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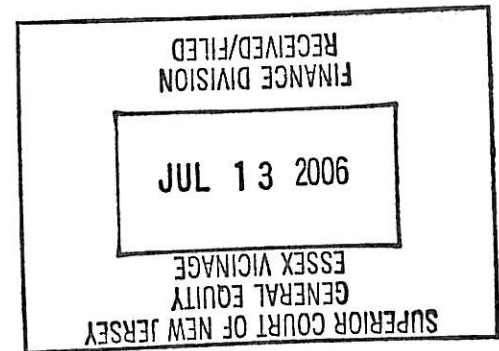
JOSHUA CRAWFORD, JASON CRAWFORD, and
JUSTIN CRAWFORD, minors, by their guardian ad
litem, Van-Ness Crawford; TYWAN DAVIS, minor,
by his guardian ad litem, Floyd Tally; CATHTYA
VELASQUEZ and CATHYDIA RUIZ, minors, by
their guardian ad litem, Enrique Ruiz; KEYINA
ROYALL, minor, by her guardian ad litem, Michele
Royall; SHAKUR MCNAIR and VANISHA
MCNAIR, minors, by their guardians ad litem, Ericka
and Sharon McNair; ALEXIS MENDEZ, minor, by
his guardian ad litem, Melitza Mendez; JUANA ROE
(pseudonym), minor, by her guardian ad litem, Mr.
Roe; and JUAN DOE (pseudonym), minor, by his
guardian ad litem,

Plaintiffs,

v.

LUCILLE DAVY, State Commissioner of Education;
YUT'SE THOMAS, Director of the Office of School
Funding; ROBERT G. KOERTZ, Director of State
Budget and Accounting; BRADLEY ABELOW, New
Jersey State Treasurer; STATE BOARD OF
EDUCATION; and BOARDS OF EDUCATION
OF: ASBURY PARK, ATLANTIC CITY,
BEVERLY CITY, BOUND BROOK,
BRIDGETON, CAMDEN, CLEMENTON
BOROUGH, EAST ORANGE, ELIZABETH,
ENGLEWOOD CITY, IRVINGTON, JERSEY
CITY, LAKEWOOD TOWNSHIP, LAWNSIDE
BOROUGH, MILLVILLE CITY, NEW
BRUNSWICK, NEWARK, ORANGE,
PATERSON, PERTH AMBOY, SALEM CITY,
TRENTON, WILDWOOD, WOODBINE, AND
WOODLYNNE BOROUGH, and BOARDS OF
EDUCATION A through Z,

Defendants.



SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, GENERAL EQUITY
ESSEX COUNTY

DOCKET NO.

CLASS ACTION
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

INTRODUCTION

1. This civil rights lawsuit is brought under the Constitution and laws of the State of New Jersey and the Fourteenth Amendment of the Constitution of the United States on behalf of plaintiff schoolchildren and the class they represent (collectively “plaintiff schoolchildren”) who are found to be attending failing public schools. Its purpose is to vindicate the right of plaintiff schoolchildren to a thorough and efficient education – the only education that will equip them for their role as citizens and as competitors in the labor market. Plaintiff schoolchildren hereby seek to leave schools that fail to provide them with an education. These “failing schools” are schools where a majority of the children taking at least one of the State’s standardized assessment tests administered by these schools are not provided with the skills and knowledge they need to pass such tests. In most of the schools subject of this Complaint, the majority of all of the children taking the State’s standardized assessment tests are failing all of those tests. Plaintiff schoolchildren seek to leave these schools with their share of per-pupil State and local funding to attend a public or private school of their choice in New Jersey that is not failing.

2. In New Jersey district boundaries and attendance zones consign students to particular schools within their district without choice, alternative or recourse if the school to which they are assigned is a failure. In New Jersey thousands of schoolchildren are consigned to schools characterized by inadequate education, bureaucratic ineptitude, corruption and indifference. As a result, such children do not enjoy educational opportunities equivalent to other public school children in New Jersey. Children who attend these failing schools are least likely to develop the basic reading, writing and math skills needed to become economically independent or contributing members of society.

3. Education is so important to the people of New Jersey that the State Constitution guarantees a thorough and efficient education to every child. The New Jersey Supreme Court has ruled that education is a fundamental right. To fulfill its constitutional mandate the State operates a system of tax-supported public schools funded with local and state tax revenues. Upon information and belief, last year, defendant school boards spent conservatively \$123 million on defendants' failing schools; the State spent an additional \$721 million, for a combined total of approximately \$844 million on defendants' failing schools.

4. New Jersey's constitutional mandate of a thorough and efficient education is defined and measured by minimum educational standards known as Core Curriculum Content Standards (hereinafter "CCCS") which were established by New Jersey's State Board of Education ten years ago. State law and regulation requires that CCCS are the threshold measure of a thorough and efficient education and that they are attainable by all children. The state mandates tests in third and fourth grade, eighth grade and high school (the New Jersey Assessment of Skills and Knowledge ("NJASK3" or "NJASK4"), the Grade Eight Proficiency Assessment ("GEPA"), and the High School Proficiency Assessment ("HSPA"), respectively) that are aligned to measure achievement of New Jersey's CCCS. Each test assesses two areas: Mathematics and Language Arts. Partial proficiency on these tests equates with failure as it denotes skills and knowledge below the grade level tested. Where the majority of a school's tested population consistently achieves only partial proficiency in one or more of the areas tested by these examinations the school has failed to provide its students with the threshold education mandated by the New Jersey Constitution. Such a school fails to provide plaintiff schoolchildren with an education of constitutional magnitude.

5. Today thousands of children attend failing schools where the vast majority of the students taking the State's standardized assessment tests cannot pass these tests which are designed to measure achievement of New Jersey's minimum educational standards. These are schools where many students perform far below their grade level; in some instances these children are practically illiterate or incapable of performing basic arithmetic.

6. District boundaries and attendance zones trap plaintiff schoolchildren in these failing and inadequate schools. Unless plaintiffs' legal guardians move to neighborhoods with better schools, or pay for private school, plaintiff schoolchildren must attend the failing schools defendants have assigned them to. Every school named in this Complaint has been failing for at least the last two consecutive years. Upon information and belief some of these schools have been failing for a decade or more, but plaintiff schoolchildren are forced to return to these schools year after year.

7. Many, if not all, of these failing public schools have performed abysmally without consequence to those responsible and without recourse for the children required to stay enrolled. Upon information and belief no superintendent, principal or teacher has ever been fired, demoted or otherwise held accountable for the poor testing performance of these schools and/or the failure of these schools to provide plaintiff schoolchildren with a thorough and efficient education.

8. Defendant state officials and Defendant State Board of Education are entrusted by the people of this State with the great responsibility of educating all of the state's schoolchildren in all of the state's schools in conformity with constitutional standards. Defendant Boards of Education, acting under delegated authority, are also entrusted by the people of this State with the great responsibility of educating all of the

schoolchildren in their district in conformity with constitutional standards. However, defendants have exercised and continue to exercise their powers and responsibilities in a manner that denies plaintiff schoolchildren an equal and adequate education. Defendants' actions and omissions result in a system that violates the constitutional rights of plaintiff schoolchildren to a thorough and efficient education and equal protection of the law.

9. The stakes for plaintiff schoolchildren are enormously high because the effects of failing schools are severe and in most cases permanent. For example, according to one Department of Education official:

Students who are not reading at grade level by the end of the third grade have a 1 in 8 chance of ever catching up to grade level without extraordinary and costly interventions...weak readers are unlikely to ever catch up.

Every year a child spends in a failing school is a year lost forever in the education of that child. Therefore, the need for an immediate and effective remedy is urgent.

10. Plaintiff schoolchildren seek a declaration that schools where a majority of the students tested do not pass one of the State's standardized assessment tests administered at that school, for two or more consecutive years, fail to provide a thorough and efficient education. Plaintiffs also seek a declaration that when compulsory district boundaries and mandatory attendance zones trap schoolchildren in these failing schools their fundamental right to a thorough and efficient education and equal protection of the law is violated.

11. Plaintiff schoolchildren seek an injunction barring defendants from enforcing compulsory district boundaries and attendance zones where they operate to trap plaintiff schoolchildren in failing schools. Plaintiff schoolchildren also seek an Order that

allows them to immediately use their share of per-pupil State and local funding to attend successful public or private schools in New Jersey. Only with such a remedy can plaintiff schoolchildren obtain an education of constitutional magnitude. The New Jersey Constitution promises and permits nothing less.

JURISDICTION AND VENUE

12. This case arises under Article 8, Section 4, Paragraph 1; Article 1, Paragraph 1 of the Constitution of the State of New Jersey; and the Fourteenth Amendment of the United States Constitution.

13. This Court has jurisdiction over this case pursuant to Article 6, Section 3, Paragraph 2 of the Constitution of the State of New Jersey and R. 4:3-1(a)(1) of the Rules Governing the Courts of the State of New Jersey.

14. Venue is proper under R. 4:3-2(a) of the Rules Governing the Courts of the State of New Jersey.

PARTIES

Plaintiffs

15. Plaintiffs are schoolchildren represented by their parents and/or legal guardians who are taxpayers and reside in the State of New Jersey. Plaintiff schoolchildren are enrolled in failing public schools organized and operated by and under the supervision of the Boards of Education of: Asbury Park, Atlantic City, Beverly City, Bound Brook, Bridgeton, Camden, Clementon Borough, East Orange, Elizabeth, Englewood City, Irvington, Jersey City, Lakewood Township, Lawnside Borough, Millville City, New Brunswick, Newark, Orange, Paterson, Perth Amboy, Salem City, Trenton, Wildwood, Woodbine or Woodlynne Borough, under authority delegated by the State of New Jersey.

16. The class of plaintiff schoolchildren, subject of this Complaint, is all

children attending failing schools in the State of New Jersey – schools where a majority of the students taking a standardized assessment test administered at the school have failed it for two or more consecutive years. Since there are more than 60,000 children in New Jersey's failing public schools they are too numerous to join practicably in this lawsuit. These children presently reside in 24 municipalities spread out among 16 counties; as far north as Paterson and as far south as Wildwood.

17. Questions of law and fact recited herein are common to all plaintiff schoolchildren subject of this Complaint. All of their schools are supervised and controlled by the defendants and all such schools are failing. Plaintiff schoolchildren are all forced to attend these failing public schools as a result of district boundaries and attendance zones that assign them to particular schools. The public schools that plaintiffs attend have all been failing for two or more consecutive years. Failing schools do not provide plaintiff schoolchildren with their constitutional right to a thorough and efficient education and the boundaries and attendance zones that keep these children trapped in these perpetually failing schools violate the principle of equal protection under the law.

18. The claims of the representative named plaintiffs are typical of the claims of the plaintiff class of schoolchildren. Representative named plaintiffs attend schools that administer the same standardized State assessment tests that other failing schools administer and that are required to align their curriculum with CCCS mandated by Defendant State Board of Education. Representative named plaintiffs attend a failing school in a district that has one or more failing schools that other class members attend. Representative named plaintiffs, like all members of the class, are being deprived of a thorough and efficient education and the equal protection of the law.

