

COALITION FOR OUR CHILDREN'S SCHOOLS ABBOTT SCHOOL CONSTRUCTION PROGRAM REPORT CARD

Executive Summary

In July 2000, the New Jersey State Legislature enacted the Educational Facilities Construction & Financing Act (EFCFA), the result of a two year battle that followed the New Jersey Supreme Court's order that the State undertake a program to provide safe and educationally adequate facilities for all of the children in the State's 30 Abbott or special needs districts. The Educational Facilities Construction & Financing Act provided \$6 billion to rebuild the schools of the Abbott districts, and created a procedure, tightly controlled by State government, by which the school construction and renovation was to take place.

With the enactment of the EFCFA, the battleground moved from legislation to implementation. As the Coalition had warned during the legislative battle, the bill created a cumbersome process, imposing massive new obligations on State agencies that were unprepared for the challenge. Critical issues, including community schools, the role of community providers of pre-school education, and workforce development and contracting opportunities, were inadequately addressed or left unclear by the new law. It was clear that it would take considerable leadership, energy and effort by State government to make the program work successfully.

When the Coalition issued its first report card in July of 2001, it was clear that the State failed to rise to the challenge that the law presented. Faced with lack of progress almost across the board, the Coalition gave the State a failing grade, and called for major changes in the way the State was carrying out its responsibilities under the EFCFA. A year and a half later, there has been some progress, but far more still needs to be done.

The most significant step was taken last summer, when the Schools Construction Corporation (SCC) was created. It placed the entire school construction program under a single office, well-qualified with clear lines of both responsibility and authority.

→ In six months, as a result of the work of the SCC, the state has made more progress toward construction and renovation of schools in the Abbott districts than in the preceding two years.

The SCC, however, can only build the schools that work their way through the approval process. Far too many school districts are lagging behind:

- After two and a half years, only one school addition in an Abbott district has been completed, while 7 schools are under construction.**
- After two and a half years, 8 Abbott districts have no schools approved and under development, while 11 have only one school in the process.**

Where responsibility continues to lie outside the Schools Construction Corporation, particularly in the Department of Education, there has been little or no improvement since July 2001. The promises made in the Governor's Executive Order No.24, issued in July 2002, have not been realized:

- The State has yet to implement key provisions of that executive order dealing with Facility Efficiency Standards and environmental sustainability.**
- The State has failed to implement standards to ensure meaningful community involvement in site selection, planning and design of new schools.**
- The State has failed to implement standards to encourage community design features in new school projects, or to create funding streams for community and multiple use spaces in the schools.**

Other major areas that have yet to be addressed by State government include:

- With less than a year to go before school districts are required to submit new Long-Range Facility Plans (LRFP), the Department of Education has not begun planning the standards and criteria for the new plans;**
- The issues limiting community providers of preschool education from participating in the facilities construction program;**
- None of the six Demonstration Projects authorized by the EFCFA over two and a half years ago have been designated despite widespread interest from school districts; and**
- The State has cancelled the Smart Growth School Planning Grant program begun three years ago, despite the substantial progress that many municipalities and school districts were making with those funds.**

Given the progress of the Schools Construction Corporation, it would be unreasonable to give the State a failing grade. The State has earned a passing grade, but only barely. We believe the State has earned only a D for its progress to date in implementing the school construction mandate of the court and the legislature.

Summary of Composite Grades

<u>Report Card</u>	Grade
Department of Education Planning and Implementation	D
Early Childhood	D
Health and Safety Improvements	B
Construction, Rehabilitation, Renovation	C
Community Schools	F
Workforce Development & Contracting	C
COMPOSITE GRADE	D

1. Department of Education (DOE) Planning and Implementation

The New Jersey Supreme Court found that the State is responsible to provide safe and educationally adequate physical facilities appropriate to a thorough and efficient education in the State's 30 special needs, or Abbott, districts. The principal responsibility for establishing standards for these facilities, monitoring the planning process by which they come into being, approving facilities, and providing assistance to the Abbott school districts lies in the Department of Education. The Department is failing to carry out key responsibilities in this area:

→ Since Governor McGreevey issued Executive Order No. 24 over six months ago, the Department has not implemented key provisions that address Facility Efficiency Standards and environmental sustainability.

