



Education Law Center

60 Park Place, Suite 300
Newark, New Jersey 07102
(973) 624-1815
TTY (973) 624-4618
Fax (973) 624-7339
<http://www.edlawcenter.org>

April 20, 2005

Mary Jane Cooper, Inspector General
Office of Inspector General
PO Box 208
Trenton, NJ 08625

Re: Abbott v. Burke: School Construction Program

Dear Ms. Cooper,

In your letter dated March 10, 2005, you requested the Governor's permission to direct the New Jersey Schools Construction Corporation (SCC) to "refrain from completing and/or entering into any contracts, change orders, or any commitments" related to school construction projects in all districts. As you know, the SCC has complied with this directive and, for the last month, has stopped all new or revised design and construction activity.

However, we understand that you recently revised this "stop work" directive to allow SCC to issue award contracts for grants to support school construction projects in non-Abbott districts. As a result, the directive now applies only to Abbott districts.

Education Law Center (ELC) has received numerous reports from the Abbott districts and others about serious problems resulting from the stop work directive. Some specific examples of these problems are described in the attachment to this letter.

ELC represents the plaintiff school children in the Abbott v. Burke case. On their behalf, I am writing to express our concern that the stop-work directive in the Abbott school districts is causing program costs to increase, and may be jeopardizing educational programs and endangering the safety of the Abbott students and their communities.

ELC supports efforts to examine SCC operations to ensure program efficiency. However, this type of review is insufficient justification for halting all contractual agreements necessary for moving new and existing school facilities projects forward in the Abbott districts, especially in light of the serious fiscal and other consequences the cessation of activity is causing in those communities. We are also unaware of any rationale for the recent decision to allow such activity to proceed in non-urban districts, while maintaining the freeze on Abbott school construction projects.

Accordingly, we request your Office immediately provide a public status report on the continuing stop work directive in the Abbott districts, including a report on the substance and progress of your review of SCC operations, and a timeframe for lifting the contracting freeze. We also request an explanation concerning the rationale for rescinding the stop work directive in non-urban districts, while keeping the freeze in place in urban districts.

Thank you, and I look forward to your prompt reply.

Sincerely,

David G. Sciarra, Esquire
Executive Director and Abbott Counsel

cc: Acting Governor Richard Codey
Jack Spencer, SCC
Peter Harvey, Attorney General
John Kennedy, Director, Office of Government Integrity
William Librera, Commissioner of Education
Abbott Superintendents

Attachment: 1