19. The school board defendants that operate the failing schools identified

in this Complaint do so under delegated authority from the State to provide a thorough and efficient education. All of the school districts operated by the defendants are subject to the same school laws and regulatory requirements and the same constitutional mandate. Defendants are related instrumentalities of the state charged with uniformly establishing and operating a thorough and efficient system of free public schools for the instruction of all children in this State.

20. The representative named plaintiffs will fairly and adequately protect the interests of the class members regardless of the school district where class members reside.

21. Plaintiffs JOSHUA CRAWFORD, JASON CRAWFORD, and JUSTIN CRAWFORD live in Newark, New Jersey with their father, Van-Ness Crawford. Joshua, Jason and Justin are sixteen year old triplets enrolled at Malcolm X. Shabazz High School in Newark, New Jersey.

22. Plaintiff TYWAN DAVIS lives with his father Floyd Tally in Atlantic City, New Jersey. Tywan is thirteen years old. He was enrolled at New York Avenue school in Atlantic City for the last school year and will attend the Uptown Complex school in Atlantic City this Fall.

23. Plaintiffs CATHTYA VELASQUEZ and CATHYDIA RUIZ live with their parents Enrique and Wanda Ruiz in Camden, New Jersey. Cathlya is fifteen years old and is enrolled at Woodrow Wilson High School in Camden. Cathydia is thirteen years old and is enrolled at East Camden Middle School in Camden.

24. Plaintiff KEYINA ROYALL lives in Perth Amboy, New Jersey with her single mother, Michele Royall. Keyina is ten years old and will be attending the William C. McGinnis Middle School in Perth Amboy this Fall.

25. Plaintiffs SHAKUR and VANISHA MCNAIR live in Bridgeton, New Jersey with their mother Ericka McNair and grandmother Sharon McNair. Shakur is twelve years old and is enrolled at Buckshutem Road School in Bridgeton; Vanisha is seven years old and is enrolled at Cherry Street School in Bridgeton.

26. Plaintiff ALEXIS MENDEZ lives with his mother Melitza Mendez in Woodbine, New Jersey. Alexis is 10 years old and is enrolled at Woodbine Elementary school in Woodbine.

27. Plaintiff JUANA ROE (a pseudonym) lives in Trenton, New Jersey with her parents. Juana is eleven years old and is enrolled at Hedgepeth-Williams Middle School in Trenton, New Jersey. Concerned about the controversy that this lawsuit may engender and fearing a backlash, retaliation or retribution against their daughter, or the family, Juana's parents have requested that the family's identity remain anonymous.

28. Plaintiff JUAN DOE (a pseudonym) lives in Elizabeth, New Jersey with his parents. Juan is twelve years old and attends Alexander Hamilton School No. 72 in Elizabeth, New Jersey. Concerned about the controversy that this lawsuit may engender and fearing a backlash, retaliation or retribution against their son, or the family, Juan's parents have requested that the family's identity remain anonymous.

Defendants

29. Defendant LUCILLE DAVY is State Commissioner of Education and therefore chief executive and administrative officer of the State Department of Education. Under N.J.S.A. 18A:4-23, Defendant Davy is responsible for supervising all schools of the state receiving support or aid from state appropriations and to enforce all rules prescribed by Defendant State Board of Education. Under N.J.S.A. 18A:4-24, Defendant Davy must inquire into and ascertain the thoroughness and efficiency of operation of any of the

schools of the public school system of the State and of any grades therein. Defendant Davy's office is located at 100 River View Executive Plaza, Trenton, New Jersey 08625-0500.

30. Defendant YUT'SE THOMAS is Director of the Office of School Funding, which administers the state aid system for schools in accordance with applicable statutes. This office collects and validates the necessary data and then calculates, disburses and accounts for the various state aid programs pursuant to the Comprehensive Educational Improvement and Financing Act of 1996 (CEIFA), state aid for services to nonpublic school pupils, state aid pursuant to the State Facilities Education Act and other statutory aid programs. The office also conducts research related to school finance issues, performs state aid simulations relative to future school finance trends, prepares the Biennial Report on the Cost of Providing a Thorough and Efficient Education, studies and develops the District Factor Grouping report, analyzes proposed legislation, prepares fiscal notes assessing the fiscal impact of legislative initiatives, and responds to a variety of constituents about state aid and the formula used to calculate that aid. Defendant Thomas's office is located at the 100 River View Executive Plaza, Trenton, New Jersey 08625-0500.

31. Defendant ROBERT G. KOERTZ is Director of State Budget and Accounting of the State of New Jersey, with control over accounting and budgeting of state funds pursuant to N.J.S.A. 52:18A-5. Defendant Koertz's office is located at 100 River View Executive Plaza, Trenton, New Jersey 08625-0500.

32. Defendant BRADLEY ABELOW is New Jersey State Treasurer, with control over disbursement of state funds pursuant to N.J.S.A. 52:18-11. Defendant Abelow's office is located at 125 West State Street, 1st Floor, Trenton, New Jersey 08625.

33. Defendant STATE BOARD OF EDUCATION is established by N.J.S.A. 18A:4-1 *et seq.* as the head of the State Department of Education. Under N.J.S.A. 18A:4-10, Defendant State Board of Education is responsible for the general supervision and control of public education in New Jersey, including formulating plans and making recommendations for the unified, continuous and efficient development of public education throughout the State. Defendant State Board of Education is located at 100 River View Executive Plaza, 4th Floor, Trenton, New Jersey 08625-0500.

34. Defendant BOARD OF EDUCATION OF ASBURY PARK is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Asbury Park is located at 407 Lake Avenue, Asbury Park, New Jersey 07712.

35. Defendant BOARD OF EDUCATION OF ATLANTIC CITY is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Atlantic City is located at 1300 Atlantic Avenue, 6th Floor, Atlantic City, New Jersey 08401.

36. Defendant BOARD OF EDUCATION OF BEVERLY CITY is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Beverly City is located at 601 Bentley Avenue, Beverly,

New Jersey 08010.

37. Defendant BOARD OF EDUCATION OF BOUND BROOK is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Bound Brook is located at West Second Street, LaMonte Building, Bound Brook, New Jersey 08805.

38. Defendant BOARD OF EDUCATION OF BRIDGETON is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Bridgeton is located at 41 Bank Street, Bridgeton, New Jersey 08302.

39. Defendant BOARD OF EDUCATION OF CAMDEN is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Camden is located at 201 North Front Street, 8th Floor, Camden, New Jersey 08102.

40. Defendant BOARD OF EDUCATION OF EAST ORANGE is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of East Orange is located at 715 Park Avenue, East

Orange, New Jersey 07017.

41. Defendant BOARD OF EDUCATION OF ELIZABETH is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Elizabeth Board of Education is located at 500 North Broad Street, Elizabeth, New Jersey 07208.

42. Defendant BOARD OF EDUCATION OF ENGLEWOOD CITY is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Englewood City is located at 12 Tenally Road, Englewood, New Jersey 07631.

43. Defendant BOARD OF EDUCATION OF IRVINGTON TOWNSHIP is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Irvington is located at One University Place, 4th Floor, Irvington, New Jersey 07111.

44. Defendant BOARD OF EDUCATION OF JERSEY CITY is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Jersey City is located at 346 Claremont Avenue, Jersey

City, New Jersey 07305.

45. Defendant BOARD OF EDUCATION OF LAKEWOOD TOWNSHIP is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Lakewood is located at 655 Princeton Avenue, Lakewood, New Jersey 08701.

46. Defendant BOARD OF EDUCATION OF LAWNSIDE BOROUGH is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Lawnside is located at 426 Charleston Avenue, Lawnside, New Jersey, 08045.

47. Defendant BOARD OF EDUCATION OF MILLVILLE CITY is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Milville City is located at 110 North Third Street, Milville, New Jersey 08332.

48. Defendant BOARD OF EDUCATION OF NEW BRUNSWICK is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of New Brunswick is located at 268 Baldwin Street, 3rd

Floor, New Brunswick, New Jersey 08901.

49. Defendant BOARD OF EDUCATION OF NEWARK is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Newark is located at 2 Cedar Street, Newark, New Jersey 07102.

50. Defendant BOARD OF EDUCATION OF ORANGE is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Orange is located at 451 Lincoln Avenue, Orange, New Jersey 07050.

51. Defendant BOARD OF EDUCATION OF PATERSON is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Paterson is located at 33-35 Church Street, Paterson, New Jersey 07505.

52. Defendant BOARD OF EDUCATION OF PERTH AMBOY is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Perth Amboy is located at 178 Barracks Street, Perth Amboy, New Jersey 08861.

53. Defendant BOARD OF EDUCATION OF SALEM CITY is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Salem City is located at 205 Walnut Street, Salem, New Jersey 08079.

54. Defendant BOARD OF EDUCATION OF TRENTON is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Trenton is located at 108 North Clinton Avenue, Trenton, New Jersey 08609.

55. Defendant BOARD OF EDUCATION OF WILDWOOD CITY is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Wildwood City is located at 4300 Pacific Avenue, Wildwood, New Jersey 08260.

56. Defendant BOARD OF EDUCATION OF WOODBINE is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Woodbine is located at 801 Webster Avenue, Woodbine, New Jersey 08270.

57. Defendant BOARD OF EDUCATION OF WOODLYNNE BOROUGH is established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction. Defendant Board of Education of Woodlynne Borough is located at 131 Elm Street, Woodlynne, New Jersey 08107.

58. Defendants BOARDS OF EDUCATION A through Z are Boards of Education established pursuant to N.J.S.A. 18A:10-1 and charged with conducting and supervising the schools within its district in accordance with constitutional, statutory and regulatory mandates with respect to public education for the children residing within its jurisdiction, but against whom plaintiff schoolchildren currently do not possess sufficient information to identify by name as parties defendant at the present time.

SCHOOL LAW

Constitutional Mandates

59. The Constitution of the State of New Jersey provides that

All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

Art. 1, ¶ 1.

60. The Constitution of the State of New Jersey also provides that

The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years.

Art. 8, § 4, ¶ 1.

61. The New Jersey Supreme Court has interpreted the “thorough and efficient” clause of the New Jersey Constitution to “impose on the legislature a duty of providing a thorough and efficient system of free public schools, capable of affording to every child such instruction as is necessary to fit it for the ordinary duties of citizenship.” *Landis v. School Dist. No. 44*, 57 N.J.L. 509, 512 (1895).

62. The New Jersey Supreme Court has also determined that “the right of children to a thorough and efficient system of education is a fundamental right guaranteed by the Constitution...” *Robinson v. Cahill*, 69 N.J. 133, 147 (1975).

63. The State Constitution’s guarantee of a thorough and efficient education “must be understood to embrace that educational opportunity which is needed in the contemporary setting to equip a child for his role as a citizen and as a competitor in the labor market.” *Robinson v. Cahill*, 62 N.J. 473, 515 (1973).