→ With less than year to go before school districts are required to submit new Long-Range Facility Plans, the Department has not development the standards and criteria for the new plan.

→ After two and a half years, 8 Abbott districts have no schools approved and under development, while 11 have only one school in the process.

GRADE

D

BENCHMARK	STATUS	WHAT AGENCY IS RESPONSIBLE	RECOMMENDATIONS	GRADE
<p>1. Evaluation of Facilities Efficiency Standards (FES) to ensure educationally adequate schools for the 21st century.</p>	<p>DOE has taken no action to analyze or evaluate the FES to guarantee that buildings will be designed to adequately serve the State's students now or for the future →The DOE has taken no action to implement Orders 4 and 5 of the Governor's Executive Order No. 24</p>	<p>DOE</p>	<p>Reevaluate the Facilities Efficiency Standards and include the guidelines for 21st century schools:</p> <ul style="list-style-type: none"> • Classroom spaces to accommodate current teaching methods • Implementation of Orders 4 and 5 of Executive Order No.24 • Energy and environmental design criteria, including water & energy efficiency, building reuse, etc. • Healthy schools criteria, including natural daylighting, air quality, security and protection from health hazards • IT/Technology education requirements • Outdoor spaces – parking, play space, recreation, greenhouses 	<p>F</p>
<p>2. Technical assistance by DOE for districts that are not making progress in moving from the LRFPs to project approval</p>	<p>As of February 15, 2003 approximately 25% of the Abbott districts have had no school project approvals transferred from DOE to the Schools Construction Corporation for development. The three state operated districts, particularly Newark and Paterson, are far behind some of the smaller districts.</p>	<p>DOE</p>	<p>Establish a program, including a capable, dedicated staff, to support and provide technical assistance to school districts to ensure that projects move into the development process in a timely fashion.</p>	<p>D</p>
<p>3. Initiated work to ensure clear directions and standards for the new LRFPs due in January 2004</p>	<p>No comprehensive process is underway to evaluate present information collected in LRFPs. The present process developed hastily in 1998 needs updating and review in preparation for the second round of planning</p>	<p>DOE</p>	<p>Start a comprehensive review of the LRFP process, including participation of the Facilities Working Group of the Abbott Implementation and Compliance Coordinating Council.</p>	<p>F</p>

BENCHMARK	STATUS	WHAT AGENCY IS RESPONSIBLE	RECOMMENDATIONS	GRADE
4. Public access to information in LRFPs	DOE does not have LRFP information available in a usable database. Modifications to the original Plans are not recorded in any master file. Each DOE architect keeps individual records.	DOE	Establish an information system, including a user-friendly website, that documents all 30 Abbott districts’ LRFPs, their plans for individual school projects, and the priority and status of each project.	F
5. Clear standards for monitoring ongoing and meaningful community involvement in district-wide as well as local school building planning	DOE has not set standards for significant community involvement in the facilities planning process.	DOE	Insist on increased community involvement in the earliest stages of planning for school facilities.	F
6. Status and timeliness of action on updates and modifications to LRFPs submitted by districts	DOE has moved to review and approve modifications to LRFPs in a timely manner for most districts.	DOE	Continue efforts to review and approve modifications to LRFPs in a timely manner for districts.	B
7. Clear delineation of authority in the DOE for facilities oversight	Enactment of regulations and policy development are hampered because areas of responsibility for school facilities in DOE remain unclear	DOE	Develop internal mechanisms to clarify the chain of command for Abbott school facilities. This managerial change could remove some of the barriers to development of regulations and improvement of departmental policy that reflects a unified approach to handling of critical issues.	F
COMPOSITE GRADE				D-

2. Early Childhood

In 1998, the New Jersey Supreme Court ordered the State to provide adequate preschool facilities, including prioritizing construction projects that would facilitate the full implementation of early childhood programs. While both the mandate and the money exist, the construction and renovation of early childhood facilities, with few exceptions, is not taking place.

