WHEREAS, ensuring the provision of quality educational facilities to all New Jersey school children is a fundamental constitutional obligation of the State; and

WHEREAS, the New Jersey Supreme Court has articulated the urgent necessity for the State to provide for the construction, modernization and repair of educational facilities in the Abbott Districts; and

WHEREAS, the New Jersey Legislature has enacted the Educational Facilities Construction and Financing Act, P.L. 2000, c.72 (?the Act? ), to address inadequacies in the quality, safety and utility of educational facilities throughout the State; and

WHEREAS, Executive Order No. 24 (2002) directed the New Jersey Economic Development Authority (?EDA? ) to establish a subsidiary corporation to carry out the statutory obligations of the EDA under the Act for funding and undertaking the repair, renovation, and construction of all school facility projects determined by the Commissioner of Education to meet the school facilities efficiency standards in the Abbott Districts and for undertaking construction of school facilities projects in districts receiving over 55 percent in State aid for education and the ?Level II? monitoring districts; and

WHEREAS, pursuant to Executive Order No. 24 (2002), the EDA established the entity now known as the Schools Construction Corporation; and

WHEREAS, implementation of the School Construction Program has been the subject of evaluation and criticism by the Office of the Inspector General and others in government and by the media and the community at large; and

WHEREAS, specific weaknesses have been identified in, and specific criticisms have been directed to, the areas of the management of design and construction activity and financial controls; and

WHEREAS, the effectiveness of the School Construction Program will be enhanced by (1) increased activity and leadership by the Department of Education in establishing criteria for, and in the evaluation of, the Long Range Facility Plans; and (2) more effective and focused prioritization and accountability by local school districts in the program; and

WHEREAS, the effectiveness of the School Construction Program also will be enhanced by the active involvement of the Board of Directors of the Schools Construction Corporation with its full complement of public members and with leadership by a chairperson who has significant experience and expertise in financial and operational management and oversight; and

WHEREAS, while reforms have been initiated by the Schools Construction Corporation in the areas of fiscal and operations management, further reforms are needed to assure the public that strict controls are in place and that funds for school construction are being spent consistently with legal requirements and in
accordance with educational priorities; and

WHEREAS, it is imperative that, while we immediately implement necessary measures to improve the School Construction Program, we also consider and evaluate all options for a new structure for the Program to ensure that it efficiently delivers the schools our children need at the best price through time; and

WHEREAS, an effective and successful evaluation and transition plan will require collaboration among a number of State agencies while significant reforms and improvements are initiated at those agencies; and

WHEREAS, this reform and improvement process will be enhanced by the designation, on a temporary basis, of an official who will report directly to the Governor and who will be principally responsible for ensuring interaction and collaboration among these agencies; and

WHEREAS, the establishment of an Interagency Working Group charged with specific tasks and with initial reporting dates will further enhance the reform and improvement process; and

WHEREAS, the Interagency Working Group will benefit from input from an advisory panel of representatives from the community;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The position of Special Counsel to the Governor for School Construction (?Special Counsel?) is hereby created. The Special Counsel shall be appointed by, serve at the pleasure of, and report to the Governor. During the period of appointment the Special Counsel shall also serve as a Special Assistant Attorney General and shall, in consultation with the Attorney General, have access to the support and resources of the Department of Law and Public Safety, including without limitation such clerical and support staff as may be necessary to discharge the responsibilities under this Executive Order.

2. The Special Counsel is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge the responsibilities under this Executive Order. Each department, office, division, and agency of State government is required to cooperate with the Special Counsel and to furnish the Special Counsel with assistance necessary to accomplish the purpose of this Executive Order.

3. The Special Counsel shall serve as the Governor's representative in all matters pertaining to the management and operations of the Schools Construction Corporation and shall serve on the Corporation's Board of Directors in the position designated in Executive Order No. 24 (2002) for a member of the Governor's Executive Staff.

4. The Board of Directors of the Schools Construction Corporation, with assistance from the Interagency Working Group on School Construction created herein, shall immediately commence a broad-based search for a permanent chief executive officer.

5. There is hereby formed an Interagency Working Group on School Construction (the ?Interagency Working Group?) that shall be comprised of the Special Counsel, the Acting Commissioner (or Commissioner) of Education, the Chairperson of the Schools Construction Corporation, and the Acting Treasurer (or Treasurer). The Special Counsel shall serve as the chairperson of the Interagency Working Group. The Interagency Working Group is hereby authorized and directed to
review the entire School Construction Program and the laws, regulations, and policies governing educational facilities and to develop recommendations for reform, including recommended statutory and regulatory initiatives, to be presented to the Governor. In addition to any other topics that the Interagency Working Group may consider, specific recommendations are to be developed addressing the reorganization of the Schools Construction Corporation, considering such options as creating a new educational facilities authority in the Department of Education or the Department of Treasury, or by enhancing the capabilities of the New Jersey Building Authority.

6. The Interagency Working Group is further authorized and directed to develop recommendations for consideration by the Schools Construction Corporation and the Acting Commissioner of Education to provide immediate improvements in the operation and management of the School Construction Program so as to establish an effective program to design and build schools in collaboration with local school boards and communities. Topics for consideration should include, but not be limited to:
   a. The implementation of a process by which the educational priorities articulated by the New Jersey Supreme Court in its Abbott decisions and reflected in the Act shall be realized in the review and approval of Abbott District Long Range Facility Plans (plans) and project proposals, to include, if necessary, revision to Facility Efficiency Standards.
   b. The implementation of a process where approved Plans shall (i) reflect priorities established by local school districts with respect to the construction of schools based on health, safety, and the ability to provide an adequate working environment, and (ii) pertain to the approval of facility projects that can be reasonably accommodated within the five-year period covered by the Plans.

7. The Interagency Working Group shall provide the Governor with an initial written report of its findings and recommendations on or before March 15, 2006.

8. To assist the Interagency Working Group in fulfilling its mission, there is hereby created a Citizens Advisory Panel, which will consist of one public member appointed by the Governor upon the recommendation of the President of the Senate, one public member appointed by the Governor upon the recommendation of the Speaker of the Assembly, and three public members appointed by the Governor.

9. The Interagency Working Group shall regularly consult with the Citizens Advisory Panel to keep the Panel informed and to solicit the Panel's input.

10. The Attorney General is hereby directed to provide such assistance to the Schools Construction Corporation as may be necessary to immediately review the adequacy of contracts entered into by the Corporation and to commence legal proceedings to recover monies disbursed due to design errors, overcharging for work completed, or other causes for which the Corporation has a right to seek recovery.

11. The Acting Commissioner of Education is hereby directed to institute such organizational changes as are required to ensure coordination of school construction activities with other Abbott initiatives and to enhance (i) the management and active participation of the Department of Education in the School Construction Program for all matters regarding educational policy, (ii) the development and application of educational facilities standards, and (iii) priority-setting by and among local school districts.

12. This Order shall take effect immediately.

GIVEN, under my hand and seal this 7th day of February, Two Thousand and Six, and of the Independence of the United States, the Two
Hundred and Thirtieth.

Jon S. Corzine
Governor

Attest:
Stuart Rabner
Chief Counsel to the Governor