64. The New Jersey Constitution requires “a certain level of education, that which equates with thorough and efficient; it is that level that all must attain...” *Abbott v. Burke*, 119 N.J. 287, 305-06 (1990) (emphasis added).

65. “A system of instruction in any district of the State which is not thorough and efficient falls short of the constitutional command.” (Emphasis added). And “[w]hatever the reason for the violation, the obligation is the State’s to rectify it. If local government fails, the State government must compel it to act, and if the local government cannot carry the burden, the State must itself meet its continuing obligation.” *Robinson v. Cahill*, 62 N.J. 473, 513 (1973).

Statutory Requirements

66. The State Legislature has embraced and codified these constitutional mandates. Pursuant to the Public School Education Act, N.J.S.A. 18A:7A-14.1:

- a. It is the constitutional obligation of the Legislature to provide all children in New Jersey with a thorough and efficient system of free public schools;
- b. The breadth and scope of such a system are defined by the Legislature through the commissioner and the State board pursuant to P.L. 1996, c. 138 (C. 18A:7F-1 et al.) so as to insure quality educational programs for all children;
- c. It is imperative that the program in every school district in this State includes all of the major elements identified as essential for that system consistent with standards adopted pursuant to section 10 of P.L. 1975, c. 212 (C. 18A:7A-10);
- d. It is the responsibility of the State to insure that any school district which is shown to be deficient in one or more of these major elements takes corrective actions without delay in order to remedy those deficiencies.
- e. This responsibility can be fulfilled, in addition to the mechanisms for ensuring compliance established pursuant to section 6 of P.L. 1996, c. 138 (C. 18A:7F-6), through an effective and efficient system of evaluation and monitoring which will insure quality and comprehensive instructional programming in every school district and provide for immediate and corrective action to insure that identified deficiencies do not persist, and which does so within the context of the maximum of local governance and management and the minimum of paperwork and unnecessary procedural requirements.

67. Pursuant to the Comprehensive Educational Improvement and Financing Act of 1996, N.J.S.A. 18A:7F-2(a) ("CEIFA"):

Every child in New Jersey must have an opportunity for an education based on academic standards that meet the constitutional requirement regardless of where the child resides and public funds must be expended to support schools which are thorough and efficient in delivering those educational standards...

68. Under CEIFA the State Legislature undertook to establish a definition of a thorough and efficient system of public education which is uniformly applicable to all

districts in the State and specifies what must be taught with reference to academic standards that must be achieved by all students. N.J.S.A. 18A:7F-2(b)(1).

69. Defendant State Board of Education is responsible for establishing educational goals and standards. N.J.A.C. 6A:8-2.1(a).

70. Through CEIFA the Legislature ordered Defendant State Board of Education and Defendant Lucille Davy, Commissioner of Education, to establish, review and update educational standards to ensure that all children are provided the educational opportunity needed to equip them for the role of citizen and labor market competitor in the contemporary setting. N.J.S.A. 18A:7F-4(a) and (b).

Regulatory Requirements

71. On May 1, 1996, Defendant State Board of Education adopted Core Curriculum Content Standards to define the meaning of the State's constitutional guarantee that students shall be educated within a Thorough and Efficient system of free public schools. N.J.A.C. 6A:8-1.3.

72. In July 2002, April 2004, and October 2004, Defendant State Board of Education adopted by resolution revised Core Curriculum Content Standards.

73. Core Curriculum Content Standards "define what all students should know and be able to do by the end of their public school education." N.J.A.C. 6A:8-1.1(a).

74. Core Curriculum Content Standards "describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades." N.J.A.C. 6A:8-1.3.

75. Core Curriculum Content Standards were "established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30-1.4." N.J.A.C. 6A:8-1.3.

76. Core Curriculum Content Standards apply to "all students enrolled in

public elementary, secondary, and adult high school education programs.” N.J.A.C. 6A:8-1.2(a).

77. “Core Curriculum Content Standards specify expectations in nine academic content areas: the visual and performing arts, comprehensive health and physical education, language arts literacy, mathematics, science, social studies, world languages, technological literacy, and career education and consumer, family and life skills.” N.J.A.C. 6A:8-1.1(a)(1).

78. “Core Curriculum Content Standards are further delineated by cumulative progress indicators at benchmark grade levels. These cumulative progress indicators further clarify expectations for student achievement.” N.J.A.C. 6A:8-1.1(a)(2).

79. “Core Curriculum Content Standards including cumulative progress indicators, enable district boards of education to establish curriculum and instructional methodologies for the purpose of providing students with the constitutionally mandated system of ‘thorough’ public school instruction.” N.J.A.C. 6A:8-1.1(b).

80. A statewide assessment system of tests “is designed to measure student progress in the attainment of Core Curriculum Content Standards.” N.J.A.C. 6A:8-1.1(c).

81. The New Jersey Assessment of Knowledge and Skills (“NJASK”), administered to third and fourth graders, consists of two content areas: Language Arts Literacy and Mathematics. According to the New Jersey Department of Education the “NJASK is designed to give an early indication of the progress students are making in mastering the knowledge and skills described in the Core Curriculum Content Standards. The results are to be used by schools and districts to identify strengths and weaknesses in their educational programs. It is anticipated that this process will lead to improved instruction and better alignment with the Core Curriculum Content Standards in

kindergarten through grade four.”

82. The New Jersey Grade Eight Proficiency Assessment (“GEPA”) consists of three sections, Language Arts Literacy, Mathematics and Science. According to the New Jersey Department of Education the “GEPA is designed to give an indication of the progress students are making in mastering the knowledge and skills described in the Core Curriculum Content Standards for these areas.”

83. The High School Proficiency Assessment (“HSPA”), administered to eleventh grade students, consists of two sections: Mathematics and Language Arts Literacy. According to the New Jersey Department of Education the HSPA is “aligned with the [Core Curriculum] content standards and measures whether students have acquired the knowledge and skills contained in the Core Curriculum Content Standards necessary to graduate from high school.”

84. “The results of the Statewide assessments shall facilitate program evaluation based on student performance and shall enable district boards of education, the public, and government officials to evaluate the educational delivery system of all public schools.” N.J.A.C. 6A:8-1.1(d).

85. “District boards of education shall align their curriculum and instructional methodologies to assist all students in achieving Core Curriculum Content Standards and to prepare all students for employment or postsecondary study upon their graduation.” N.J.A.C. 6A:8-1.2(c).

86. “District boards of education shall ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the Core Curriculum Content Standards and shall ensure that appropriate instructional adaptations are designed and delivered for

students with disabilities, for students with limited English proficiency, and for students who are gifted and talented.” N.J.A.C. 6A:8-3.1(a).

87. “The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the Core Curriculum Content Standards.” N.J.A.C. 6A:8-4.1(b).

88. “District boards of education shall . . . administer the applicable Statewide assessments, including the five major components: the elementary assessment component for grades three through seven, the grade eight assessment component, the High School Proficiency Assessment (HSPA), the Special Review Assessment (SRA), and the Alternate Proficiency Assessment (APA).” N.J.A.C. 6A:8-4.1(c).

89. “All students at grade levels three through eight and 11-12. . . shall take all appropriate Statewide assessments as scheduled.” N.J.A.C. 6A:8-4.1(d).

90. “District boards of education shall maintain an accurate record of each student’s performance on Statewide assessments for review as required by the county superintendent of schools for school and district evaluation in accordance with N.J.A.C. 6A:30-1.4(a)2.

91. “Chief school administrators shall report the results of annual assessments to district boards of education within 30 days of receipt of information from the Department of Education.” N.J.C.A. 6A:8-4.3(a).

92. “District boards of education shall provide parents, students and citizens with the results of annual assessments according to N.J.A.C. 6A:8-4.2.” N.J.A.C. 6A:8-4.3(b).

93. “District boards of education shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of

student proficiency in any content area either on the Statewide or local assessments.”
N.J.A.C. 6A:8-4.3(c).

94. “All students shall be expected to demonstrate the knowledge and skills of the Core Curriculum Content Standards as measured by the Statewide assessment system.” N.J.A.C. 6A:8-4.3(d).

95. Defendant Department of Education “shall annually review individual school performance on applicable Statewide assessments relative to achieving the Core Curriculum Content Standards. . .” N.J.A.C. 6A:8-4.4(b).

96. Defendant district boards of education “shall ensure that each school which does not achieve State standards as determined by performance on applicable Statewide assessments develops and implements a school-level improvement plan including measurable objectives to address deficiencies identified by the assessments and to comply with any corresponding Federal sanctions.” N.J.A.C. 6A:8-4.4(b)(1).

97. Defendant Department of Education “shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting Core Curriculum Content Standards as measured by the Statewide assessment system by publishing and distributing the Department’s annual New Jersey School Report Card...”
N.J.A.C. 6A:8-4.5(a).

NEW JERSEY’S PUBLIC SCHOOLS

98. There are 2,413 public schools in New Jersey operating in 593 municipal school districts across 21 counties.

99. Plaintiff schoolchildren attend 96 schools in 25 municipal school districts spread across 16 counties.

100. Plaintiff schoolchildren are all subject to New Jersey’s compulsory

attendance law, N.J.S.A. 18A:38-25, which requires school-aged children to attend public school unless exempt under specific statutory authority.

101. Pursuant to N.J.S.A. 18A:8-1 each municipality in New Jersey is a separate school district and only public schools within the school district in which plaintiff schoolchildren are domiciled are free of charge pursuant to N.J.S.A. 18A:38-1.

102. Plaintiff schoolchildren and those they represent in defendants' school districts are assigned to particular schools primarily by residence. These children's educational opportunities are limited to the schools to which they are assigned.

Failing Schools

103. In March of this year the Department of Education released the 2005 New Jersey School Report Cards for every public school in the State. These School Report Cards present thirty-five fields of information involving school environment, students, student performance indicators, staff and district finances. The Department of Education encourages families to "examine your school's report card to decide for yourself whether your school is making satisfactory progress in helping your child meet New Jersey's Core Curriculum Content Standards."

104. Despite Defendants' implementation of Core Curriculum Content Standards ten years ago, Defendants have failed achievement of Core Curriculum Content Standards for the last two years or longer in the schools identified in this Complaint.

105. Despite Defendants' implementation of Core Curriculum Content Standards ten years ago, either 50% or more of the children taking a State assessment test are failing both of the sections (Language Arts and Mathematics) tested on that test, or, 75% or more of those children are failing one of those sections (Language Arts or Mathematics) tested on that test, in the schools identified in this Complaint.

106. Defendant Board of Education of Asbury Park spends approximately \$17,512 per student; and pays its teachers and administrators average salaries of \$49,280 and \$89,337, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Asbury Park is failing at the following rates according to its New Jersey School Report Card:

a. **Asbury Park Middle School**

In 2005, 85.3% or more students failed Mathematics and 79.7% or more failed Language Arts on the GEPA.

In 2004, 83.3% or more students failed Mathematics and 72.1% or more failed Language Arts on the GEPA.