→ No one State official is responsible for coordinating the planning, development and construction of preschool facilities. Moreover, there is currently no statewide plan in place. Three divisions within the DOE are responsible for preschool facilities: the Office of Early Childhood, the Division of Finance and the Division of Abbott Implementation. Despite the efforts of many individuals, the lack of leadership, communication and coordination among the three divisions have been major barriers to the progress of the construction and renovation of preschool facilities. Much of the decision-making authority rests, moreover, not with the DOE, but with other State agencies including the Attorney General, Schools Construction Corporation and the Governor's Office. This division of authority has only exacerbated the preschool facilities problems.

→ While the court required that the State provide the full costs of school construction and renovation in Abbott districts, the existing funding mechanism makes the State's funds inaccessible to the majority of facilities housing Abbott preschool children. While the DOE is attempting to promulgate preschool facilities standards, they will be irrelevant if there is inadequate funding to support the attainment of those standards. It is critical that New Jersey not allow two levels of quality for preschool facilities to come into being.

GRADE

D

BENCHMARK	STATUS	WHAT AGENCY IS RESPONSIBLE	RECOMMENDATIONS	GRADE
1. Adoption of early childhood facilities standards	DOE initiated a work group to develop early childhood facilities standards. While the DOE is in the process of amending portions of the educational facilities regulations the early childhood facilities standards were not included in the proposed regulations. This omission exemplifies the State's failure to provide school districts with adequate direction on how best to plan for preschool construction and renovation.	DOE	Adopt preschool facilities standards.	D
2. Needs assessment of all preschool facilities in the Abbott districts	DOE has not provided the guidance or funding for an assessment of existing preschool facilities of every Abbott district and community provider.	DOE	Complete a preschool facilities assessment so Abbott districts can develop well-planned and cost-effective long-range facilities plans.	F
3. Funding mechanisms for renovation and/or construction of community provider facilities	The facilities housing 70% of Abbott preschool children have minimal or no access to facilities dollars from Educational Facilities Construction and Financing Act.	DOE and EDA	Adequate funding must be made available to ensure that community provider facilities serving Abbott preschool children comply with the preschool facilities standards.	D
4. Progress in the construction and renovation of early childhood facilities	In 1998, the Supreme Court supported the Commissioner of Education's commitment to making the construction and renovation of preschool facilities a top priority. Nearly five years later, only one new Abbott preschool facility has been completed. About 25% of the projects now under development by the SCC are district early childhood facilities.	DOE and NJ Legislature	Require that school districts make the construction or renovation of preschool facilities their top priority.	D
5. Clear standards and regulations for the incorporation of community providers in the long-range facilities	The State has not provided guidance or regulations that facilitate inclusion of community providers in the LRFP process.	DOE	Develop regulations to include community providers in district long-range facilities planning process.	F

planning process				
COMPOSITE GRADE				D

3. Health and Safety Improvements

Health and safety projects were the most urgent repairs identified in 403 schools in the 30 Abbott districts even before passage of the EFCFA in 2000. These include critical needs such as new roofs, electrical system upgrades, window replacements, structural repairs, boiler replacement and more, needed to provide minimally healthy and safe learning environments for thousands of children. Since the creation of the Schools Construction Corporation, the effort to make necessary health and safety repairs has finally begun to move. While it remains uncertain now, the SCC should be allocated the resources needed to complete this work by the end of 2003.

While we have nothing but praise for the SCC's progress, it is impossible to award the state an 'A' grade in this area in light of the long delays that preceded the last six months.

