

90  
5372  
1972  
VI

PUBLIC HEARING

before

ASSEMBLY EDUCATION COMMITTEE

on

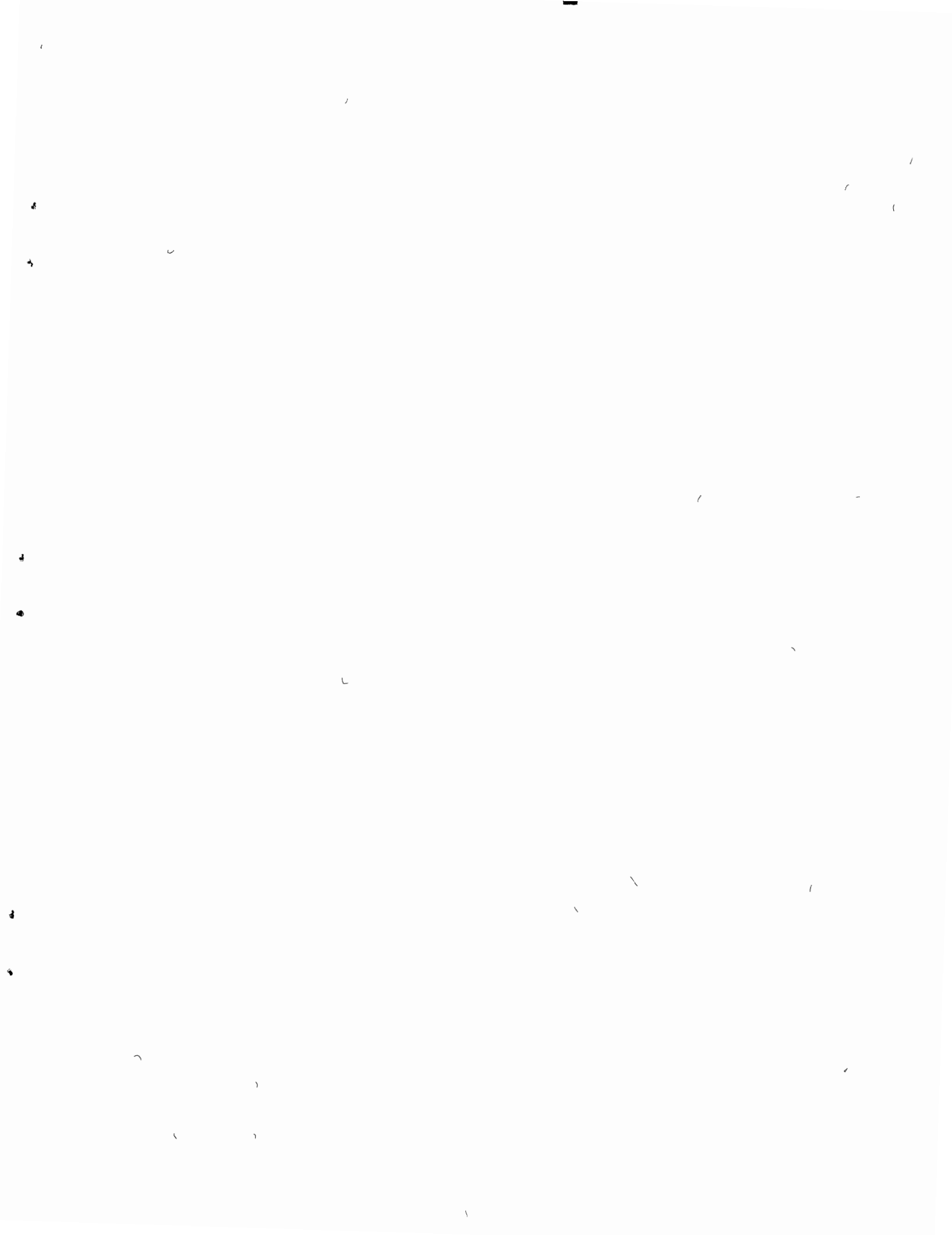
ASSEMBLY CONCURRENT RESOLUTION NO. 36,  
to amend Constitution of the State of  
New Jersey, relative to regionalization  
of School Districts.

Held:  
April 6, 1972  
Assembly Chamber  
State House  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John H. Ewing (Chairman)  
Assemblywoman Millicent H. Fenwick  
Assemblyman John H. Froude  
Assemblyman William H. Hicks  
Assemblyman Albert W. Merck  
Assemblyman Karl Weidel

\* \* \* \*



I N D E X

	<u>Page</u>
Renato R. Biribin Regional Co-Chairman Regional Organization Against Regionalization	1
Linda Stamato Director of Education League of Women Voters of New Jersey	4
Peter P. Garibaldi Assemblyman District 7-A - Middlesex County	18
- - - -	
Also:	
Letter from Carl R. Kreger, Secretary-Business Manager Board of Education, Township of Lawrence	30
Resolutions of Municipal Council, Township of Woodbridge	32 & 33
- - - -	



ASSEMBLYMAN JOHN H EWING (Chairman). Good morning, ladies and gentlemen, I would like to call the hearing to order.

This is the Assembly Education Committee. I am John Ewing, Chairman of the Assembly Education Committee. To my left is Assemblyman Karl Weidel, a member of the Education Committee from Mercer County

This is a public hearing on Assembly Concurrent Resolution No. 36, introduced by Assemblyman Garibaldi, which calls for a referendum on the November ballot should the Resolution be passed by both the Assembly and Senate.

For the record, I would like to state that we have a Resolution sent in by the Board of Education from the Township of Lawrence, which will be entered into the record; and two Resolutions presented by the Township of Woodbridge, which will be entered into the record.

On my right is Mrs Millicent Fenwick, a member of the Education Committee from Somerset County.

This hearing will end promptly at 10:30. If any individuals wish to be heard after that time, we will schedule another date. If any individuals wish to have their testimony entered without actually reading it, they may do so.

The first person I would like to call is Mr. Renato R. Biribin. If you have copies of your statement, I would appreciate your giving them to Mr. Paul Muller, our Staff man.

R E N A T O R. B I R I B I N: Good morning, Assemblyman Ewing and members of the Education Committee. My name is Renato R. Biribin. I live at 1134 Clinton Terrace, South Plainfield, New Jersey.

I am here today to testify as a Regional Co-Chairman for an organization known as the Regional Organization Against Regionalization.

Our organization wishes to speak in favor of Assemblyman Garibaldi's Constitutional Amendment prohibiting

school regionalization without referendum.

The first goal of our organization is to support and assist in obtaining this very type of legislation in order to preserve local control of school districts as we know such local control now.

We firmly believe the power to order the merger of school districts for any reason should not be vested in any one office or person, especially not in the office of an appointed individual.