107. Defendant Board of Education of Atlantic City spends approximately \$14,028 per student; and pays its teachers and administrators average salaries of \$57,575 and \$92,880, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in Atlantic City are failing at the following rates, according to its New Jersey School Report Card:

a. **New Jersey Avenue School**

In 2005, 63.0% or more students failed Mathematics and 54.5% or more failed Language Arts on the NJASK4.

In 2004, 73.9% or more students failed Mathematics and 55.7% or more failed Language Arts on the NJASK4.

b. **New York Avenue School**

In 2005, 65.8% or more students failed Mathematics and 55.3% or more failed Language Arts on the NJASK3.

In 2004, 85.3% or more students failed Mathematics and 72.5% or more failed Language Arts on the NJASK3.

In 2005, 65.0% or more students failed Mathematics and 56.9% or more failed Language Arts on the NJASK4.

In 2004, 76.8% or more students failed Mathematics and 58.9% or more failed Language Arts on the NJASK4.

In 2005, 81.7% or more students failed Mathematics and 77.6% or more failed Language Arts on the GEPA.

In 2004, 87.6% or more students failed Mathematics and 78.8% or more failed Language Arts on the GEPA.

c. Uptown School Complex

In 2005, 91.5% or more students failed Mathematics and 66.1% or more failed Language Arts on the GEPA.

In 2004, 85.9% or more students failed Mathematics and 66.3% or more failed Language Arts on the GEPA.

d. Dr. Martin Luther King, Jr., School Complex

In 2005, 80.5% or more students failed Mathematics and 66.2% or more failed Language Arts on the GEPA.

In 2004, 80.5% or more students failed Mathematics and 57.7% or more failed Language Arts on the GEPA.

108. Defendant Board of Education of Beverly City spends approximately \$14,544 per student; and pays its teachers and administrators average salaries of \$39,775 and \$104,086, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Beverly City is failing at the following rates, according to its New Jersey School Report Card:

a. Beverly School

In 2005, 63.9% or more students failed Mathematics and 64.9% or more failed Language Arts on the GEPA.

In 2004, 74.4% or more students failed Mathematics and 54.1% or more failed Language Arts on the GEPA.

109. Defendant Board of Education of Bound Brook spends approximately \$11,164 per student; and pays its teachers and administrators average salaries of \$50,190 and \$93,197, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Bound Brook is failing at the following rates, according to its New Jersey School Report Card:

a. **Bound Brook High School**

In 2005, 59.3% or more students failed Mathematics and 58.6% or more failed Language Arts on the GEPA.

In 2004, 70.3% or more students failed Mathematics and 51.5% or more failed Language Arts on the GEPA.

110. Defendant Board of Education of Bridgeton spends approximately \$13,721 per student; and pays its teachers and administrators average salaries of \$44,250 and \$82,300, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in Bridgeton are failing at the following rates, according to its New Jersey School Report Card:

a. **Broad Street School**

In 2005, 81.1% or more students failed Mathematics and 77.2% or more failed Language Arts on the GEPA.

In 2004, 78.7% or more students failed Mathematics and 64.3% or more failed Language Arts on the GEPA.

b. **Buckshutem Road School**

In 2005, 58.5% or more students failed Mathematics and 61.9% or more failed Language Arts on the NJASK3.

In 2004, 70.0% or more students failed Mathematics and 80.0% or more failed Language Arts on the NJASK3.

In 2005, 82.6% or more students failed Mathematics and 58.3% or more failed Language Arts on the NJASK4.

In 2004, 78.0% or more students failed Mathematics and 61.0% or more failed Language Arts on the NJASK4.

In 2005, 77.3% or more students failed Mathematics and 77.3% or more failed Language Arts on the GEPA.

In 2004, 86.2% or more students failed Mathematics and 78.6% or more failed Language Arts on the GEPA.

c. **Indian Avenue School**

In 2005, 70.6% or more students failed Mathematics and 54.9% or more failed Language Arts on the GEPA.

In 2004, 63.6% or more students failed Mathematics and 60.6% or more failed Language Arts on the GEPA.

d. **Cherry Street School**

In 2005, 68.6% or more students failed Mathematics and 52.1% or more failed Language Arts on the NJASK4.

In 2004, 84.6% or more students failed Mathematics and 62.3% or more failed Language Arts on the NJASK4.

In 2005, 92.6% or more students failed Mathematics and 81.1% or more failed Language Arts on the GEPA.

In 2004, 92.0% or more students failed Mathematics and 72.0% or more failed Language Arts on the GEPA.

c. **West Avenue School**

In 2005, 81.8% or more students failed Mathematics and 54.5% or more failed Language Arts on the GEPA.

In 2004, 86.7% or more students failed Mathematics and 56.7% or more failed Language Arts on the GEPA.

111. Defendant Board of Education of Camden spends approximately \$14,437 per student; and pays its teachers and administrators average salaries of \$54,164 and \$99,912, respectively, according to its 2005 New Jersey School Report Card. Upon

information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in Camden are failing at the following rates, according to its New Jersey School Report Card:

a. **Bonsall Family School**

In 2005, 76.1% or more students failed Mathematics and 52.2% or more failed Language Arts on the GEPA.

In 2004, 80.0% or more students failed Mathematics and 57.8% or more failed Language Arts on the GEPA.

b. **Camden High School**

In 2005, 80.4% or more students failed Mathematics and 64.7% or more failed Language Arts on the HSPA.

In 2004, 89.9% or more students failed Mathematics and 78.6% or more failed Language Arts on the HSPA.

c. **Cooper B. Hatch Middle School**

In 2005, 87.2% or more students failed Mathematics and 71.5% or more failed Language Arts on the GEPA.

In 2004, 78.4% or more students failed Mathematics and 67.4% or more failed Language Arts on the GEPA.

d. **Dudley Elementary School**

In 2005, 54.5% or more students failed Mathematics and 50.9% or more failed Language Arts on the NJASK4.

In 2004, 83.7% or more students failed Mathematics and 71.4% or more failed Language Arts on the NJASK4.

e. **East Camden Middle School**

In 2005, 86.5% or more students failed Mathematics and 73.9% or more failed Language Arts on the GEPA.

In 2004, 92.8% or more students failed Mathematics and 76.3% or more failed Language Arts on the GEPA.

f. **Morgan Village Middle School**

In 2005, 90.6% or more students failed Mathematics and 84.4% or more failed Language Arts on the GEPA.

In 2004, 96.5% or more students failed Mathematics and 80.9% or more failed Language Arts on the GEPA.

g. **Pyne Point Middle School**

In 2005, 92.0% or more students failed Mathematics and 83.2% or more failed Language Arts on the GEPA.

In 2004, 93.9% or more students failed Mathematics and 81.0% or more failed Language Arts on the GEPA.

h. **Veterans Memorial Middle School**

In 2005, 85.9% or more students failed Mathematics and 68.7% or more failed Language Arts on the GEPA.

In 2004, 86.7% or more students failed Mathematics and 72.6% or more failed Language Arts on the GEPA.

i. **Woodrow Wilson High School**

In 2005, 83.3% or more students failed Mathematics and 68.5% or more failed Language Arts on the HSPA.

In 2004, 81.0% or more students failed Mathematics and 61.9% or more failed Language Arts on the HSPA.

112. Defendant Board of Education of Clementon Borough spends approximately \$10,571 per student; and pays its teachers and administrators average salaries of \$48,490 and \$69,200, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Clementon Borough is failing at the following rates, according to its New Jersey School Report Card:

a. **Clementon Elementary School**

In 2005, 59.6% or more students failed Mathematics and 57.7% or more failed Language Arts on the GEPA.

In 2004, 55.6% or more students failed Mathematics and 51.9% or more failed Language Arts on the GEPA.

113. Defendant Board of Education of East Orange spends approximately \$14,286 per student; and pays its teachers and administrators average salaries of \$68,800 and \$116,185, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in East Orange are failing at the following rates, according to its New Jersey School Report Card:

a. **Cicely Tyson Middle School**

In 2005, 81.6% or more students failed Mathematics and 61.0% or more failed Language Arts on the GEPA.

In 2004, 83.4% or more students failed Mathematics and 75.8% or more failed Language Arts on the GEPA.

b. **John L. Costley Middle School**

In 2005, 79.6% or more students failed Mathematics and 68.9% or more failed Language Arts on the GEPA.

In 2004, 70.4% or more students failed Mathematics and 67.1% or more failed Language Arts on the GEPA.

c. **Patrick Francis Healy Middle School**

In 2005, 82.8% or more students failed Mathematics and 70.7% or more failed Language Arts on the GEPA.

In 2004, 85.2% or more students failed Mathematics and 68.4% or more failed Language Arts on the GEPA.

d. **Sojourner Truth Middle School**

In 2005, 80.6% or more students failed Mathematics and 63.8% or more failed Language Arts on the GEPA.

In 2004, 67.6% or more students failed Mathematics and 71.8% or more failed Language Arts on the GEPA.

114. Defendant Board of Education of Elizabeth spends approximately

\$16,335 per student; and pays its teachers and administrators average salaries of \$47,291 and \$94,778, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Elizabeth is failing at the following rate, according to its New Jersey School Report Card:

a. **George Washington School No. 1**

In 2005, 60.3% or more students failed Mathematics and 52.3% or more failed Language Arts on the NJASK3.

In 2004, 73.5% or more students failed Mathematics and 68.5% or more failed Language Arts on the NJASK3.

In 2005, 79.0% or more students failed Mathematics and 62.1% or more failed Language Arts on the NJASK4.

In 2004, 85.0% or more students failed Mathematics and 68.6% or more failed Language Arts on the NJASK4.

b. **Theodore Roosevelt School No. 17**

In 2005, 78.4% or more students failed Mathematics and 50.9% or more failed Language Arts on the GEPA.

In 2004, 75.7% or more students failed Mathematics and 50.3% or more failed Language Arts on the GEPA.

c. **Marquis de Lafayette School No. 6**

In 2005, 74.5% or more students failed Mathematics and 53.6% or more failed Language Arts on the GEPA.

In 2004, 68.8% or more students failed Mathematics and 61.4% or more failed Language Arts on the GEPA.

d. **Grover Cleveland School No. 70**

In 2005, 86.7% or more students failed Mathematics and 78.7% or more failed Language Arts on the GEPA.

In 2004, 80.1% or more students failed Mathematics and 72.5% or more failed Language Arts on the GEPA.

c. **Mabel G. Holmes School No. 71**

In 2005, 86.3% or more students failed Mathematics and 74.3% or more failed Language Arts on the GEPA.

In 2004, 84.2% or more students failed Mathematics and 67.7% or more failed Language Arts on the GEPA.

f. **Alexander Hamilton School No. 72**

In 2005, 69.0% or more students failed Mathematics and 57.0% or more failed Language Arts on the GEPA.

In 2004, 73.5% or more students failed Mathematics and 62.3% or more failed Language Arts on the GEPA.

g. **Christa McAuliff School No. 77**

In 2005, 64.1% or more students failed Mathematics and 61.1% or more failed Language Arts on the GEPA.

In 2004, 64.0% or more students failed Mathematics and 53.7% or more failed Language Arts on the GEPA.