GRADE

B

BENCHMARK	STATUS	WHAT AGENCY IS RESPONSIBLE	RECOMMENDATIONS	GRADE
1. Progress in completing health and safety improvements	Numerous projects have been approved but it is difficult to assess the work that has been accomplished.	SCC	Issue a report on completed projects, outstanding projects and any associated timelines.	C
2. Completion of all health and safety improvements by the end of 2003	In many districts, progress toward completion has been at a steady pace.	SCC	Make health and safety improvements their highest priority.	B+
COMPOSITE GRADE				B

4. Construction, rehabilitation and expansion

The critical issue with respect to the Abbott school facilities program is a simple one: getting the schools built. It is gratifying to be able to report that since the Schools Construction Corporation was established there has been more progress in this area during the past six months, than in the previous two years. Finally, moreover, the State has proposed long-overdue regulations to expedite the process of dealing with site acquisition and pre-development costs for school projects.

There are still many gaps to be filled: health and safety measures and standards are still inadequate, while the State has yet to take action to implement the provisions of Executive Order No. 24 dealing with community spaces in new school projects.

Finally, although schools are finally moving through the approval and pre-development process, they are coming disproportionately from a handful of the 30 Abbott districts - 23 out of 54 schools come from only 3 districts.

GRADE

C

BENCHMARK	STATUS	WHAT AGENCY IS RESPONSIBLE	RECOMMENDATIONS	GRADE
1. Progress in moving school projects from project approvals through design, and construction	As of 2/15/03, 54 projects approved by DOE are under development. There has been a significant increase in activity since SCC has been operating the program.	SCC	Continue moving school projects from projects approvals through design and construction.	B+
2. Implementation of improved procedures for site acquisition and predevelopment work	SCC has proposed regulations for site acquisition and predevelopment work. They would encourage more involvement by the districts to speed the process and improve implementation. It remains unclear as to when, how, and which districts will be allowed to assume this responsibility	SCC	Evaluate comments and implement predevelopment regulations as quickly as possible.	B
3. Adequate measures to protect the health and safety of school staff, children, and construction workers during renovation and construction	The health and safety provisions in project design requirements are inadequate. No complaint provision has been established to address health and safety concerns	SCC	Upgrade the health and safety protections in project design requirements. Establish and publicize a toll-free telephone hotline for complaints concerning health and safety problems on school construction projects.	F
4. Clarification of funding mechanisms for community spaces	No information has been released or regulations proposed despite earlier promises by EDA and encouragement of the Governor to develop facilities with community spaces	DOE & EDA	Develop clear procedures to maximize funding opportunities to develop community spaces in schools.	F
COMPOSITE GRADE				C

5. Community Schools

Community schools – schools which involve the community in planning and design, contain features for community use, provide a range of supplemental, supportive programs and services, are open long beyond the traditional school day, and are integrated into the rebuilding of the surrounding neighborhood – have been recognized to be a critical element of a progressive, responsive system of urban public education. Despite this, and despite lip service to these principles, the State has failed to respond to the need for community schools to be a central part of the Abbott school building program.

→ Despite widespread interest from school districts, the State has yet to designate a single Demonstration Project, of the six authorized by the EFCFA over two and a half years ago

→ Despite language in Executive Order No. 24, the State has failed to implement standards to ensure meaningful community involvement in site selection, planning and design of new schools.

→ Despite Executive Order No. 24, the State has failed to implement standards to encourage community design features in new school projects, or to create funding streams for community and multiple use spaces in the schools.

→ The State has cancelled the Smart Growth School Planning Grant program begun three years ago, despite the substantial progress that many municipalities and school districts were making with those funds.