However, our main concern regarding this legislation is to be assured that the intent of the Amendment's Sponsor will not be changed or watered down by any insertions or compromises on the Amendment as originally proposed.

Specifically, we would like to make sure that the recently inserted phrase "Nothing in this paragraph would permit denial of any person of the rights guaranteed by Article I, Paragraph 5, of this Constitution" in the Constitution of the State of New Jersey - will not in any way have such a watering-down effect.

I would like to state for the record what Article I, Paragraph 5, is. It says:

"No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin."

Also for the record, I would like to say, we support Article I, Paragraph 5, of the Constitution. But we also recognize that someone might make this particular Article have a diluting effect on the legislative intent of the Amendment. And it is our wish that this insertion be further amended or reworded so as to state that the said insertion shall in no way be construed as a reason to deviate from the

legislative intent of this Constitutional Amendment.

We believe it is essential for our Legislators to squarely approach this entire question in a very above-board manner. And we also believe it would be very deceptive of them to appear to be addressing the problem and playing a leadership role on one hand and then leaving themselves a classical "cop-out" on the other hand. The time has come for all the Legislators to clearly put their own interests and political feelings behind and do the job they were sent to Trenton to do - namely, to represent the people that sent them here.

Thank you very much for your time.

ASSEMBLYMAN EWING: Assemblyman Hicks from Passaic County has joined us. He is a member of the Education Committee also. He's to my far right.

Are there any questions?

ASSEMBLYWOMAN FENWICK: Mr. Biribin, do I take it then that you feel that in upholding the rights guaranteed by Article I, paragraph 5, of the Constitution, we would be watering down the Resolution of which you approve? In other words, do you feel that there is a conflict between the intent of the Constitution of this State in that particular Article and paragraph and the intent of Assembly Concurrent Resolution No. 36?

MR. BIRIBIN: My concern is that there should not be a misconstruing of either and there possibly could be some potential controversy. In comparing this, for example, to the 14th Amendment of the Constitution of the United States, wherein equal protection of law, which is basically, as I see it, what Article I, paragraph 5, provides residents of the State of New Jersey, has been so recently construed or misconstrued in many recent decisions and bills and what-have-you, to cover such a broad perspective of rights and situations that possibly were never considered in the original writing of said Amendment 14. My concern is that we don't also run afoul of the legislative intent of ACR-36.

I don't see a controversy right now but I see the possibility of a potential controversy. And I think that for a public record --

ASSEMBLYWOMAN FENWICK: You mean that there might be a judicial interpretation that would make for a conflict; you don't mean that the intent of the two pieces of legislation oppose, do you?

MR. BIRIBIN: No. No, I don't. You can say it a lot better than I can, but we realize that there is room for the upholding of both of these, the proposed Amendment plus Article I, paragraph 5, but we realize that there could also possibly be an interpretation or a misinterpretation so as to have one conflict with the other.

ASSEMBLYWOMAN FENWICK: It's not your contention that they're incompatible.

MR. BIRIBIN: No, I don't believe they are incompatible but I am concerned that they are both upheld within their own legislative intent and spirit.

ASSEMBLYMAN EWING: Thank you very much.

MR. BIRIBIN: Thank you.

ASSEMBLYMAN EWING: Linda Stamato, Director of Education, League of Women Voters.

L I N D A S T A M A T O: Mr. Ewing, Mrs. Fenwick, Mr. Hicks and Mr. Weidel. I am Linda Stamato, Director of Education for the League of Women Voters of New Jersey. I am pleased to have this opportunity to appear before you to present our opposition to Assembly Concurrent Resolution No. 36.

Equal access to quality education in New Jersey has been a goal which the League has actively sought for many years. Greater state financing to equalize the support of education has been the primary thrust of our efforts. More recently, we have supported reorganization of New Jersey's school districts into comprehensive kindergarten

through twelvth grade districts having enrollments large enough to provide most economically for broad curricula, special services and adequate facilities. It is through these measures that the League believes New Jersey can approach excellence in education. Maximum local participation as well as state involvement are the essential ingredients in insuring that excellence.

Our concerns have led us to support full state funding of education as the only equitable method of support -- a method which will eliminate the present dependence of education on the existence of local revenues. We have been concerned, moreover, that the state exert a more forceful role in insuring that the more equitable distribution of funds will have the effect of providing equal educational opportunity throughout the state. That is the challenge we face in New Jersey, as, indeed, does the entire nation

If New Jersey is to face that challenge squarely, and achieve that long unfulfilled goal, it must be able to direct the resources for and the structure of education to that end. To restrict its capacity to do so, inhibits the likelihood of its success

It is the clear intent of New Jersey's Constitution to place the responsibility for education on the state Legislature -- indeed, the Legislature has the obligation to maintain and support a thorough and efficient system of free public schools. To amend the Constitution so as to restrict the Legislature's role, forecloses options the Legislature may subsequently wish to take. This, therefore, may very well prevent the Legislature from implementing its primary responsibility by erecting a barrier against the achievement of thorough and efficient education in New Jersey.

Implicit in the amendment is a denigration of regionalization and consolidation as if such structural changes were inimical to educational quality. The facts speak otherwise. Efficiency and economy as well as improved and expanded curricula and services have been the consistent results. Information on reorganization of school districts is so extensive that even a cursory examination of its methods and implications is im-

possible here today. Nevertheless, at least a minimal review is required.

Unlike New Jersey, which has continually expanded its number of school districts, the trend nationwide has been toward fewer and larger districts. The results of mergers toward larger, comprehensive K-12 districts are considerable elimination of duplication, achievement of new breadth and depth in areas of instruction, full articulation among grade levels, introduction of sound business and administrative practices, equalization of educational and financial burdens, introduction of new dimensions to lay control, attention to opportunities for all children, whether they be gifted, handicapped, slow learners, and to pupil interests, including performing arts, technology, service vocations as well as college preparation. That these accomplishments were obtained on an efficient basis is not the least important factor, for efficiency is enhanced by having an adequate number of pupils to insure the employment and full-time utilization of well-trained teachers, administrators, supervisors and special personnel.

In a survey of New Jersey's school districts, which the League conducted in 1970, it was evident that larger, comprehensive districts make more services and larger curriculum offerings available at less cost than their smaller, noncomprehensive counterparts. Other studies of New Jersey school districts have underscored these results as well.

After an intensive examination of reorganization in many states, as well as an appraisal of New Jersey's educational system, League members concluded that New Jersey must alter its present course and begin to reorganize its school districts. We are convinced that there is no defense for the continuation of any unit of government too small to perform the service for which it was created. There are many experimental programs, practices and innovative activities to which the educational organization must adapt and adjust. Small, inefficient, underfunded districts simply cannot compete for good teachers, provide special services and innovate or experiment in educational curriculum. The rapidity of change in all areas of human endeavor necessitates that educational organization be not only responsive to change, but a part of the change process itself.