115. Defendant Board of Education of Englewood City spends approximately \$19,194 per student; and pays its teachers and administrators average salaries of \$57,580 and \$106,217 respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Englewood City is failing at the following rates, according to its New Jersey School Report Card:

a. **Janis E. Dismus Middle School**

In 2005, 69.5% or more students failed Mathematics and 50.5% or more failed Language Arts on the GEPA.

In 2004, 64.1% or more students failed Mathematics and 59.1% or more failed Language Arts on the GEPA.

116. Defendant Board of Education of Irvington Township spends approximately \$12,624 per student; and pays its teachers and administrators average

salaries of \$53,827 and \$96,705, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in Irvington are failing at the following rates, according to its New Jersey School Report Card:

a. **Irvington High School**

In 2005, 75.3% or more students failed Mathematics and 45.0% or more failed Language Arts on the HSPA.

In 2004, 83.3% or more students failed Mathematics and 48.6% or more failed Language Arts on the HSPA.

b. **University Middle School**

In 2005, 83.7% or more students failed Mathematics and 67.4% or more failed Language Arts on the GEPA.

In 2004, 85.7% or more students failed Mathematics and 74.8% or more failed Language Arts on the GEPA.

c. **Union Avenue Middle School**

In 2005, 80.2% or more students failed Mathematics and 58.8% or more failed Language Arts on the GEPA.

In 2004, 79.7% or more students failed Mathematics and 57.0% or more failed Language Arts on the GEPA.

117. Defendant Board of Education of Jersey City spends approximately \$14,718 per student; and pays its teachers and administrators average salaries of \$44,420 and \$102,662, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Jersey City is failing at the following rate, according to its New Jersey School Report Card:

a. **Ollie E. Culbreth, Jr. School No. 14**

In 2005, 57.1% or more students failed Mathematics and 54.2% or more failed Language Arts on the NJASK3.

In 2004, 67.2% or more students failed Mathematics and 55.2% or more failed Language Arts on the NJASK3.

In 2005, 78.0% or more students failed Mathematics and 58.8% or more failed Language Arts on the GEPA.

In 2004, 80.2% or more students failed Mathematics and 71.4% or more failed Language Arts on the GEPA.

b. Dr. Charles P. DeFuccio School No. 39

In 2005, 71.8% or more students failed Mathematics and 63.2% or more failed Language Arts on the NJASK4.

In 2004, 90.2% or more students failed Mathematics and 72.0% or more failed Language Arts on the NJASK4.

In 2005, 69.2% or more students failed Mathematics and 64.0% or more failed Language Arts on the GEPA.

In 2004, 73.2% or more students failed Mathematics and 68.5% or more failed Language Arts on the GEPA.

c. Rev. Dr. Ercel F. Webb School No. 22

In 2005, 57.8% or more students failed Mathematics and 53.2% or more failed Language Arts on the NJASK3.

In 2004, 74.7% or more students failed Mathematics and 69.3% or more failed Language Arts on the NJASK3.

In 2005, 60.0% or more students failed Mathematics and 50.6% or more failed Language Arts on the NJASK4.

In 2004, 81.3% or more students failed Mathematics and 59.4% or more failed Language Arts on the NJASK4.

In 2005, 79.0% or more students failed Mathematics and 64.1% or more failed Language Arts on the GEPA.

In 2004, 67.1% or more students failed Mathematics and 75.3% or more failed Language Arts on the GEPA.

d. Fred W. Martin School No. 41

In 2005, 60.0% or more students failed Mathematics and 45.8% or more failed Language Arts on the NJASK3.

In 2004, 70.8% or more students failed Mathematics and

63.9% or more failed Language Arts on the NJASK3.

In 2005, 63.5% or more students failed Mathematics and 48.6% or more failed Language Arts on the NJASK4.

In 2004, 78.0% or more students failed Mathematics and 59.3% or more failed Language Arts on the NJASK4.

In 2005, 86.2% or more students failed Mathematics and 78.3% or more failed Language Arts on the GEPA.

In 2004, 89.6% or more students failed Mathematics and 66.7% or more failed Language Arts on the GEPA.

c. **Henry Snyder High School**

In 2005, 77.6% or more students failed Mathematics and 49.7% or more failed Language Arts on the HSPA.

In 2004, 79.8% or more students failed Mathematics and 52.2% or more failed Language Arts on the HSPA.

118. Defendant Board of Education of Lakewood Township spends approximately \$14,575 per student; and pays its teachers and administrators average salaries of \$46,011 and \$102,073 respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Lakewood Township is failing at the following rates, according to its New Jersey School Report Card:

a. **Lakewood Middle School**

In 2005, 58.0% or more students failed Mathematics and 54.5% or more failed Language Arts on the GEPA.

In 2004, 60.1% or more students failed Mathematics and 60.3% or more failed Language Arts on the GEPA.

119. Defendant Board of Education of Lawnside Borough spends approximately \$14,310 per student; and pays its teachers and administrators average salaries of \$49,308 and \$70,821 respectively, according to its 2005 New Jersey School

Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in Lawnside Borough are failing at the following rates, according to its New Jersey School Report Card:

a. **Lawnside Public School**

In 2005, 66.7% or more students failed Mathematics and 57.6% or more failed Language Arts on the GEPA.

In 2004, 74.6% or more students failed Mathematics and 74.6% or more failed Language Arts on the GEPA.

120. Defendant Board of Education of Millville City spends approximately \$12,431 per student; and pays its teachers and administrators average salaries of \$56,595 and \$88,055 respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Millville City is failing at the following rates, according to its New Jersey School Report Card:

a. **Memorial High School**

In 2005, 63.3% or more students failed Mathematics and 53.5% or more failed Language Arts on the GEPA.

In 2004, 68.3% or more students failed Mathematics and 52.4% or more failed Language Arts on the GEPA.

121. Defendant Board of Education of New Brunswick spends approximately \$15,317 per student; and pays its teachers and administrators average salaries of \$55,153 and \$98,413 respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in New Brunswick are failing at the following rates, according to its New Jersey School Report Card:

a. **Livingston Elementary School**

In 2005, 51.3% or more students failed Mathematics and 54.1% or more failed Language Arts on the GEPA.

In 2004, 53.7% or more students failed Mathematics and 56.1% or more failed Language Arts on the GEPA.

b. **Lord Stirling Community School**

In 2005, 56.6% or more students failed Mathematics and 59.5% or more failed Language Arts on the NJASK3.

In 2004, 80.0% or more students failed Mathematics and 62.9% or more failed Language Arts on the NJASK3.

In 2005, 58.8% or more students failed Mathematics and 55.1% or more failed Language Arts on the NJASK4.

In 2004, 81.8% or more students failed Mathematics and 58.9% or more failed Language Arts on the NJASK4.

c. **Paul Robeson Community School**

In 2005, 64.1% or more students failed Mathematics and 51.3% or more failed Language Arts on the GEPA.

In 2004, 59.5% or more students failed Mathematics and 57.1% or more failed Language Arts on the GEPA.

122. Defendant Board of Education of Newark spends approximately \$15,723 per student; and pays its teachers and administrators average salaries of \$76,213 and \$105,471, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in Newark are failing at the following rates, according to its New Jersey School Report Card:

a. **Avon Avenue School**

In 2005, 64.6% or more students failed Mathematics and 55.3% or more failed Language Arts on the NJASK3.

In 2004, 83.1% or more students failed Mathematics and

55.9% or more failed Language Arts on the NJASK3.

In 2005, 73.7% or more students failed Mathematics and 61.8% or more failed Language Arts on the NJASK4.

In 2004, 80.3% or more students failed Mathematics and 57.9% or more failed Language Arts on the NJASK4.

In 2005, 91.4% or more students failed Mathematics and 80.0% or more failed Language Arts on the GEPA.

In 2004, 82.1% or more students failed Mathematics and 71.6% or more failed Language Arts on the GEPA.

b. Belmont Runyon

In 2005, 58.3% or more students failed Mathematics and 67.9% or more failed Language Arts on the NJASK3.

In 2004, 71.0% or more students failed Mathematics and 57.6% or more failed Language Arts on the NJASK3.

In 2005, 75.3% or more students failed Mathematics and 58.1% or more failed Language Arts on the NJASK4.

In 2004, 64.1% or more students failed Mathematics and 50.8% or more failed Language Arts on the NJASK4.

c. Bragaw Avenue School

In 2005, 70.7% or more students failed Mathematics and 73.2% or more failed Language Arts on the NJASK3.

In 2004, 62.2% or more students failed Mathematics and 61.4% or more failed Language Arts on the NJASK3.

In 2005, 74.4% or more students failed Mathematics and 51.2% or more failed Language Arts on the NJASK4.

In 2004, 89.1% or more students failed Mathematics and 73.9% or more failed Language Arts on the NJASK4.

In 2005, 76.7% or more students failed Mathematics and 44.2% or more failed Language Arts on the GEPA.

In 2004, 80.4% or more students failed Mathematics and 62.7% or more failed Language Arts on the GEPA.

d. **Broadway Elementary School**

In 2005, 74.5% or more students failed Mathematics and 61.4% or more failed Language Arts on the NJASK4.

In 2004, 74.5% or more students failed Mathematics and 65.9% or more failed Language Arts on the NJASK4.

e. **William H. Brown Academy**

In 2005, 94.5% or more students failed Mathematics and 67.5% or more failed Language Arts on the GEPA.

In 2004, 92.1% or more students failed Mathematics and 82.0% or more failed Language Arts on the GEPA.

f. **Burnet Street School**

In 2005, 86.3% or more students failed Mathematics and 69.4% or more failed Language Arts on the GEPA.

In 2004, 83.3% or more students failed Mathematics and 68.3% or more failed Language Arts on the GEPA.

g. **Chancellor Avenue School/Annex**

In 2005, 86.4% or more students failed Mathematics and 55.7% or more failed Language Arts on the GEPA.

In 2004, 79.2% or more students failed Mathematics and 61.1% or more failed Language Arts on the GEPA.

h. **Dayton Street School**

In 2005, 58.1% or more students failed Mathematics and 53.5% or more failed Language Arts on the NJASK3.

In 2004, 78.0% or more students failed Mathematics and 62.5% or more failed Language Arts on the NJASK3.

In 2005, 70.7% or more students failed Mathematics and 78.6% or more failed Language Arts on the NJASK4.

In 2004, 71.4% or more students failed Mathematics and 61.8% or more failed Language Arts on the NJASK4.

In 2005, 88.1% or more students failed Mathematics and 83.7% or more failed Language Arts on the GEPA.

In 2004, 89.9% or more students failed Mathematics and 77.1% or more failed Language Arts on the GEPA.

i. **Dr. E. Alma Flagg School**

In 2005, 87.0% or more students failed Mathematics and 73.0% or more failed Language Arts on the GEPA.

In 2004, 81.3% or more students failed Mathematics and 70.8% or more failed Language Arts on the GEPA.

j. **George Washington Carver School of Science and Technology**

In 2005, 70.3% or more students failed Mathematics and 71.3% or more failed Language Arts on the NJASK3.