GRADE

F

BENCHMARK	STATUS	WHAT AGENCY IS RESPONSIBLE	RECOMMENDATIONS	GRADE
1. Action to provide resources to school districts, municipalities and community-based organizations to plan community school projects.	DCA has failed to maintain the Smart Growth School Planning Grants program and to provide the promised resources to eight Abbott districts.	DOE/DCA	Release the funding already approved for planning grants to allow those districts to move forward with planning goals. It must re-establish the Smart Growth School Planning Grants program or the DOE must develop another source of funding for that same purpose.	F
2. Adoption and enforcement of standards and procedures to implement the Governor’s Executive Order to ensure community involvement in site selection, planning and design of schools	DOE has not proposed or adopted any standards or procedures to address this commitment by the Governor.	DOE	Develop standards and procedures for community involvement in both the district wide long-range planning process and school design and planning.	F
3. Adoption and enforcement of standards and procedures to implement the Governor’s Executive Order to encourage community design features in schools.	DOE has not adopted any standards or procedures to support community design features and has continued to deny proposals for spaces designed for community use in schools.	DOE	Develop policies and regulations that promote and encourage the community use of schools through building design.	F
4. Clarification of funding mechanisms for community spaces	No information has been released or regulations proposed despite earlier promises by EDA and support from the Governor for community spaces in Abbott schools.	EDA	Assist districts in finding alternative sources of funding for community spaces. Where some alternative source of funding is available EDA should provide support for blending of funding for a school construction project.	F
5. Designation of schools as Demonstration Projects as provided in EFCFA	DOE has failed to designate any schools submitted to date as Demonstration Projects.	DOE	Review applications for demonstration projects promptly. Develop procedures to move such projects forward.	F
COMPOSITE GRADE				F

6. Workforce Development & Contracting

The EFCFA clearly specifies the State's intent to both construct 21st century schools and to use this expenditure as a catalyst for local economic development and revitalization in the State's 30 Abbott school districts. This economic development focus does not arise from the state Supreme Court's rulings in *Abbott v. Burke* but instead reflects an entirely appropriate policy judgment about the potential inherent in the program. Economic development is defined as ensuring access to the following:

- Employment associated with school construction; and
- Contracting and other business opportunities associated with school construction.

Overall, this area has been marked by good intentions but with outstanding questions about implementation. Progress on potential employment issues has been encouraging; but business development and contractor access programs have developed at a slower pace.

BENCHMARK	STATUS	WHAT AGENCY IS RESPONSIBLE	RECOMMENDATIONS	GRADE
1. Funding for local training programs for women and minorities and creation of pilot training programs.	Up to \$30 million have been allotted for training programs to remedy the historic problems in construction training for minorities and women. Reasonably efficient funding of pilot training programs.	DOL/SCC	Continue funding of pilot training programs.	A-
2. Implementation of minority & women training programs on a statewide basis	No other sites beyond the pilot programs have received funding. The fifteen proposals submitted to the DOL have now all received responses.	DOL	Clarify the statewide training funding process and provide assistance to Abbott districts in the development of partnerships necessary for high quality proposals.	C
3. Project labor agreement provisions and process to ensure community hiring and minority, women and small (MWS) business contracting	Potential project labor agreements have been circulated. Methodology for inclusion of locally determined hiring and contracting provisions are unclear.	SCC	Establish clear channels for local input to project labor agreements to ensure community hiring and contracting and appropriate local oversight of community issues.	C+
4. Adequate strategy to support MWS contractors	A comprehensive strategy has been articulated.	EDA/SCC	Adequate programs and funding must be provided to support MWS contractors.	B
5. Funding and implementation of programs to support MWS contractors	The implementation of programs has been slow. Adequacy of funding for these programs is unclear. Requests for proposals (RFPs) for training, technical assistance, and bonding have been issued. Prequalification assistance for MWS contractors has been awarded.	SCC	SCC must implement small business support programs described in affirmative action regulations. These programs, including a capital access fund, must match the scale of the need and receive a level similar to that for workforce training.	C-
6. Monitoring data collection, timely public reporting, and enforcement	Existing State infrastructure for monitoring outcomes with respect to employment and contracting is problematic.	SCC and others	SCC together with other agencies, as appropriate, should develop effective monitoring, reporting and evaluation systems.	Grade to be provided by 7/31/03
COMPOSITE GRADE				C+