To limit the structure within which education is provided to the discretion of local school districts, as the proposed amendment would do, establishes the possibility of a rigidity that may well prove inhibiting to positive change. What seems the "best" structure in 1972 may not necessarily be the "best" twenty years hence. I submit to you that the "best" structure must be determined as education evolves and not be restricted by a static factor embodied in a "living" Constitution.

Given the high mobility, increasingly sophisticated technology and generally growing social and economic interdependence of our society, it is clear that education is of more than merely local interest. Obviously, the social benefits of public education accrue outside the local jurisdiction where schooling is provided. According to Terry Sanford, former Governor of North Carolina, "It is not enough to have the finest school system in the country if the adjoining district has one of the worst. Ultimately, the product of the weak district will dilute the prosperity of the more fortunate products of the excellent system. Correcting this kind of damaging inequity requires state action."

As education is not a purely local concern, the state Legislature must continue to have the flexibility to act in the best interests of education which it has, in the last analysis, the responsibility to maintain and support.

The League believes that it is incumbent upon our elected officials to exert constructive leadership. Especially now as issues are distorted by emotionalism; as unjustified fears are nourished in the absence of reasoned judgment, knowledge and assurance -- we need rationality! Clear consideration of real concerns and objective evaluation of alternatives must take precedence. The Legislature must not abdicate its responsibility, but must fully exercise it on behalf of all our children. The positive advance of education in this state may well depend upon it.

Thank you.

ASSEMBLYMAN EWING: Any questions?

ASSEMBLYWOMAN FENWICK: You speak of the increased efficiency of the larger schools, could you give us some figures on the cost per pupil and show it before it regionalized and then how it dropped after it regionalized? Have you any?

MRS. STAMATO: I certainly could, Mrs. Fenwick, but I don't have all that material with me. I would be very glad to give it to you. I could tell you some things, though, that struck us as interesting.

Some of the larger districts in the State, Clifton, for instance, which is a full K-12 district and has in excess of 5,000 pupils - their cost per pupil is somewhere in the neighborhood of \$1,000 to \$1,200 per pupil, yet they have what would be considered to be almost every single type of service and curriculum offering that one could desire, from vocational choices on up to advanced college preparatory courses, advanced algebra and this kind of thing; whereas, some of the smaller districts, say K-4 or K-6 districts, their amount spent per pupil is considerably high and yet they have no reading specialist, they have no particular library facilities.

ASSEMBLYWOMAN FENWICK: Well, you're determining - by large, I didn't understand what you meant. By large, you mean running K-12. For instance, a district that has 1,000 children and had K-12 would be, in your opinion, a large district.

MRS. STAMATO: Well, large, of course, is relative.

ASSEMBLYWOMAN FENWICK: I mean, I'm wondering what you're talking about, children or numbers of grades.

MRS. STAMATO: I'm talking about both. Fully articulated systems from K-12 --

ASSEMBLYWOMAN FENWICK: Because I mean, we have in Newark 70,000 children and I certainly don't think the performance of the children - have you any figures on the

achievements of pupils in the larger versus the smaller school or district?

MRS. STAMATO: I do. As I said, I have quite a lot of material and I will give you the results of --

ASSEMBLYWOMAN FENWICK: On the achievements? Have you got those scores?

MRS. STAMATO: Yes.

ASSEMBLYWOMAN FENWICK: Where did you get them?

MRS. STAMATO: We had each superintendent in each county fill out certain questionnaires as well as other particular school districts within it. And it's a rather lengthy thing but we do have quite a number of results.

ASSEMBLYWOMAN FENWICK: Did they use the Metropolitan Achievement Test in grading the children's achievement? Were you able to get those quite readily?

MRS. STAMATO: No, quite frankly.

ASSEMBLYWOMAN FENWICK: What did you use?

MRS. STAMATO: Well, we had a questionnaire, well I guess there must have been three or four hundred questions on it, and through different ways of phrasing somehow the same question, one could get the impression through the number of children who went on, say, to advanced homogeneous groupings after grade 4, say, or college preparation in the 12th grade. For instance, let me give you this kind of example.

In elementary districts, say there are three or four elementary districts feeding into a regional high school. There is no cooperation among those districts so that when they reach grade 7 in the regional high school, each has been differently prepared. Some were new math, some had the older, traditional approaches to math. So they spent grade 7 leveling out these students, bringing up those into the new math concept, and so forth.

In the K-12 articulated system, there wasn't this kind of problem, so students could move quite freely

from one grade to the other, knowing what would be expected of them, and the teachers, of course, knowing how well they had been prepared.

So this kind of cooperation is also an outstanding quality of articulated curriculum.

But I would be very happy to give you those results.

ASSEMBLYWOMAN FENWICK: I would like to see some of the costs because in particular districts that I know of the cost went up conspicuously when they regionalized.

MRS. STAMATO: That, of course, is true. But what they're getting for each dollar --

ASSEMBLYWOMAN FENWICK: Well, I mean, I would like to just know whether it's more efficient.

MRS. STAMATO: Yes. I'd be delighted.

ASSEMBLYMAN EWING: Mrs. Stamato, the League does not feel then that the local school districts know what is best for themselves?

MRS. STAMATO: Oh, I think we would support that very much so. I think that local districts have to have as much say as the State. As I said here, their participation is essential. But I think it's also critical that the State, having the responsibility it has, also has to have the options should they need to exert them. And in the case of three districts, for instance, that seem should be regionalized and two approve and one doesn't simply because of tax valuations and this kind of thing, I think the State should have the opportunity to say that they should regionalize and perhaps help, in terms of financial incentives, to that end. But it seems to me that this kind of limitation, as in the amendment, just prevents you from having that option which I think you should have.

ASSEMBLYMAN EWING: Well, the districts could still do it, if they so wished. They would not be forced.

MRS. STAMATO: Yes, they could. Absolutely.

ASSEMBLYMAN EWING: And I should think the districts

would know whether they're compatible with another district in their educational aims and desires.

MRS. STAMATO: Yes. That's absolutely right. I don't see why both couldn't participate to the same end. But I do believe also that there is quite a reluctance to regionalize in some areas, despite what may be the advantages. And if State money is going to be involved, it would seem to me that you would want to have a say in that too.

ASSEMBLYMAN EWING: Does the League follow along with the concept of one man, one vote?

MRS. STAMATO: Certainly.

ASSEMBLYMAN EWING: All right. So then, if you have a larger district they would certainly overpower the smaller district; and if the smaller district had a certain philosophy regarding education, they'd just be submerged by the larger district if they were forced to regionalize.

MRS. STAMATO: Well, I don't know that necessarily each interest would be mutually exclusive, would it?