In 2004, 73.4% or more students failed Mathematics and 62.0% or more failed Language Arts on the NJASK3.

In 2005, 67.8% or more students failed Mathematics and 61.8% or more failed Language Arts on the NJASK4.

In 2004, 71.3% or more students failed Mathematics and 52.3% or more failed Language Arts on the NJASK4.

In 2005, 89.9% or more students failed Mathematics and 69.8% or more failed Language Arts on the GEPA.

In 2004, 93.3% or more students failed Mathematics and 75.4% or more failed Language Arts on the GEPA.

k. **Hawthorne Avenue School**

In 2005, 71.4% or more students failed Mathematics and 55.1% or more failed Language Arts on the NJASK4.

In 2004, 80.3% or more students failed Mathematics and 60.6% or more failed Language Arts on the NJASK4.

In 2005, 76.7% or more students failed Mathematics and 60.5% or more failed Language Arts on the GEPA.

In 2004, 63.3% or more students failed Mathematics and 71.4% or more failed Language Arts on the GEPA.

l. **Dr. William H. Horton School**

In 2005, 55.8% or more students failed Mathematics and

56.0% or more failed Language Arts on the NJASK4.

In 2004, 58.8% or more students failed Mathematics and 55.8% or more failed Language Arts on the NJASK4.

In 2005, 66.7% or more students failed Mathematics and 61.1% or more failed Language Arts on the GEPA.

In 2004, 63.0% or more students failed Mathematics and 63.6% or more failed Language Arts on the GEPA.

m. **Dr. Martin Luther King, Jr. School**

In 2005, 55.2% or more students failed Mathematics and 53.0% or more failed Language Arts on the NJASK3.

In 2004, 67.5% or more students failed Mathematics and 57.9% or more failed Language Arts on the NJASK3.

In 2005, 92.2% or more students failed Mathematics and 83.1% or more failed Language Arts on the GEPA.

In 2004, 82.6% or more students failed Mathematics and 57.4% or more failed Language Arts on the GEPA.

n. **Miller Street Academy**

In 2005, 62.7% or more students failed Mathematics and 56.1% or more failed Language Arts on the GEPA.

In 2004, 60.4% or more students failed Mathematics and 65.1% or more failed Language Arts on the GEPA.

o. **Morton Street Middle School**

In 2005, 84.6% or more students failed Mathematics and 65.2% or more failed Language Arts on the GEPA.

In 2004, 74.7% or more students failed Mathematics and 65.1% or more failed Language Arts on the GEPA.

p. **Newton Street School of Humanities**

In 2005, 75.4% or more students failed Mathematics and 67.7% or more failed Language Arts on the GEPA.

In 2004, 77.6% or more students failed Mathematics and 74.0% or more failed Language Arts on the GEPA.

q. **Rafael Hernandez Elementary School**

In 2005, 82.9% or more students failed Mathematics and 71.5% or more failed Language Arts on the GEPA.

In 2004, 76.4% or more students failed Mathematics and 77.0% or more failed Language Arts on the GEPA.

r. **Renaissance Academy**

In 2005, 91.1% or more students failed Mathematics and 86.5% or more failed Language Arts on the GEPA.

In 2004, 95.2% or more students failed Mathematics and 95.1% or more failed Language Arts on the GEPA.

In 2005, 87.3% or more students failed Mathematics and 82.3% or more failed Language Arts on the HSPA.

In 2004, 86.3% or more students failed Mathematics and 72.7% or more failed Language Arts on the HSPA.

s. **Gladys Hillman-Jones School**

In 2005, 80.8% or more students failed Mathematics and 55.9% or more failed Language Arts on the GEPA.

In 2004, 72.4% or more students failed Mathematics and 56.3% or more failed Language Arts on the GEPA.

t. **South Seventeenth Street School**

In 2005, 52.9% or more students failed Mathematics and 61.8% or more failed Language Arts on the NJASK3.

In 2004, 64.2% or more students failed Mathematics and 64.8% or more failed Language Arts on the NJASK3.

In 2005, 87.7% or more students failed Mathematics and 65.4% or more failed Language Arts on the GEPA.

In 2004, 74.5% or more students failed Mathematics and 80.0% or more failed Language Arts on the GEPA.

u. **Barringer High School**

In 2005, 83.1% or more students failed Mathematics and 68.7% or more failed Language Arts on the HSPA.

In 2004, 92.1% or more students failed Mathematics and 74.6% or more failed Language Arts on the HSPA.

v. **East Side High School**

In 2005, 59.1% or more students failed Mathematics and 53.3% or more failed Language Arts on the HSPA.

In 2004, 75.7% or more students failed Mathematics and 61.7% or more failed Language Arts on the HSPA.

w. **Malcolm X. Shabazz High School**

In 2005, 81.4% or more students failed Mathematics and 53.2% or more failed Language Arts on the HSPA.

In 2004, 86.9% or more students failed Mathematics and 60.0% or more failed Language Arts on the HSPA.

x. **Weequahic High School**

In 2005, 79.7% or more students failed Mathematics and 53.1% or more failed Language Arts on the HSPA.

In 2004, 79.6% or more students failed Mathematics and 56.7% or more failed Language Arts on the HSPA.

y. **Central High School**

In 2005, 80.0% or more students failed Mathematics and 71.7% or more failed Language Arts on the HSPA.

In 2004, 77.0% or more students failed Mathematics and 69.4% or more failed Language Arts on the HSPA.

123. Defendant Board of Education of Orange spends approximately \$13,148 per student; and pays its teachers and administrators average salaries of \$46,232 and \$80,997 respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Orange is failing at the following rates, according to its New Jersey School Report Card:

a. **Orange Middle School**

In 2005, 81.1% or more students failed Mathematics and 69.0% or more failed Language Arts on the GEPA.

In 2004, 79.7% or more students failed Mathematics and 68.3% or more failed Language Arts on the GEPA.

124. Defendant Board of Education of Paterson spends approximately \$13,904 per student; and pays its teachers and administrators average salaries of \$46,500 and \$105,000, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in Paterson are failing at the following rates, according to its New Jersey School Report Card:

a. **Dr. Frank Napier, Jr. School No. 4**

In 2005, 80.3% or more students failed Mathematics and 67.9% or more failed Language Arts on the GEPA.

In 2004, 77.0% or more students failed Mathematics and 69.4% or more failed Language Arts on the GEPA.

b. **School No. 5**

In 2005, 66.3% or more students failed Mathematics and 50.8% or more failed Language Arts on the GEPA.

In 2004, 63.8% or more students failed Mathematics and 55.0% or more failed Language Arts on the GEPA.

c. **School No. 6**

In 2005, 71.4% or more students failed Mathematics and 66.1% or more failed Language Arts on the NJASK4.

In 2004, 80.3% or more students failed Mathematics and 71.4% or more failed Language Arts on the NJASK4.

In 2005, 86.6% or more students failed Mathematics and 87.5% or more failed Language Arts on the GEPA.

In 2004, 79.4% or more students failed Mathematics and

86.6% or more failed Language Arts on the GEPA.

d. **Alexander Hamilton Environmental Institute at School No. 7**

In 2005, 62.5% or more students failed Mathematics and 61.4% or more failed Language Arts on the GEPA.

In 2004, 56.6% or more students failed Mathematics and 56.6% or more failed Language Arts on the GEPA.

e. **School No. 8**

In 2005, 71.2% or more students failed Mathematics and 64.6% or more failed Language Arts on the GEPA.

In 2004, 73.2% or more students failed Mathematics and 68.1% or more failed Language Arts on the GEPA.

f. **School No. 10**

In 2005, 54.3% or more students failed Mathematics and 56.8% or more failed Language Arts on the NJASK3.

In 2004, 55.7% or more students failed Mathematics and 61.3% or more failed Language Arts on the NJASK3.

In 2005, 58.6% or more students failed Mathematics and 63.5% or more failed Language Arts on the NJASK4.

In 2004, 75.3% or more students failed Mathematics and 59.6% or more failed Language Arts on the NJASK4.

In 2005, 77.9% or more students failed Mathematics and 63.1% or more failed Language Arts on the GEPA.

In 2004, 69.3% or more students failed Mathematics and 63.6% or more failed Language Arts on the GEPA.

g. **School No. 12**

In 2005, 85.7% or more students failed Mathematics and 68.9% or more failed Language Arts on the GEPA.

In 2004, 72.9% or more students failed Mathematics and 66.1% or more failed Language Arts on the GEPA.

h. **School No. 15**

In 2005, 63.5% or more students failed Mathematics and

51.7% or more failed Language Arts on the NJASK4.

In 2004, 75.2% or more students failed Mathematics and 60.0% or more failed Language Arts on the NJASK4.

In 2005, 84.8% or more students failed Mathematics and 69.4% or more failed Language Arts on the GEPA.

In 2004, 77.2% or more students failed Mathematics and 64.7% or more failed Language Arts on the GEPA.

i. **School No. 20**

In 2005, 61.9% or more students failed Mathematics and 60.3% or more failed Language Arts on the NJASK4.

In 2004, 68.7% or more students failed Mathematics and 56.7% or more failed Language Arts on the NJASK4.

In 2005, 77.8% or more students failed Mathematics and 67.1% or more failed Language Arts on the GEPA.

In 2004, 72.6% or more students failed Mathematics and 51.2% or more failed Language Arts on the GEPA.

j. **School No. 26**

In 2005, 72.0% or more students failed Mathematics and 61.1% or more failed Language Arts on the GEPA.

In 2004, 63.2% or more students failed Mathematics and 58.2% or more failed Language Arts on the GEPA.

125. Defendant Board of Education of Perth Amboy spends approximately \$13,117 per student; and pays its teachers and administrators average salaries of \$46,350 and \$103,562 respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Perth Amboy is failing at the following rates, according to its New Jersey School Report Card:

a. **William C. McGinnis Middle School**

In 2005, 68.9% or more students failed Mathematics and

55.4% or more failed Language Arts on the GEPA.

In 2004, 66.6% or more students failed Mathematics and 61.8% or more failed Language Arts on the GEPA.

126. Defendant Board of Education of Salem City spends approximately \$11,410 per student; and pays its teachers and administrators average salaries of \$43,825 and \$71,888 respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Salem City is failing at the following rates, according to its New Jersey School Report Card:

a. **Salem Middle School**

In 2005, 57.6% or more students failed Mathematics and 53.8% or more failed Language Arts on the NJASK4.

In 2004, 69.4% or more students failed Mathematics and 56.3% or more failed Language Arts on the NJASK4.

In 2005, 69.7% or more students failed Mathematics and 68.2% or more failed Language Arts on the GEPA.

In 2004, 88.5% or more students failed Mathematics and 85.9% or more failed Language Arts on the GEPA.

127. Defendant Board of Education of Trenton spends approximately \$14,599 per student; and pays its teachers and administrators average salaries of \$66,790 and \$98,875, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following schools in Trenton are failing at the following rates, according to its New Jersey School Report Card:

a. **Hedgepeth-Williams Middle School**

In 2005, 93.3% or more students failed Mathematics and 83.6% or more failed Language Arts on the GEPA.

