



Education Law Center

60 Park Place, Suite 300
Newark, New Jersey 07102
(973) 624-1815 Fax: (973) 624-7339
Email: elc@edlawcenter.org

ELC CALLS ON NJDOE TO REVISE STATUS REPORT ON SCHOOL CONSTRUCTION

In an August 31st [letter](#) to Acting Education Commissioner Lucille Davy, Education Law Center has raised serious concerns about the recent [FY 2006 Annual Report](#) on the School Construction Program issued by the NJ Department of Education. The report fails to provide the Legislature and stakeholders with basic information needed to make key decisions concerning the program's future, and does not contain information crucial to Legislative authorization of additional funds for back-logged construction projects.

In December 2005, the [NJ Supreme Court ordered](#) the DOE to submit an annual report on the status of the school construction program, as required by the Education Facilities Construction and Financing Act (EFCFA), "to ensure a predictable and uniform manner by which all parties are provided the requisite information needed to assess the progress of the school facilities construction and the need for further appropriations."

EFCFA requires the DOE to issue an annual report that must include, but is not limited to, the number of approved facilities projects, the number of completed projects, the amount of time taken for completion, the aggregate amount of bonds issued to support the program, and recommendations for changes in the school facilities construction program, including the need for additional funding.

ELC is particularly concerned that the major workload for the DOE this past year, the approval of district Long Range Facilities Plans, is not even mentioned in the report. Information from these plans is critical to the decision making process for future funding of the program. Legislators have asked for this information at recent hearings of the Joint Committee on the Public Schools.

In addition to the lack of information, the report is ambiguous, inconsistent and often misleading. ELC has concerns about the following:

- The report explains the DOE's approval process, but the approvals listed in the table are not tied to the size or cost (minor rehabilitation projects are mixed with major renovation projects);
- The approvals are not tied to levels or sources of funding (some projects with approvals have been funded through district budgets or municipal bonds);
- Project approvals are not tied to SCC's Capital Plan - some projects listed have been suspended due to lack of funds;
- Some of the information provided is incorrect (an addition to Newark's Malcolm X. Shabazz High School has not been submitted to DOE by the district (for information on Newark's project status, [click here](#)); and a new high school for Phillipsburg has not been completed; and
- The table listing projects constructed by SCC with the duration of time for project completion mixes health and safety projects with major construction projects creating a questionable result.

ELC is urging advocacy groups and stakeholders to join with us to request that the DOE provide the Legislature and the public with an updated, comprehensive report on the school construction program including updates on LRFP approval process by September 15, 2006.

For more information, contact Joan Ponessa at 973-624-1815, ext. 23 or jponessa@edlawcenter.org.