

RAYMOND A. ABBOTT, ET AL.,  
Plaintiffs-Respondents,

v.

FRED G. BURKE, ET AL.,  
Defendants-Movants.

O R D E R

**FILED**

JAN 31 2017

*Mark Neary*  
CLERK

This matter was opened to the Court by defendants' motion "for relief and modification of this Court's orders in Abbott v. Burke, 199 N.J. 140 (2009) (Abbott XX), and Abbott v. Burke, 206 N.J. 332 (2011) (Abbott XXI)."

In defendants' extensive written submissions to the Court, they primarily focus on certain aspects of collectively negotiated agreements and provisions of state law, including teacher tenure statutes. Defendants ask the Court to authorize the Commissioner of Education to override those statutory and contractual provisions when the Commissioner determines that they impede the delivery of a thorough and efficient education in certain School Development Authority (SDA) districts. Defendants use this Court's prior Abbott rulings as the basis for relief, but direct challenges to the provisions in question have not been the subject of prior litigation in the Abbott line of cases.

Defendants' application also briefly references the existing funding formula for SDA districts. Defendants ask the Court to vacate its prior orders to fund the School Funding Reform Act (SFRA) according to the Act's terms and instead authorize funding for SDA districts at current levels.

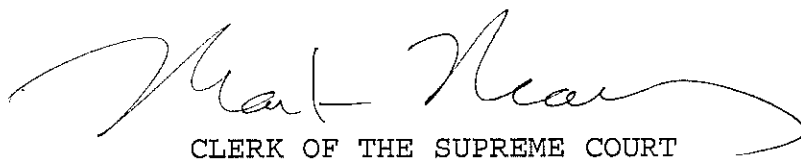
Plaintiffs sought an extension of time to file their answer. Rather than schedule an answer on the merits of defendants' motion, the Court ordered the parties to submit legal argument as to whether it is appropriate for defendants' application to be filed with this Court in the first instance. The Court received and reviewed the parties' briefs in response.


It is, therefore, for good cause shown, ORDERED as follows:

- 1) Defendants' application for relief is denied. The Court declines to exercise original jurisdiction to hear this matter in the first instance; and
- 2) Defendants' request for relief from certain aspects of collectively negotiated agreements and provisions of state law is denied without prejudice to defendants' right to file an action for relief in the trial court. The Court does not opine on the merits of the issues or arguments.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 30th day of January, 2017.

The foregoing is a true copy  
of the original on file in my office.

  
CLERK OF THE SUPREME COURT

  
CLERK OF THE SUPREME COURT  
OF NEW JERSEY