



# Education Law Center

60 Park Place, Suite 300  
Newark, New Jersey 07102

(973) 624-1815

TTY (973) 624-4618

Fax (973) 624-7339

*elc@edlawcenter.org*    <http://www.edlawcenter.org>

By Fax and Mail

July 12, 2005

Honorable William Librera  
Commissioner of Education  
PO Box 500  
Trenton, NJ 08625-0500

Re: Abbott Program Evaluation

Dear Commissioner Librera:

I am writing concerning the current status of the Abbott program evaluation required under the Abbott v. Burke rulings, and to request clarification as to the Department of Education's plan and timetable for proceeding with the evaluation from this point.

The Supreme Court in 1998 directed the Commissioner to "implement as soon as feasible a comprehensive formal evaluation program" to determine whether the Abbott reforms and programs are being "implemented successfully," and are "resulting in the anticipated levels of improvement in the Abbott schools." Abbott V, 153 N.J. at 501-02. In response to the failure to undertake evaluation from 1998 through 2003, we entered into an agreement through mediation in June 2003 to facilitate the prompt design and launch of the Abbott program evaluation, an agreement ordered by the Supreme Court in Abbott X. See 177 N.J. at 589.

Under the terms of the Abbott X order, the parties were to convene a work group to recommend a design for "the structure, content, scale and duration" of the evaluation by September 1, 2003, which must include "a proposed schedule and probable costs" for undertaking the evaluation.

In response to this order, a work group was convened, worked diligently, and provided evaluation design specifications to the Department in fall 2004. On March 16, 2005, the Department issued a Request for Quotations (RFQ) to conduct the evaluation in accordance with those design recommendations. According to the RFQ, proposals from prospective vendors were due April 14, 2005, with an announcement of a contract award in June.

On June 14<sup>th</sup>, the Assistant Commissioner for Abbott Implementation announced via e-mail that the Department had decided to suspend the evaluation, citing "a difficult time getting approval for the evaluation" and "sequence, cost, and bureaucracy." The Assistant Commissioner also attributed a freeze in State discretionary spending as another factor in the suspension of the evaluation.

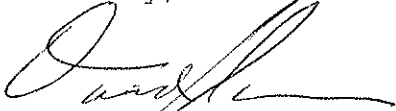
Further, the Assistant Commissioner gives no indication that the Department will reconvene the work group to address obstacles encountered in moving the RFQ to contract award, nor offers any timeframe or schedule for reissuing the RFQ.

The suspension of the RFQ raises serious concerns about the Department's compliance with the Supreme Court's directive to conduct a comprehensive formal evaluation of the Abbott programs. Our concerns are heightened by the absence of any concrete plan to re-issue the RFQ based upon the recommendations of the work group, or to reconvene the work group so that those recommendations can be quickly adjusted based on changed circumstances. Moreover, we are deeply concerned about the additional delay caused by the Department's decision to suspend the evaluation indefinitely, given that over seven years have passed since the Court's first directive on this matter, and two years since we reaffirmed that directive in Abbott X.

Accordingly, I request that, consistent with Abbott X, the Evaluation Work Group be convened again to review the "structure, content, scale and duration" of the evaluation, and to recommend a revised schedule and cost estimate. It is imperative that this step be taken immediately so that the group can promptly address any problems confronting the Department in obtaining the requisite approvals to proceed with the evaluation. Such action is necessary in order avoid further litigation regarding this matter.

Thank you, and I look forward to your reply.

Sincerely,



David G. Sciarra  
Executive Director

cc: Acting Governor Richard Codey  
Chair and Members, Assembly Education Committee  
Chair and Members, Senate Education Committee  
Assistant Commissioner Gordon MacInnes  
Michelle Miller, Deputy Attorney General  
Abbott Superintendents  
Abbott Business Administrators  
Abbott District Counsel  
Members, Abbott Evaluation Work Group