ASSEMBLYMAN EWING: Well, they have fewer votes on the board.

MRS. STAMATO: Yes, but they still might have the same interests

ASSEMBLYMAN EWING: Oh, yes. But then they would voluntarily regionalize.

MRS. STAMATO: Perhaps. That doesn't seem to have been the case.

ASSEMBLYWOMAN FENWICK: Have you any indication that larger schools benefit children? I mean, isn't there a good deal of evidence beginning to pile up that one of the real problems is that there are too many children herded together?

MRS. STAMATO: Yes, there is absolutely no question of that. And it seems to me that the larger school districts are trying to create this school within a school kind of approach to maintain the merits of small school atmosphere. But, you know, you can have a large district without having

to have large schools. And if a district, say several K-4 districts regionalize into the larger K-12 system, it doesn't mean that the children would be going to any different school, necessarily, and it doesn't mean that they would have that impression of largeness. But you are absolutely right. I think there has to be a great effort made toward maintaining what we think are the good small schools.

ASSEMBLYWOMAN FENWICK: There's another problem too, which is, for instance, one school district might require, and I think does, different sex education. I think what would be appropriate in one area is not appropriate in the other. And that's a problem that would have to be cured.

MRS. STAMATO: Sure. I think that's why the local districts have to have so much to say. Yes.

ASSEMBLYWOMAN FENWICK: Thank you.

ASSEMBLYMAN MERCK: May I ask, Mr. Chairman.

Since the issue here is whether the State should have the right in the future to direct school consolidations, how do you feel that this might erect a barrier against the achievement of thorough and efficient education, as you state on page two?

MRS. STAMATO: Well, if regional districts are, as I say, more efficient and more economical, and students get broader services and better curriculum, and so forth, in these districts, if the State doesn't have the option to move districts toward that end because of this amendment, it would then have the effect of not providing what, in this case, would be a thorough and efficient education. Of course, it depends on how you define it and, naturally, that's going to be one of the problems we face in the State, among many others. But we would like to see as few limitations on the responsibility of the State, to that end, as possible. And as we move toward greater State funding, I think you need to have as many of the options that you need to have. Whether you exercise them or not, of course, is your right

and your opportunity. But we would not like to see the Constitution restricted in that way.

ASSEMBLYMAN MERCK: Well, would you agree, though, that, if this Amendment should take place, the State would have other means, should it find certain districts inefficient, - that it would have other means of bringing change about?

MRS. STAMATO: I don't know. Would you think so?

ASSEMBLYMAN MERCK: My question is to you.

MRS. STAMATO: I don't know. Unless you can offer all kinds of financial incentives which may then change the minds of those districts. I don't know. I would think that you would be quite limited in doing so.

ASSEMBLYMAN MERCK: But you think the State's ability to direct school consolidations really is crucial to the attainment of a thorough and efficient education.

MRS. STAMATO: Yes, I think so.

ASSEMBLYMAN MERCK: Thank you.

ASSEMBLYWOMAN FENWICK: Even if the people object. In other words, the power to order it is what you think they should have.

MRS. STAMATO: Well, you know. Those are the two ends of the extreme and one would hope that the local districts would participate with the State to that end. I just think there is such a lack of information on the merits of reorganization in general, and I am convinced, perhaps this is naive, that if people are fully informed as to what the merits are, they may well seek them themselves and all this may be unnecessary. That's naive indeed.

ASSEMBLYMAN HICKS: Miss Stamato, do you feel that because certain school districts are so involved with their own immediate problems in the area that there might be certain underlying subtle reasons why they would not want to regionalize or to regionalize, sometimes, or that the school districts themselves might want to maintain the

status quo even though it's not for the good of the entire school district sometime, you know?

MRS. STAMATO: Yes.

ASSEMBLYMAN HICKS: Is this your feeling also? I seem to hear this in what you say, and from your article.

MRS. STAMATO: I'm not sure that I have the full intent of your question but I think you mean that if a district is concerned with its own problems and doesn't want to get involved in the problem of another district.

ASSEMBLYMAN HICKS: Even though it should be their problem. You have school district X and Y and Z. And because X is sub-par, probably, and Y is on the middle ground, and Z would be on a very, very high level of achievement, and by consolidating the districts and regionalizing - you understand?

MRS. STAMATO: Yes.

ASSEMBLYMAN HICKS: All three would benefit. But suppose Z wouldn't want to share in the educational benefits with the other two schools by regionalizing and maintained their status quo? I am sure if it were left up to the district itself, they would vote no on the issue and the other two schools would want it, and the State would probably suggest to the district it would be best for all concerned. In this way, the Legislature would have a chance to say, for the good of everyone concerned I think you should regionalize or not regionalize.

MRS. STAMATO: Yes.

ASSEMBLYMAN HICKS: You're saying that if this is amended it would affect and take away the flexibility of the Legislature to advise, consent and direct.

MRS. STAMATO: Yes.

ASSEMBLYMAN HICKS: Thank you.

ASSEMBLYMAN WEIDEL: Mrs. Stamato, the thrust of your statement here is for fewer school districts, which is

a national trend, where New Jersey has some 605 school districts.

MRS. STAMATO: Yes.

ASSEMBLYMAN WEIDEL: Would the League of Women Voters be prepared to go further on a comprehensive study as to just how many districts you may agree on? For instance, should there be in New Jersey, say, 30 districts? It seems to me that consolidation or regionalization is always worried about a borough and a township and a very small section. Would the objections be overcome if it were into a larger segment? In other words, instead of worrying about the borderline between one town and another entity, whether it were larger, consider efficiency and so forth. In other words, you're saying, don't do what this amendment wants to do, but you don't go all the way and say what you would like to do.

MRS. STAMATA: Well, I think there are several alternatives. At the outset when I was talking about State involvement as well as local participation, I think there certainly should be degrees of regionalization which could be approached, you know, as you move toward that end and see what kinds of progress you're making. That would be the better way of doing it rather than saying arbitrarily that there should be so many districts and their enrollment should be such, a minimum of 3500, say. That kind of thing seems a little bit too rigid and I think that you just need to have that much more local participation toward that end. The trend, nationwide, has been quite frankly toward that end in many of the states. And most of them have had to have been state mandated but a lot of them are concerned with one-room schoolhouses and this kind of thing which New Jersey really doesn't have. Yet, if you go along more slowly, you can evaluate what you're doing rather than imposing from above a certain specified number regardless of the growth, potential in an area, and that kind of thing.

ASSEMBLYMAN WEIDEL: Well, on one hand you say we should have fewer districts --

MRS. STAMATO: Yes.

