil in facilities funding the State provides students in Newark's traditional public schools but denies children in Newark public charter schools.

4. By categorically denying these poor, urban students access to funding designed specifically to address the educational challenges produced by urban poverty, the State denies Newark public charter school students equal protection of the laws and thereby violates Article 1, Paragraph 1 of the New Jersey State Constitution.