In 2004, 84.6% or more students failed Mathematics and 76.2% or more failed Language Arts on the GEPA.

b. **Luis Munoz-Rivera Elementary School**

In 2005, 92.9% or more students failed Mathematics and 67.9% or more failed Language Arts on the GEPA.

In 2004, 91.3% or more students failed Mathematics and 72.7% or more failed Language Arts on the GEPA.

c. **Dr. Martin Luther King, Jr. Middle School**

In 2005, 92.8% or more students failed Mathematics and 80.4% or more failed Language Arts on the GEPA.

In 2004, 94.4% or more students failed Mathematics and 83.3% or more failed Language Arts on the GEPA.

d. **Monument Elementary School**

In 2005, 72.2% or more students failed Mathematics and 58.3% or more failed Language Arts on the NJASK3.

In 2004, 65.0% or more students failed Mathematics and 51.3% or more failed Language Arts on the NJASK3.

In 2005, 76.1% or more students failed Mathematics and 59.6% or more failed Language Arts on the NJASK4.

In 2004, 75.6% or more students failed Mathematics and 64.4% or more failed Language Arts on the NJASK4.

c. **Patton J. Hill School**

In 2005, 57.8% or more students failed Mathematics and 53.2% or more failed Language Arts on the NJASK3.

In 2004, 70.4% or more students failed Mathematics and 63.4% or more failed Language Arts on the NJASK3.

In 2005, 52.7% or more students failed Mathematics and 50.7% or more failed Language Arts on the NJASK4.

In 2004, 78.3% or more students failed Mathematics and 58.2% or more failed Language Arts on the NJASK4.

f. **Robbins School**

In 2005, 58.8% or more students failed Mathematics and 56.1% or more failed Language Arts on the NJASK4.

In 2004, 61.1% or more students failed Mathematics and 52.8% or more failed Language Arts on the NJASK4.

g. **Grace A. Dunn Middle School**

In 2005, 83.4% or more students failed Mathematics and 68.2% or more failed Language Arts on the GEPA.

In 2004, 85.8% or more students failed Mathematics and 81.8% or more failed Language Arts on the GEPA.

128. Defendant Board of Education of Wildwood spends approximately \$18,030 per student; and pays its teachers and administrators average salaries of \$79,300 and \$56,241, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Wildwood is failing at the following rate, according to its New Jersey School Report Card:

a. **Wildwood Middle School**

In 2005, 79.2% or more students failed Mathematics and 68.1% or more failed Language Arts on the GEPA.

In 2004, 85.9% or more students failed Mathematics and 68.3% or more failed Language Arts on the GEPA.

129. Defendant Board of Education of Woodbine spends an average of \$11,516 per student; and pays its teachers and administrators average salaries of \$61,123 and \$87,000, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Woodbine is failing at the following rate, according to its New Jersey School Report Card:

a. **Woodbine Elementary School**

In 2005, 90.0% or more students failed Mathematics and 58.6% or more failed Language Arts on the GEPA.

In 2004, 83.3% or more students failed Mathematics and 70.0% or more failed Language Arts on the GEPA.

130. Defendant Board of Education of Woodlynne Borough spends approximately \$10,078 per student; and pays its teachers and administrators average salaries of \$40,494 and \$71,789, respectively, according to its 2005 New Jersey School Report Card. Upon information and belief, this defendant actually spends more than this reported amount per student. Yet, the following school in Woodlynne Borough is failing at the following rate, according to its New Jersey School Report Card:

a. **Woodlynne School**

In 2005, 56.3% or more students failed Mathematics and 58.3% or more failed Language Arts on the NJASK4.

In 2004, 77.6% or more students failed Mathematics and 44.8% or more failed Language Arts on the NJASK4.

In 2005, 58.9% or more students failed Mathematics and 58.9% or more failed Language Arts on the GEPA.

In 2004, 65.4% or more students failed Mathematics and 60.8% or more failed Language Arts on the GEPA.

Failed Schoolchildren

131. Plaintiff schoolchildren compelled to attend these schools are being deprived of a thorough and efficient education and the equal protection of the law. The schools named in the preceding paragraphs – operated and supervised by the Defendants – are not providing a thorough and efficient education as required by the Constitution, and the laws and regulations of the State of New Jersey because more than 50% of the students taking one of their Statewide assessments are failing both sections of that assessment, or,

75% of the same students are failing one section of the assessment.

132. Plaintiff schoolchildren are consigned to these failing schools which consistently and repeatedly fail to achieve proficiency in Core Curriculum Content Standards. These schools – operated and supervised by the Defendants – fail to impart a thorough and efficient education because they do not consistently or effectively provide the basic skills or knowledge necessary for children to achieve CCCS – the State’s educational standards. As a result, these schools – operated and supervised by the Defendants – fail to fulfill the State’s constitutional obligation to educate plaintiff schoolchildren and equip them to participate as informed citizens or productive members of society.

133. Defendants supervise and operate plaintiff schoolchildren’s school districts and schools, which have the worst record of educating children in the State of New Jersey over the last two or more years.

134. By all objective criteria measuring school success, Defendants’ schools generally rank at or near the bottom in comparison to other public schools in New Jersey according to their New Jersey School Report Cards, issued pursuant to N.J.S.A. 18A:7E-2 through -4. These measurements demonstrate that plaintiffs’ schools are failing to provide a thorough and efficient education.

135. Defendants are also graduating a majority of the students in their failing high schools by lowering their standards, through the Standards Review Assessment or other means. According to the 2005 New Jersey School Report Cards:

- a. only 27.4% of the graduating students at Henry Snyder High School in Jersey City graduate by passing the standard Statewide assessment exam;
- b. only 21.2% of the graduating students at Barringer High

- School in Newark graduate by passing the standard Statewide assessment exam;
- c. only 20.5% of the graduating students at Central High School in Newark graduate by passing the standard Statewide assessment exam;
 - d. only 20.3% of the graduating students at Woodrow Wilson High School in Camden graduate by passing the standard Statewide assessment exam;
 - e. only 20.0% of the graduating students at Camden High School in Camden graduate by passing the standard Statewide assessment exam;
 - f. only 18.3% of the graduating students at Weequahic High School in Newark graduate by passing the standard Statewide assessment exam; and
 - g. only 7.4% of the graduating students at Renaissance Academy in Newark graduate by passing the standard Statewide assessment exam.

136. The deprivation of a thorough and efficient education described herein is attributable to the actions and omissions of the defendants, who are charged with the responsibility of providing and ensuring constitutionally adequate educational opportunities to plaintiff schoolchildren.

137. Defendants have failed to provide or maintain a system of public education in which plaintiff schoolchildren have a basic or equal opportunity to obtain constitutionally adequate instruction. All of defendants' actions and omissions in failing to

provide equal educational opportunities for a thorough and efficient education are under color of state law.

138. Defendants' failing schools also tend to be located in minority and/or low income communities. Low-income and/or minority parents are at a particular disadvantage in this system since they typically lack political influence or resources to significantly impact school policies, to hold educators accountable, or to choose where to send their children to school.

139. Time is extremely precious for plaintiff schoolchildren. Each day, month, and year spent in constitutionally deficient schools is an opportunity lost forever. No amount of compensation can restore these lost opportunities. The harm these failing schools cause to plaintiff schoolchildren's educational growth, social development and prospects for the future is severe and irreparable.

140. The deficiencies in plaintiffs' schools are systemic and cannot be cured by superficial reforms. Thirteen of the twenty-five school board defendants operate *Abbott* districts which were subject to substantial reforms and increased state funding for over a decade, yet they continue to fail the children they serve.

141. The absence of meaningful accountability in the organization of these schools perpetuates the practices within these schools that are constitutionally failing plaintiff schoolchildren. Additionally, excessive political influences, massive bureaucratization, overregulation, overcrowding, insufficient opportunities for parental involvement and influence, and insufficient teacher autonomy have become part and parcel of the system, and further contribute to the intransigence that perpetuates failure year after year. In the absence of meaningful accountability, spending more money cannot significantly improve the pattern of failure. A constitutionally adequate system of education

cannot be maintained so long as plaintiff schoolchildren lack meaningful choice to exit the public school that is failing them in favor of a successful school. As long as plaintiff schoolchildren are forced to attend and return to perpetually failing schools, Defendants and the officials who operate these schools are not held accountable for their failures. Plaintiff schoolchildren need and are entitled to an immediate and effective remedy that gives them access to constitutionally adequate educational opportunities today. The remedy plaintiff schoolchildren seek is public and private school choice.

142. In many instances there will be insufficient successful public schools within a child's school district to accommodate all of the students who exercise the right to leave their failing schools. These children should be allowed a full-range of choices, including out of district public schools and private schools. Private schools often provide educational life-preservers for children in failing schools and competition from private schools benefit children who remain in public schools. Even if district boundaries and mandatory attendance zones are eliminated as a basis for assigning students to failing schools, insufficient alternatives may exist within a reasonable distance from a child's home unless private schools are included.

143. Under these circumstances, the appropriate remedy is for this Court to declare enforcement of district boundaries and mandatory attendance zones unconstitutional when those boundaries and zones trap plaintiff schoolchildren in failing schools, and for this Court to enter an Order enabling plaintiff schoolchildren to leave their failing public schools with their share of state and local district funding to attend schools of their choice that will provide them with a constitutionally adequate thorough and efficient education.

CAUSES OF ACTION

Count One

Violation of State Constitutional Guarantee to a Thorough and Efficient Education

144. Plaintiffs repeat and re-allege paragraphs 1 through 143.

145. Article 8, Section 4, Paragraph 1 of the Constitution of the State of New Jersey entitles every school-aged child to a thorough and efficient education.

146. Plaintiff schoolchildren enrolled in failing schools are deprived of a thorough and efficient education.

147. Plaintiff schoolchildren are forced to attend these failing schools as a result of district boundaries and mandatory attendance zones.

148. District boundaries and mandatory attendance zones as applied to consign plaintiff schoolchildren to their failing schools violate the Thorough and Efficient Clause, Article 8, Section 4, Paragraph 1 of the Constitution of the State of New Jersey.

149. Defendants' actions and omissions which resulted in failing schools' inability to obtain achievement in Core Curriculum Content Standards violate the Thorough and Efficient Clause, Article 8, Section 4, Paragraph 1, of the Constitution of the State of New Jersey.

Count Two

Violation of State Constitutional Guarantee of the Equal Protection of the Law

150. Plaintiffs repeat and re-allege paragraphs 1 through 149.

151. The New Jersey Supreme Court has interpreted Article 1, Paragraph 1 of the Constitution of the State of New Jersey to include a guarantee that no person shall be denied the equal protection of the law.

152. The Constitution of the State of New Jersey entitles every school-aged child to equal educational opportunity and a thorough and efficient education.

153. District boundaries and mandatory attendance zones classify schoolchildren in the State of New Jersey on the basis of residence.