ASSEMBLYMAN WEIDEL: Then on the practical aspect we look at Trenton High School here in the capital city of New Jersey and we find there are those who now contend, after forty-some or fifty years, that this high school is too large, that the students should be distributed, that when congregated together, the very numbers, this shows a decrease in the efficiency of the education. So you're saying on one hand, larger, but then you make an exception and say Trenton High - you almost agreed with me - is too big.

MRS. STAMATO: No. There is a difference between a larger district and a large school. I mean, a district consists of many schools. It can be one, it can be five. And in the case of large high schools, like Trenton, it would seem to me that this school within a school kind of approach is probably something --

ASSEMBLYMAN WEIDEL: College within a University,

MRS. STAMATO: Yes, possibly.

ASSEMBLYMAN WEIDEL: It's worth trying.

MRS. STAMATO: Yes. I should certainly think so. You've got something to gain and probably nothing to lose.

ASSEMBLYWOMAN FENWICK: I served on a joint school district board and we broke it up, to everyone's happiness. I believe one of the main problems is the power of each town to assess and tax, and that causes some of the greatest difficulties, in addition to which the different characters of the towns really they wanted a different type of arrangement, and there was this constant conflict between the two towns with different types of people.

MRS. STAMATO: Yes. Well, I think, of course, the State would also look at that too, and also know the financial disincentives to regionalization that exist now which may not after the State moved in.

ASSEMBLYMAN EWING: Thank you very much.

ASSEMBLYMAN HICKS: Mrs. Stamato, I think the one thing that sort of alarmed you and other people, I guess, is the one case of a general election, you know, Let me read it to you. This is the part in fine print:

"No local school district shall be required to join and create with any other local school district or districts, any new or regional school district unless such participation in a new or regional school district shall have been submitted to and authorized by a majority of the votes cast thereon by the legally qualified voters of the local school district voting at" this is in brackets so that's omitted (a general election) and inserted instead "the annual school election or at a special school election held for that purpose."

You feel that this omission makes the voters regional instead of democratic.

MRS. STAMATO: Again I am not so sure I understand the thrust of your question, but it's difficult to say that you don't support people's rights to determine their school district's size or content, and so forth. But, you know, when you look at some of the smaller districts - and in the Botter decision this was particularly pointed out - the options that the local districts have aren't so great at all because they don't have the funds to do anything and they don't have the systematic functions there to perform. So that on the one hand, although you're saying strictly legally they should have the right to make these kinds of decisions, in effect they may not have the decisions to make at all. And I think in this case, where the State has the responsibility in the long run to provide the education, then ultimately it has the right, or should have, in our view, these options within which to provide that education.

ASSEMBLYMAN HICKS: Does this phrase seem rather vague to you, this part where it says "at the annual

school election or at a special school election held for that purpose" And in small districts, you know, this could be quite undemocratic if it isn't handled in a broad, broad concept.

MRS. STAMATO: That's right. Also, even in the first part of the amendment, where it says that education should be provided within local school districts, one wonders exactly at what juncture we're going to start saying which school districts, those of 1972 or what.

ASSEMBLYMAN HICKS: Thank you.

ASSEMBLYMAN EWING: Thank you very much.

MRS. STAMATO: Thank you.

ASSEMBLYMAN EWING: On my left is Assemblyman Merck from Morris County, a member of the Education Committee.

The next witness will be Assemblyman Garibaldi, Sponsor of ACR-36.

P E T E R P. G A R I B A L D I: Good morning, Chairman Ewing and members of the Assembly Education Committee. I am Assemblyman Pete Garibaldi, District 7-A, Middlesex County, and I want to thank the Committee for affording everyone here today, including myself, the opportunity to state for the public why I, as the prime Sponsor of the bill, feel the amendment to the Constitution of the State of New Jersey on this matter, ACR-36, is necessary.

The State of New Jersey, in an effort to keep politics out of education, has set up an organizational structure whereby one member from each county is appointed and approved to act as members of the State School Board. Once these members are appointed and approved, they are charged with the responsibility of governing the schools throughout the State and are completely independent to recall or review by any governing body, person, or Committee. In short, they are given dictatorial powers as long as they stay within the framework of the legislated school laws of the State of New Jersey. But, State school laws are

subject to interpretation, which leaves the State School Board and its members unaccountable to any body accountable to the people.

To implement the administration of the State School system on a day to day basis, the State School Board set up an administrative bureau headed by an appointed Commissioner of Education whose powers are practically unlimited.

This statement of unlimited powers of the Commissioner of Education derives from the fact that the individual State School Board members have agreed that he is the top authority in matters of education and each looks to him to run the school system according to his superior knowledge in matters of education and they, as individual laymen, would be presumptuous indeed to question his actions.

To sum up the previous statements, we have set up a bureaucratic dictatorship headed by one man to run our New Jersey school system.

Under this State school system, to make it acceptable to the people of the State, a system of school districts were set up whereby the individual school districts could elect members to a local school board to administer the schools of the district, but the powers of the local school board were restricted to the confines of the dictates of the State Bureau of Education which in reality are the dictates of the Commissioner and his interpretation of the State school laws.

This system has worked reasonably well as long as our Commissioner of Education was primarily interested in education. New Jersey was only, according to some estimates, 47th from the top in a list of quality of education among the 50 States. Someone had to be near the bottom of the list. But New Jersey was near the top of the list when the cost of education, per pupil, was listed. So we have been getting a low grade education for a high cost, under this system.

Taking these things into account, it appears that something is radically wrong with the system. And to compound the errors of the past, it has become the primary concern of

our educational system and its administrators to promote integration of the races and colors instead of the promotion of education regardless of race or color.

To promote this integration idea, it has been proposed to bus black and white school children over long distances to achieve a racial balance. If a case can be made to bus blacks and whites and Spanish-speaking people, why not Jewish, Irish, German, Italian, Hungarian, Catholic, Protestant, Hindu, or any number of races and religious groups to achieve a balance in ethnic mix.

I believe the concept is preposterous. The plain fact is, our educators have substituted the primary objective of schools by making integration their objective at the expense of education. It would be far better to devote the time and expense of busing to education in their own home districts; instead of time spent riding a bus, we should utilize this time to teaching time because very little knowledge can be acquired by the individual student riding the same bus route each day for a couple of hours for 180 days per year. But if these same students could get 360 extra hours per year learning to read, write, add, subtract, etc. and in the higher grades utilize the time in the learning of humanities and the sciences, to prepare them to fit into the adult world, which is what education is all about in the first place, then our educational system would perform its prime function.

To add insult to injury, in the name of achieving racial balance, the New Jersey Supreme Court has granted the Commissioner of Education the power to order regionalization of the Morristown and Morris Township School Districts and North Brunswick has proposed busing to achieve racial balance throughout Middlesex County. And, accordingly, the New Jersey Constitution, according to the Judges' decision, was silent on the entire question and, therefore, has been found to be deficient.

And if the dictatorial powers of the Commissioner of Education can be extended to force regionalization of two

municipalities, the same powers can be used to regionalize the county of Middlesex or the entire State, if he should choose to do so.

Chairman Ewing and members of the Education Committee, I believe Assembly Concurrent Resolution No. 36 is indeed necessary, particularly in this day and age of our society. I believe we, as the leaders in the State of New Jersey, can do better for all of our school children and bring about absolute equality, particularly in our educational system. And if busing is the only answer toward bringing about that equality, that absolute equality, then I feel, ladies and gentlemen, that we are being grossly deficient and have failed to meet the needs of our people, and particularly all of our children throughout the State of New Jersey.

I also believe that government governs best that governs least, and that whatever the people will have their government do is best done at that level closest to the people. And that's why I feel that the local school districts can best handle the day to day needs of our school children.

Thank you very much.

ASSEMBLYMAN HICKS: Mr. Garibaldi, would you agree that practically all the problems of the whole country in the past years since 1954 have been caused because school districts have been autonomous bodies onto themselves, self-governing, self-demanding and self-perpetuating? Would you agree to that fact, sir?

ASSEMBLYMAN GARIBALDI: Would you repeat that again, Assemblyman?

ASSEMBLYMAN HICKS: Would you agree that most of the problems in the school systems in the whole country since the 1954 ruling have been brought about or caused because school districts themselves have not had to apply or adapt themselves to the United States Constitution and the State Constitution as this amendment reads now, and had no authority to adhere to except themselves? Would this be a fact?

ASSEMBLYMAN GARIBALDI: I wouldn't think it would be a fact because there are many school districts throughout the country who do not have forced bussing, that are getting along well and are achieving ---

ASSEMBLYMAN HICKS: This bill is not about bussing, is it, sir?

ASSEMBLYMAN GARIBALDI: Bussing, integration, regionalization of school districts.

ASSEMBLYMAN HICKS: You mentioned integration, bussing, etc. If a school district advocates a certain ethnic balance and excludes certain ethnic groups, be they Black, Jewish or what, this is undemocratic. Do you feel that the State Legislature or the State government should not have a right to step in there and say, "This is un-American and should be changed"? Because your amendment would preclude the right of the State to say, "This school is un-American."

ASSEMBLYMAN GARIBALDI: I am not sure I follow your question, Assemblyman. All I will attempt to do in reply to your statement is to say that integration within our school districts must come first, with the promotion of equality of education for all.

ASSEMBLYMAN HICKS: Sir, let me add a little bit to

this. Would you agree also that the State of New Jersey does not have a bussing problem at all; it is a zoning problem? People are zoned out of areas, not regionalized out. I like to think of this bill as a regionalization bill and not a bussing bill or integration bill because this bill as it reads now if it were enacted would bring about probably complete chaos in schools that couldn't bring about these things.

ASSEMBLYMAN GARBALDI: Assemblyman, now you are referring to the bill and I understand your question. Yet you injected the issue of bussing within the confines of Assembly Concurrent Resolution Number 36. To that extent, the proposed resolution here gives the people within local school districts the right to decide for themselves how they should govern their educational systems. If those respective school districts wished to regionalize, they can do it through the democratic process by voting on a referendum within the local school districts and no one individual shall force the issue upon those people when they do not consent to it.

ASSEMBLYMAN HICKS: I keep thinking about home rule and the importance of home rule and my mind goes back to the Police Residency Bill when you were so adamant that the State Legislature should have a say as to what happens to people back home. All of a sudden, I find Mr. Garibaldi not so sure as to what the Legislature should do towards regionalization. Don't you think this body here, the Senate and the Assembly, is made up of representatives of the State of New Jersey? And when you vote and I vote and everyone else votes, what we say is the echoing of the wishes of our constituency. So if the Legislature has the authority to decide, direct and guide in the areas of regionalization, wouldn't this be the real democratic process in getting the job done?

ASSEMBLYMAN GARIBALDI: Assemblyman, I feel the only correct democratic process is by affording the people the right to decide for themselves on a policy as profound and an issue so controversial through the ballot in each respective school district, and hopefully not emotionally.

ASSEMBLYMAN HICKS: Thank you, Mr. Garibaldi.

ASSEMBLYWOMAN FENWICK: I concur with Assemblyman Hicks' view that it is most unfortunate that the issue of bussing has been brought into a concurrent resolution which on the face of it has nothing to do with bussing and is only concerned with regionalization.

This issue was not, however, brought into the discussion by Assemblyman Hicks, but indeed by the sponsor. So am I to take it, Assemblyman Garibaldi, that this bill, although on the face of it is concerned with regionalization and the right of each town to vote before joining a school district, a regional school district, is in fact not that at all, but is in fact a constitutional amendment that is concerned with bussing? Is that the intent of your testimony here this morning?

ASSEMBLYMAN GARIBALDI: Mrs. Fenwick, the bill is most clear - all the ramifications dealing with education, and that includes bussing of students. What the bill says and what the people will have to approve, if it ever becomes an amendment to the State Constitution, is that no local school district shall be required to join and create --

ASSEMBLYWOMAN FENWICK: That's all it says.

ASSEMBLYMAN GARIBALDI: (Continuing) -- with any other local school district or districts --

ASSEMBLYWOMAN FENWICK: That's right.

ASSEMBLYMAN GARIBALDI: That's right.

ASSEMBLYWOMAN FENWICK: And that's all it says. But, in fact, many of the most successful bussing programs which have been undertaken voluntarily in Connecticut and in New York State have been in different districts without regionalization at all. And they have had deliberate plans to integrate schools on the theory that it benefits all children. It has been done voluntarily at local expense and across school districts.

The point I am trying to make is that here there is nothing that says that the town shall vote in a school election

on what shall compose their school practices; that they do when they elect their School Boards. ACR 36, on the face of it, only has to do with whether or not they can be forced to regionalize with another district. But what I take from the discussion this morning is that there is much more to it than this, that this is not just the simple bill it appears to be, that this, in fact, might be construed - and I don't see how it can be so construed - that it could prohibit bussing even if the people wanted it.

Are we just discussing what we thought we were discussing, a simple bill that says you can't be forced to regionalize if you don't want to --

ASSEMBLYMAN GARIBALDI: -- or join with another school district.

ASSEMBLYWOMAN FENWICK: -- or join another district? In other words, I don't understand why the bussing issue has been brought into this, Mr. Garibaldi, unless it is in fact hidden in the intent of this legislation and not apparent.

ASSEMBLYMAN GARIBALDI: Well, there would be a great deal more involved, Mrs. Fenwick, aside from bussing. That is just one of those issues.

ASSEMBLYWOMAN FENWICK: It isn't here at all.

ASSEMBLYMAN GARIBALDI: Well, it could be. It is part of the educational process. It is a part of the system of education. Now, if the individuals within respective communities have decided for themselves, through the ballot, that they want their children to go to their neighborhood school or their local school district, within one municipality, then that's the way it should be. And no one should be able to come along and say, after you voted to stay as a neighborhood school or a school district, not a regional school district, not joining with any other municipalities, "We are going to take your child from out of that school district and send him to another school district." And that is all part of the process.

ASSEMBLYWOMAN FENWICK: Assemblyman Garibaldi, this

won't stop it. Many school districts have been regionalized and the children have been going to the same school. I was on the School Board, we had a regional, and the children kept on going to the same schools after we deregionalized.

ASSEMBLYMAN GARIBALDI: That's right, and this bill would not prohibit that. The people could still regionalize.

ASSEMBLYWOMAN FENWICK: In other words, what I am trying to understand is - you are saying to us, there is a great deal more in this bill than is on the face of it and that if we vote for it, the simple thing of not being able to force regionalization of a school district, we are really voting for something quite different.

ASSEMBLYMAN GARIBALDI: You are voting to give the people the right to decide for themselves whether or not their children shall attend their own school district.

ASSEMBLYMAN HICKS: Mr. Garibaldi, it seems to me what you are saying I seem to have heard quite a few years back during all of the racial problems and bussing problems, which you mentioned, of the good old South. There is a man running for President, Governor Wallace, who said the same thing in the doorway of some school house down there, that no school district shall be forced to accept students from another school district against their wishes. It seems to me to be regressive instead of progressive, sir. I think this would set our country back years.

ASSEMBLYMAN MERCK: Mr. Garibaldi, would you let me know if you have any substantiating information that the prime -- I believe you said the prime purpose of the Commissioner of Education is to promote integration rather than education. Do you have any material that would substantiate that, if I understood you to say that?

ASSEMBLYMAN GARIBALDI: Right. Of course, the case that I pointed to in my remarks was the Morristown-Morris Township school regionalization where the Commissioner ruled that they could not dissolve and he felt that those school districts should be regionalized, and to that extent, he has

rendered a decision supporting that very premise which you questioned.

ASSEMBLYMAN MERCK: Was that ruling of the Commissioner done under orders of the court?

ASSEMBLYMAN GARBALDI: Not to my knowledge.

ASSEMBLYMAN MERCK: Let the record show ---

ASSEMBLYMAN GARBALDI: Well, the court ruled. I can't say that he did it as a result of the court. As far as I can read into the decision rendered by the courts, it was that the Commissioner had the power to make that decision. Now, whether or not he could have ruled the opposite way -- so you can't justify his ruling, that it was a mandate as a result of the court's.

ASSEMBLYMAN MERCK: This resolution, if it should pass both Houses and be approved by the people in November, means that the State could not after that time direct new mergers of school districts which had been separate at the time of the referendum. That is what this means.

Now I think there are constitutional protections in here that will support the rights of individuals as opposed, or I should say, as complementary to the rights of the voters in the local district. I think we may be getting confused that the right of the people to vote on something does in some way abrogate individual rights. And I just want to say for the record that I have no impression that this bill will abrogate individual rights.

ASSEMBLYMAN HICKS: Mr. Garibaldi, you said earlier, "This system worked reasonably well as long as our Commissioner of Education was primarily interested in education." Are you saying in essence that the Commissioner now is not interested in education?

ASSEMBLYMAN GARBALDI: What was that last part, please?

ASSEMBLYMAN HICKS: You said, "This system worked ... well as long as our Commissioner of Education was ... interested in education." Are you saying in essence then that our present Commissioner of Education is not interested in

education in the State of New Jersey?

ASSEMBLYMAN GARIBALDI: Assemblyman Hicks, my remarks there were in no way intended to reflect upon the capabilities of our present Commissioner --

ASSEMBLYMAN HICKS: Well, Mr. Garibaldi, --

ASSEMBLYMAN GARIBALDI: Let me finish, Assemblyman. You asked a question. I have a right to answer it.

My remarks were not intended as any reflection upon the capabilities of the present Commissioner or any other Commissioner of Education within the State of New Jersey. What I am saying is that the system under which the Commissioner operates is deficient within the State of New Jersey and, therefore, requires a change.

ASSEMBLYMAN HICKS: Now will you answer the question either yes or no? You made the statement. I was trying to get a yes or no answer from you.

ASSEMBLYMAN EWING: Do you want me to read it for you?

ASSEMBLYMAN HICKS: Yes. Would you be kind enough to do that?

ASSEMBLYMAN EWING: "This system worked reasonably well as long as our Commissioner of Education was primarily interested in education."

ASSEMBLYMAN HICKS: Are you saying that our Commissioner now is not interested in education?

ASSEMBLYMAN GARIBALDI: That is not what I said there. I said our educational system worked reasonably well, while the Commissioner of Education was interested in education. Now, as a result of court rulings and many other legal technicalities, whether by Federal or State statute, the Commissioner's hands have been tied.

ASSEMBLYMAN EWING: Will the members of the audience please refrain from talking. We are trying to hold a hearing.

ASSEMBLYMAN HICKS: Thank you.

ASSEMBLYMAN EWING: Assemblyman Froude, who is on my right, has joined us. He is from Middlesex County.

As I said when we opened the hearing, we would close

promptly at 10:30. It is now 10:30. The individuals who did not get a chance to testify will be advised of the new date on which the hearing will be continued.

- - - - -

**BOARD OF EDUCATION - TOWNSHIP OF LAWRENCE**

**2565 PRINCETON PIKE  
TRENTON, NEW JERSEY 08638**

*Handwritten initials*

**CARL R KREGER  
SECRETARY/BUSINESS MANAGER**

**AREA CODE 609  
TELEPHONE 882 7274**

April 5, 1972

Assemblyman John H. Ewing  
N. J. State Assembly  
Trenton, New Jersey

Dear Assemblyman Ewing:

Enclosed you will find a resolution which was adopted at a special meeting of the Board of Education-Township of Lawrence, on April 4, 1972.

We would like this resolution to be a part of the record of the public hearing to be held on Thursday, April 6, 1972, relative to ACR36.

Very truly yours,

*Carl R. Kreger*

Carl R. Kreger,  
Secretary-Business Manager

CRK:rae

enc.

**BOARD OF EDUCATION - TOWNSHIP OF LAWRENCE**

2565 PRINCETON PIKE  
TRENTON NEW JERSEY 08638

CARL R KREGER  
SECRETARY/BUSINESS MANAGER

AREA CODE 609  
TELEPHONE 882 7274

April 5, 1972

At a special meeting of the Board of Education-Township of Lawrence held on April 4, 1972 the following resolution was passed:

- WHEREAS, The residents of Lawrence Township have built, developed, and maintained a school system for the education of its children, and
- WHEREAS, That school system provides its students with the scholastic, cultural, intellectual, athletic, and social development consistent with the needs and wants of those residents, and
- WHEREAS, That school system is a center of community interest and involvement, and
- WHEREAS, Student activities can instill community spirit and pride and a sense of belonging in all of the township's residents, and
- WHEREAS, Those residents have contributed their tax dollars and countless hours of time and effort in creating and sustaining that school system, and
- WHEREAS, Many residents have sacrificed professional and monetary advancement in favor of participating in that school system and
- WHEREAS, Those residents have embraced the democratic process in electing from their peers, school board members whose local status enhances their sensitivity to community needs and wants, and
- WHEREAS, Those residents have expressed the desire that any regionalization of that school system be the ultimate prerogative of the resident voters, and
- WHEREAS, The Lawrence Township Board of Education believes that the most democratic form of government is that form which best allows the constituent voters to determine their own destiny, now, therefore be it
- RESOLVED, That the Lawrence Township Board of Education supports ACR36, as originally submitted, and be it further
- RESOLVED, That the Lawrence Township Board of Education urges the New Jersey Legislature to expedite the passage of ACR36 as originally submitted, so that it may be voted upon by the voters of New Jersey in the 1972 general election, and be it further
- RESOLVED, That this resolution be forwarded to Assemblyman John Ewing, Chairman Assembly Education Committee, and that copies be forwarded to Assemblymen Karl Weidel and Walter Foran, New Jersey State Senator, William E. Schluter; and Governor William Cahill.

RESOLUTION

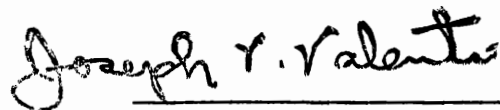
WHEREAS, the Municipal Council of the Township of Woodbridge has a collective opinion with regard to the dangers and harm that would be created by permitting school children to be transported by bus many miles from their homes, friends and neighborhoods to schools in other communities; and

WHEREAS, the Municipal Council is concerned over the present petition of the Township of North Brunswick seeking bussing of New Brunswick children to our schools among others and wish to go on public record in opposition to this plan.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Woodbridge that all members present unanimously resist the bussing of children into or out of our Township under the terms and conditions of the plan proposed by the Township of North Brunswick.

ADOPTED: January 18, 1972

I hereby certify that the above is a true and exact copy of the Resolution adopted by the Municipal Council of the Township of Woodbridge at their Regular Meeting held on January 18, 1972



Joseph V. Valenti  
Municipal Clerk

RESOLUTION

WHEREAS, on January 18th, 1972, the Municipal Council of the Township of Woodbridge adopted a resolution opposing the bussing of school children into or out of Woodbridge Township pursuant to a regionalization school system plan then proposed by the Township of North Brunswick; and

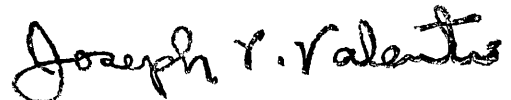
WHEREAS, this Council continues to unanimously oppose the joining of local school districts which would necessitate bussing of Township children; and

WHEREAS, Assemblyman Garibaldi's Assembly Concurrent Resolution number 36 proposes to permit the voters to decide whether their school districts should or should not be united; and

WHEREAS, this Council unanimously supports and indorses Assembly Concurrent Resolution number 36 and urges the New Jersey General Assembly and Senate to adopt same and **HEREIN RESOLVES** that this Council is to go on public record that it opposes the bussing of Township children.

ADOPTED: April 4, 1972

I hereby certify that the above is a true and exact copy of the Resolution adopted by the Municipal Council of the Township of Woodbridge at their Regular Meeting held on April 4, 1972.



---

Joseph V. Valenti  
Municipal Clerk

ASSEMBLY CONCURRENT RESOLUTION No. 36

STATE OF NEW JERSEY

FILED FOR INTRODUCTION IN THE 1972 SESSION

By Assemblymen GARIBALDI, WILKIE, MANCINI, BERRY,  
MABIE, CHINNICI, VEIT, KEOGH-DWYER, HORN and  
LEFANTE

A CONCURRENT RESOLUTION proposing to amend Article VIII, Section IV, paragraph 1 of the Constitution of the State of New Jersey

1 BE IT RESOLVED *by the General Assembly of the State of New*  
2 *Jersey (the Senate concurring)*

1 1 The following proposed amendment to the Constitution of the  
2 State of New Jersey is hereby agreed to

PROPOSED AMENDMENT

3 Amend Article VIII, Section IV, paragraph 1, to read as follows  
4 1 The Legislature shall provide for the maintenance and sup-  
5 port of a thorough and efficient system of free public schools  
6 *within local school districts* for the instruction of all the children  
7 in the State between the ages of 5 and 18 years *No local school*  
8 *district shall be required to join and create with any other local*  
9 *school district or districts, any new or regional school district*  
10 *unless such participation in a new or regional school district shall*  
11 *have been submitted to and authorized by a majority of the votes*  
12 *cast thereon by the legally qualified voters of the local school*  
13 *district voting at **\*[a general election]** \*the annual school election*  
14 *or at a special school election held for that purpose\* \*Nothing in*  
15 *this paragraph shall permit the denial to any person of the rights*  
16 *guaranteed by Article I, paragraph 5 of this Constitution \**

1 2 When this proposed amendment to the Constitution is finally  
2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,  
3 it shall be submitted to the people at the next general election  
4 occurring more than 3 months after such final agreement and shall  
5 be published at least once in at least one newspaper of each county  
6 designated by the President of the Senate and the Speaker of the  
7 General Assembly and the Secretary of State, not less than 3  
8 months prior to said general election

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law

1 3 This proposed amendment to the Constitution shall be sub-  
2 mitted to the people at said election in the following manner and  
3 form

4 There shall be printed on each official ballot to be used at such  
5 general election, the following

6 1 In every municipality in which voting machines are not used,  
7 a legend which shall immediately precede the question, as follows

8 If you favor the proposition printed below make a cross (X),  
9 plus (+) or (v) in the square opposite the word "Yes " If you  
10 are opposed thereto make a cross (X), plus (+) or check (v) in  
11 the square opposite the word "No "

12 2 In every municipality the following question

	Yes	<p>Shall the amendment of Article VIII, Section IV, paragraph 1 of the Constitution of the State of New Jersey to provide that no local school district shall be required to join and create with any other local school district or districts any new or regional school district unless such participation in a new or regional school district shall have been submitted to and authorized by a majority of the votes cast thereon by the legally qualified voters of the local school district voting at a general election be approved?</p>
	No	





