



December 16, 2008

Gerald L. Zahorchak, D. Ed.
Secretary of Education
PA Department of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Secretary Zahorchak:

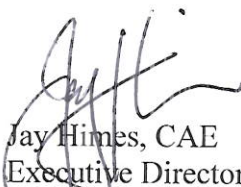
As you know Commonwealth Court has ruled in favor of Muhlenberg School District, in its claim for a waiver under section 751 of the school code (*Muhlenberg School District v. Pennsylvania Department of Education* (DOE) (Docket No. 500-MD2008)).

We applaud the Court's judgment. It affirms our belief that the amendment to section 1714-B of the School Code did not provide any authority, either by statute or by administrative procedures, to impose the moratorium.

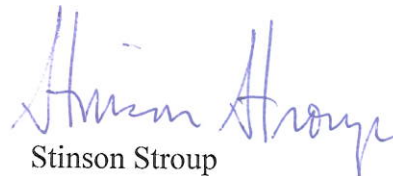
We ask you to apply the law as written and end the moratorium immediately. The Department should allow school districts to file waiver applications relating to multiple prime construction requirements and continue to approve such applications where they show that they will enable the district "to operate in a more effective, efficient or economical manner." Moreover, pending mandate waivers that were not approved as a result of the moratorium should be immediately approved.

We continue to be available to you and your staff and the Mandate Waiver Task Force to discuss the issue of single prime contracting as the Task Force strives to conclude its work.

Sincerely,



Jay Himes, CAE
Executive Director
PA Assoc. of School Business Officials



Stinson Stroup
Executive Director
PA Assoc. of School
Administrators