154. District boundaries and mandatory attendance zones consign plaintiff schoolchildren to schools that are failing, while other similarly situated schoolchildren in the State of New Jersey are assigned to schools that are not failing.

155. District boundaries and mandatory attendance zones do not serve any appropriate governmental objective that is suitably furthered by consigning plaintiff schoolchildren to failing schools. In this case there is simply no public need that justifies the total deprivation of a fundamental right (a thorough and efficient education) to certain schoolchildren in this State merely because of where they live.

156. Since defendants' actions and omissions, under color of state law, result in plaintiff schoolchildren being assigned to failing schools in a manner that does not suitably further any appropriate governmental objective, Plaintiff schoolchildren are deprived of equal treatment and equal protection of the law in violation of the New Jersey Constitution.

Count Three

Violation of Federal Constitutional Guarantee of the Equal Protection of the Laws under the Fourteenth Amendment

157. Plaintiffs repeat and re-allege paragraphs 1 through 156.

158. The Fourteenth Amendment to the United States Constitution states that no State shall deprive any person within its jurisdiction the equal protection of the laws.

159. District boundaries and mandatory attendance zones classify schoolchildren in the State of New Jersey on the basis of residence in order to bestow the fundamental right to a thorough and efficient education.

160. District boundaries and mandatory attendance zones consign plaintiff schoolchildren to schools that are failing, while other similarly situated schoolchildren in the State of New Jersey are assigned to schools that are not failing.

161. District boundaries and mandatory attendance zones that consign plaintiff schoolchildren to the failing schools that are the subject of this Complaint are not narrowly tailored to serve any compelling state interest, not substantially related to any important governmental objective, nor are they rationally related to any legitimate state purpose. When such district boundaries and mandatory attendance zones trap plaintiff schoolchildren in failing schools they deprive them of equal protection of the laws in violation of the Fourteenth Amendment.

162. Since defendants' actions and omissions, under color of state law, result in plaintiff schoolchildren being assigned to schools that fail to obtain achievement in Core Curriculum Content Standards in any manner that is not properly related to any legitimate governmental objective, they deprive Plaintiffs of equal treatment and equal protection of the laws in violation of the Fourteenth Amendment.

Count Four

Violation of the New Jersey Civil Rights Act

163. Plaintiffs repeat and re-allege paragraphs 1 through 162

164. The New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c) provides, in pertinent part, a private cause of action for violations of civil rights as follows:

Any person who has been deprived of any substantive due

process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State, or whose exercise or enjoyment of those substantive rights privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, may bring a civil action for damages and for injunctive relief or other appropriate relief.

165. Defendants, acting under color of state law, deprived plaintiff schoolchildren of their substantive right to a thorough and efficient education secured by the Constitution and laws of this State by consigning plaintiff schoolchildren to failing schools where students do not receive a thorough and efficient education as measured by failure rates on the State's standardized assessment tests, in violation of the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c).

166. Defendants, acting under color of state law, using district boundaries and mandatory attendance zones, deprived plaintiff schoolchildren of their equal protection rights secured by the Constitution and laws of this State and the Fourteenth Amendment to the Constitution of the United States by consigning them to failing schools while other similarly situated schoolchildren in the State of New Jersey are assigned to schools that are not failing, in violation of the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c).

WHEREFORE, Plaintiff schoolchildren respectfully request that the Court:

(a) Declare that district boundaries, N.J.S.A. 18A:8-1 and 18A:38-1, and compulsory attendance laws, N.J.S.A. 18A:38-25, and/or mandatory attendance zones, violate the Thorough and Efficient Education and Equal Protection clauses of the Constitution of the State of New Jersey and the Fourteenth Amendment of the Constitution of the United States when they are applied to consign children to failing

schools;

(b) Declare that a defined level of on-going partial proficiency (or failure) on any of the State's standardized assessment tests is evidence of, or constitutes, a violation of the Thorough and Efficient Education clause of the Constitution of the State of New Jersey;

(c) Declare that the Defendants' actions and omissions violate the Thorough and Efficient Education and Equal Protection clauses of the Constitution of the State of New Jersey and the Fourteenth Amendment of the United States Constitution;

(d) Certify, under Court Rule 4:32-1, a class of plaintiffs composed of all schoolchildren who attend schools that are failing to provide a thorough and efficient education in the State of New Jersey as outlined in this Complaint;

(e) Certify, under Court Rule 4:32-1, a class of defendants composed of all Boards of Education that preside over a school district with one or more schools that is failing to provide a Thorough and Efficient Education as outlined in this Complaint;

(f) Preliminarily and permanently enjoin Defendants from enforcing the district boundaries, N.J.S.A. 18A:8-1 and 18A:38-1, the compulsory attendance law, N.J.S.A. 18A:38-25, and any residential school assignments or mandatory attendance zones when they would consign plaintiff schoolchildren to failing schools;

(g) Preliminarily and permanently order Defendants to permit plaintiff schoolchildren to withdraw from the failing schools they attend or will attend in future school years;

(h) Preliminarily and permanently order Defendants to utilize the share of State and local district funding allocable to each plaintiff schoolchild, who chooses to withdraw from a failing school, to pay for the cost of tuition of that plaintiff schoolchild in

an alternative non-failing public or private school of his or her choice within the State of New Jersey.

(i) Preliminarily and permanently enjoin Defendants from expending or authorizing the expenditure of state and local per pupil funding annually appropriated for plaintiff schoolchildren and allotted to the public schools to which plaintiff schoolchildren are presently assigned in any way that impairs the ability of the Defendants to comply with the relief to which plaintiff schoolchildren are entitled.

(j) Award plaintiff schoolchildren reasonable attorney's fees and costs of suit pursuant to N.J.S.A. 10:6-2(f); and

(k) Grant plaintiff schoolchildren such other relief as the Court deems just and proper.

July 13, 2006

Respectfully submitted,

PÉREZ & BOMBELYN, P.C.

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By: 

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By: 

Julio C. Gomez

Attorneys for Plaintiffs

RULE 4:5-1 CERTIFICATION

Pursuant to *R. 4:5-1*, I hereby certify that the matter in controversy herein is not the subject of any other court proceeding or arbitration. Other than the parties named in connection with this matter, at this time Plaintiffs know of no other parties that should be joined in the above action pursuant to *R. 4:28* or who may be subject to joinder pursuant to *R. 4:29-1(b)*. We recognize the continuing obligation of each party to file and serve on all parties and the Court supplemental and amended Certifications if there is a change in the facts stated in this Certification.

Dated: July 13, 2006

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By: 

Julio C. Gomez

Attorneys for Plaintiffs

DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate Patricia Bombelyn, Esq. and Julio C. Gomez as
trial counsel.

Dated: July 13, 2006

PÉREZ & BOMBELYN, P.C.
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By: _____

Julio C. Gomez

Attorneys for Plaintiffs

CIVIL CASE INFORMATION STATEMENT (CIS)



Use for initial Law Division – Civil Part pleadings (not motions) under Rule 4:5-1.

Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY/PRO SE NAME Patricia Bombelyn, Esq. and Julio C. Gomez, Esq.		TELEPHONE NUMBER Bombelyn Gomez (732) 214-1166 (908) 490-0360	COUNTY OF VENUE Essex County
FIRM NAME (If applicable) Perez & Bombelyn, P.C.		DOCKET NUMBER (When available)	
OFFICE ADDRESS for Bombelyn: 402 Livingston Avenue New Brunswick, NJ 08901 for Gomez: 152 Paterson Road Fanwood, NJ 07023		DOCUMENT TYPE COMPLAINT	
		JURY DEMAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) Joshua Crawford, et al., Plaintiffs		CAPTION ATTACHED HERETO	
CASE TYPE NUMBER (See reverse side for listing) 005	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP	<input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input checked="" type="checkbox"/> OTHER (explain) _____ <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS _____ STUDENT / EDUCATOR _____	
B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		N.J.S.A. 10:6-2(f)	
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION: THIS CASE IS A PUTATIVE BILATERAL CLASS ACTION CONCERNING POTENTIALLY 60,000 PLAINTIFF CLASS MEMBERS AND AT LEAST 25 DEFENDANT CLASS MEMBERS. THE ACTION SEEKS INJUNCTIVE RELIEF FOR VIOLATIONS OF THE RIGHT TO A THOROUGH AND EFFICIENT EDUCATION AND THE RIGHT TO EQUAL PROTECTION OF THE LAW.			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION: _____		
WILL AN INTERPRETER BE NEEDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, FOR WHAT LANGUAGE: <u>Spanish</u>		
ATTORNEY SIGNATURE 			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 602 ASSAULT AND BATTERY
- 603 AUTO NEGLIGENCE — PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE — PROPERTY DAMAGE
- 699 TORT — OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Mass Tort (Track IV)

- | | |
|---|--------------|
| 240 REDUX/PHEN-FEN (formerly "DIET DRUG") | 601 ASBESTOS |
| 248 CIBA GEIGY | 619 VIOXX |
| 264 PPA | |

999 OTHER (Briefly describe nature of action) _____

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

☐ Verbal Threshold

☒ Putative Class Action

☐ Title 59

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JOSHUA CRAWFORD, JASON CRAWFORD, and
JUSTIN CRAWFORD, minors, by their guardian ad
litem, Van-Ness Crawford; TYWAN DAVIS, minor,
by his guardian ad litem, Floyd Tally; CATHTYA
VELASQUEZ and CATHYDIA RUIZ, minors, by
their guardian ad litem, Enrique Ruiz; KEYINA
ROYALL, minor, by her guardian ad litem, Michele
Royall; SHAKUR MCNAIR and VANISHA
MCNAIR, minors, by their guardians ad litem, Ericka
and Sharon McNair; ALEXIS MENDEZ, minor, by
his guardian ad litem, Melitza Mendez; JUANA ROE
(pseudonym), minor, by her guardian ad litem, Mr.
Roe; and JUAN DOE (pseudonym), minor, by his
guardian ad litem,

Plaintiffs,

v.

LUCILLE DAVY, State Commissioner of Education;
YUT'SE THOMAS, Director of the Office of School
Funding; ROBERT G. KOERTZ, Director of State
Budget and Accounting; BRADLEY ABELOW, New
Jersey State Treasurer; STATE BOARD OF
EDUCATION; and BOARDS OF EDUCATION
OF: ASBURY PARK, ATLANTIC CITY,
BEVERLY CITY, BOUND BROOK,
BRIDGETON, CAMDEN, CLEMENTON
BOROUGH, EAST ORANGE, ELIZABETH,
ENGLEWOOD CITY, IRVINGTON, JERSEY
CITY, LAKEWOOD TOWNSHIP, LAWNSIDE
BOROUGH, MILLVILLE CITY, NEW
BRUNSWICK, NEWARK, ORANGE,
PATERSON, PERTH AMBOY, SALEM CITY,
TRENTON, WILDWOOD, WOODBINE, AND
WOODLYNNE BOROUGH, and BOARDS OF
EDUCATION A through Z,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, GENERAL EQUITY
ESSEX COUNTY

DOCKET NO.

CLASS ACTION
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF