
Public Hearing

before

ASSEMBLY TASK FORCE ON COURTESY BUSING

“Gathering information for the study of courtesy busing of pupils in New Jersey”

LOCATION: Hunterdon Central High School
Flemington, New Jersey

DATE: December 18, 1996
7:00 p.m.

MEMBERS OF TASK FORCE PRESENT:

Assemblywoman Barbara Wright, Chairwoman
Assemblywoman Connie Myers
Assemblyman Joseph R. Malone III
Assemblywoman Barbara Buono
Assemblywoman Shirley K. Turner

ALSO PRESENT:

William J. O'Brien
Office of Legislative Services
Aide, Assembly Task Force on Courtesy Busing



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TABLE OF CONTENTS

	<u>Page</u>
Senator William E. Schluter District 23	2
Assemblyman Leonard Lance District 23	2
Wayne Dibofsky Associate Director Government Relations New Jersey Education Association	5
Leslie A. Conlon Superintendent Denville Township School District	11
Terri Illes Vice-President Readington Township Board of Education	14
Sybrigje Herman Business Administrator/Board Secretary Hunterdon Central Regional High School	15
Frances K. Tolley Board Administrator South Hunterdon Regional High School	17
APPENDIX:	
Statement submitted by Leslie A. Conlon	1x
Statement submitted by Terri Illes	3x
Statement submitted by Sybrigje Herman	5x

TABLE OF CONTENTS (continued)

APPENDIX (continued):

Page

Statement submitted by Frances K. Tolley	6x
Letter addressed to Honorable Connie Myers from Victoria L. Stevens	8x
Letter plus attachments addressed to Connie Myers, Assemblywoman from Eugene M. Lennon	9x
Letter addressed to Hon. Barbara Wright from Christine Del Priore	14x
Statement submitted by Mark H. Sperber Member Bedminster Township Board of Education	16x
Letter plus attachments addressed to Honorable Barbara Wright from John G. Waltz	18x
Letter plus attachments addressed to The Honorable Connie Myers from Eva Kunz	40x
Letter plus attachments addressed to The Honorable Connie Myers from Julaine Williams	43x
Letter plus attachments addressed to The Honorable Connie Myers from John Nemeth	47x
Letter addressed to The Honorable Connie Myers from Robert J. Soprano	50x

TABLE OF CONTENTS (continued)

APPENDIX (continued):

Page

Letter addressed to The Honorable Connie Myers from Thomas C. Gross	51x
Letter addressed to The Honorable Connie Myers from William W. Poch	52x
Letter addressed to Members of the Assembly Task Force on Busing from Ellen Milionis	54x
Letter addressed to Assemblywoman Connie Myers from Amy Shandor	55x
Letter plus attachment addressed to The Honorable Connie Myers from Karen S. Grayson	56x
Statement plus attachments submitted by Suzanne Caravella	60x
Letter addressed to Assemblywoman Barbara Wright from Karen S. DeFrancesco	65x
Comments plus attachments submitted by Jeff Wides	67x
Testimony submitted by Wayne Dibofsky	71x
lmb: 1-39 (Internet edition 1997)	

ASSEMBLYWOMAN BARBARA WRIGHT (Chairwoman):

I want to thank you all for coming tonight, and I know that you will probably be joined by some other people who are planning to testify later on. I want to welcome you to the Task Force on Courtesy Busing. I'm Barbara Wright, and I'm the Task Force Chairwoman. Assemblyman Malone is on my left and, as many of you know, Assemblywoman Myers and Assemblywoman Buono. Most of our Task Force is here who is coming, so we do want to get started.

I would like to just take this opportunity to tell you that our work is well underway. We have met with the Commissioner of Education. This is the third of our public hearings. It will be our last unless we find that we need to go back into the community for more information. We will be compiling a report in January and hope to report to the Assembly Speaker by the end of January.

Tonight we are just very pleased to be here in Hunterdon County with Assemblywoman Myers. She will be chairing the meeting tonight. I'm going to turn the meeting over to Assemblywoman Myers.

Oh, I'm sorry. I called the roll, but we need the official roll call from Bill O'Brien, our staff from the Office of Legislative Services.

MR. O'BRIEN: Assemblyman Malone?

ASSEMBLYMAN MALONE: Here.

MR. O'BRIEN: Assemblywoman Wright?

ASSEMBLYWOMAN WRIGHT: Here.

MR. O'BRIEN: Assemblywoman Myers?

ASSEMBLYWOMAN MYERS: Here.

MR. O'BRIEN: Assemblywoman Buono?

ASSEMBLYWOMAN BUONO: Here.

ASSEMBLYWOMAN MYERS: Thank you, Assemblywoman Wright.

At this time, I'd like to start out by recognizing our Senator from this District, Bill Schluter. Did you want to testify?

SENATOR WILLIAM E. SCHLUTER: (speaking from audience) Thank you, Assemblywoman. I testified last time. I wanted to come over here and express my appreciation and support for what you are doing.

ASSEMBLYWOMAN MYERS: Great.

Assemblyman Lance.

ASSEMBLYMAN LEONARD LANCE: Thank you very much, Chairwoman Myers and members of the Task Force. I hope we can all get out of here tonight and do Christmas shopping at the Flemington outlets to make sure that Assemblyman Malone and I, on the Appropriations Committee, and Assemblywoman Buono, on the Appropriations Committee, have enough money to balance the State budget in the upcoming year.

I think it is true that it is a misnomer to call the issue courtesy busing. It is from the perspective of all of us in the Legislature one of safety busing. Certainly, in this part of the State where there are few sidewalks, it is a matter of utmost safety to young people that in the discretion of local school boards busing occur not only for those who are remote from the location, but also those who are within two miles or at the high school level, and this is a high school in which we are meeting, two and one-half miles.

I want to commend Assemblywoman Wright, the Chair of the Task Force, and Assemblyman Malone who have proposed legislation in an amendment form to the Omnibus School bill on which we will be voting tomorrow. This was done as I understand it, Assemblywoman Wright, in the Education Committee. Your amendment to the act, which will be voted in both Houses tomorrow, takes this matter outside the cap.

Senator Schluter and I had introduced similar legislation several months ago. The Senator's bill is No. 1587, and my bill is No. 2345.

In reviewing the authority of the Commissioner, it was not clear to me that the Commissioner had the authority to treat this matter as he had done. But in any event, he did treat it as in a way that I believe was inappropriate, forcing school districts to place this under the cap. That was the purpose of our legislation, and that is obviously the purpose of your amendment to the larger bill that will be voted tomorrow.

I think that this is an appropriate way to handle the matter, and I commend Assemblywoman Wright and Assemblyman Malone.

I point out, however, that the Education Act will take effect, as I understand it, for the school year that begins in September. I think that therefore it may be probable that legislation that Senator Schluter has sponsored in his House and I have sponsored in the Assembly or similar legislation should be investigated for this year. Because, after all, the matter of safety does not begin in September of the new school year. This is a matter of concern for parents throughout New Jersey including parents in our district, Assemblywoman Myers, and it is a matter of concern today.

I would hope either that concurrent legislation move forward that will solve the problem immediately, or if not, I would suggest that the Commissioner -- given the spirit of what the Legislature is going to do -- treat this matter from an administrative standpoint to permit school districts to include this outside their cap. I think perhaps that could be done administratively, especially if, as I predict, the legislation on which we vote tomorrow is passed in both Houses, is signed by the Governor probably before Christmas, and clearly expresses the view of the Legislature on this issue.

The Education Act that will be passed tomorrow and signed into a law later this week has many components. But this is an important reform in which we together engage regarding the issue of safety busing. I would hope that the Commissioner in the spirit of the intent of the Legislature would review the matter as it affects this year.

I'm pleased that the members of the Task Force have come into this county. Almost all of our children are bused. This county is extremely rural, as Assemblywoman Myers knows full well. We represent the largest district in the State, 46 municipalities from above the Delaware Water Gap almost to the City of Trenton. I am hopeful that the Task Force deliberations can reach the Speaker in a timely fashion. I commend you for all of your hard work.

Thank you very much, Assemblywoman Myers, Assemblywoman Wright, Assemblyman Malone, and Assemblywoman Buono. I hope I haven't spoken too long.

Remember the outlets are open until at least 9:00 p.m. the week before Christmas. Thank you very much, and Merry Christmas to you all.

ASSEMBLYWOMAN MYERS: Thank you, Assemblyman Lance.
Wayne Dibofsky. Do you want to go next?

WAYNE DIBOFSKY: Thank you, Madam Chair.

On behalf of the New Jersey Education Association, I'd like to echo some of the remarks by Assemblyman Lance, specifically in thanking Assemblywoman Wright and Assemblyman Malone for their very strong stand on putting courtesy busing outside the cap. We greatly appreciate it. We think it's the first step in a long road to making courtesy busing/safety busing a tremendous improvement for the health and well-being of our students in this State.

I've attended the original meeting that you held with the Commissioner and then the meeting in South Brunswick. We also thank you for bringing the issue to the forefront. It's been 50 years in the making dealing with the issue of safety busing in the State of New Jersey. And just like the funding issue in the State and the issue of facilities, it seems to be a work in progress. We commend you on your initial steps, but I would be remiss if I didn't say that we look forward to your recommendations, but we believe we have a lot more to do. Specifically, the State of New Jersey, as we all know, has been overcome by suburban sprawl. In that, even though we have changed the demographics of and the traffic patterns of our State and we have looked at narrowing roads and we put in speed bumps, every day more and more students in the State of New Jersey going to and from school are in harms way. And we just cannot tolerate that anymore.

It may be a question of money, but it also may be a question of efficiencies. The New Jersey Education Association is spearheading a coalition

-- a broad base coalition -- looking at the aspect of not only safety busing in the State of New Jersey, but all the efficiencies and the costs and the dynamics involved with transportation within the State. That is something that, I hope, a recommendation could be coming forth from this Committee to expand the discussion on transportation in the State of New Jersey, not only from an educational point of view, but from a financial point of view.

There are a number of compelling questions that have not been answered for 50 years in this State, and they still become the compelling and the linchpin questions of today. Who is responsible for the issuance of safety regulations/safety busing in the State of New Jersey, the Department of Education or the Department of Transportation? And we all know, when everyone seems to be responsible in the State, no one is responsible.

What we have to do is narrow our focus and intensify our efforts. We need to look at and review bidding procedures on transportation for both the safety and well-being of our students, but for the efficiencies of costs for our school districts, specifically in the area of special education, which drives the level of spending up and up, over \$3000 per bid spec in the State of New Jersey, because we provide the most variable bid specs in the nation on special education.

At your initial meeting with the Commissioner and then with your meeting with the public at South Brunswick, Assemblywoman Myers raised the question in the specter of a bill put forth by Senator Littell in S-1315, which talks about 21 regional school coordinators running 21 regional school programs. *School Transportation News* has put forth, as has the Federal Department of Education, a whole series of statistics on school busing

nationally. And that day and continuing to this day, the New Jersey School Boards have put forth the argument that we have the most expensive busing procedures in the nation right here in New Jersey. The reasons is, ladies and gentlemen, we are the only State that has historically answered all the data questions on the *School Transportation News* summary data sheets. Most states do not incorporate maintenance fees, insurance fees, and most importantly, special education fees.

New Jersey -- using Maryland as the example, because that's the example that was raised by the New Jersey School Boards -- transports almost 13,000 more special ed kids than any other state in the nation. New Jersey delivers to 78 percent more buildings than the State of Maryland, more students. We have 68 percent more buses on the road than the State of Maryland. One-third of Maryland's counties have fewer housing units than the least-concentrated areas of the State of New Jersey. New Jersey has almost 40 percent more public roads than the State of Maryland. Most importantly, Maryland's entire transportation system is done on a block grant procedure.

That aside, we strongly believe and we would strongly urge you that in your deliberations to look at a number of efficiencies that could also help. Tiering would be a major improvement in driving down costs of programmatic need in the State of New Jersey and free up on money for curriculum development in the State of New Jersey, as our educational base of students explodes. By the Department of Education's own figures, about 28,000 more students will enter our schools next September than will graduate this June and will continue at that moniker level for perhaps the next four years.

So we employ you in your research and in your study to reach out to the coalition that we have put together to see if, after your findings have been released to the Speaker's Office, we could then sit down, looking at your recommendations and your fine suggestions, with the coalition that I am representing on behalf of the New Jersey Education Association.

I will share with you. It goes across the breadth of the State to bus owners, to all educational communities of interest through an inclusive of the PTA, and the student transportation coordinators to find efficiencies and improvement not only for the health and well-being of our students, but also for the taxpayers of the State of New Jersey.

Thank you very much.

ASSEMBLYWOMAN MYERS: Mr. Dibofsky, have you given us written testimony?

MR. DIBOFSKY: No, I haven't, Assemblywoman. That is only because of the funding issue kind of took precedence of my time, as it has yours. I will codify these remarks in writing, and through you, I will send them to the Chair so they can be distributed.

ASSEMBLYWOMAN MYERS: Through Assemblywoman Wright, and we would very much appreciate it. A number of us are looking at some statistics provided by the Department of Education which shall arrange for special education busing from \$50 per pupil to \$20,000 per pupil, and trying to figure out why that is so, and what, if anything, can be done to rein in these costs and maybe use that money to provide more safety busing.

I was interested in what you said about tiering.

MR. DIBOFSKY: Yes.

ASSEMBLYWOMAN MYERS: What is tiering?

MR. DIBOFSKY: Many school districts-- And it's interesting that some of the highest expenditures are on special ed tiering. For instance, in Bergen County, school bus owners on bid specs have said to many of the special services districts in Bergen County, "What would happen if we opened up the schools on a tiered bell schedule?"

ASSEMBLYWOMAN MYERS: Okay.

MR. DIBOFSKY: That way we could use the same bus making a multitude of runs, picking up students, dropping them off, interlocking services, interdistrict services, shuttle services, etc. Unfortunately in Bergen County, which has the highest per pupil cost in busing in the State of New Jersey, it was not the school district that said, "No." It was not the freeholders who said, "No." It was the parents who had a problem, because they liked the schedule, as it was based, understandably so.

But that means that each bus company has to bid separately, because they are not deep enough in bus personnel and/or in vehicles to provide the needs. One of the interesting things in the State of New Jersey is we have gone from approximately 1000 bus companies 10 years ago in the State of New Jersey to about 255 today. Many of them are very small mom-and-pop operations, but they are slowly being taken over by three major bus companies in the State and nationally. And eventually what we are going to have is probably no less than 12 bus companies running all the bid specs in the State of New Jersey, which could be a benefit, and it also could be a negative. And we would like to explore that further with you also.

ASSEMBLYWOMAN MYERS: And the other question I have was on the \$3000 per bid specs in New Jersey.

MR. DIBOFSKY: On average for special ed.

ASSEMBLYWOMAN MYERS: On average?

MR. DIBOFSKY: Yes. And basically that is based on special requirements that are needed for special education students. In many cases, they have to allow for a lift on the bus. So first of all, it's a special bus. Many times the windows must be tinted.

ASSEMBLYWOMAN MYERS: But you said that this was the most variable in the nation. Don't other states have the same kinds of problems?

MR. DIBOFSKY: No. Many states do not have (A), the high concentration of special education students, and (B), the formula for mobilizing the special education students to district schools is a lot less dense. So it compresses cost. We do a lot of out of district mobility for our special education students, which drives the cost up. Maybe with some of the improvements in the educational funding bill, the \$40,000 cap, they may very well help also on special education.

ASSEMBLYWOMAN MYERS: We'll look forward to receiving your testimony and any information that you have that could elucidate some of these points for us. I'm sure the Task Force would appreciate it. As you know, we have a very short time frame in which to work and report.

MR. DIBOFSKY: I will see that you get it as a Christmas present.

ASSEMBLYWOMAN MYERS: We appreciate the input.

MR. DIBOFSKY: Thank you.

ASSEMBLYWOMAN MYERS: Thank you very much.

Leslie Conlon, Superintendent of Schools, Denville.

LESLIE A. CONLON: Thank you very much for allowing me to speak this evening.

Denville Township is a small, suburban community located in Morris County. It is known as the hub of the county, as it is located almost in the direct center of the county. It may also be considered as the hub, because it seems that all traffic goes through Denville on one of the four major highways which run through the community. The community originally developed around six distinct lake areas and as the terminus of the Erie Railroad. Housing in Denville is predominantly single-family dwellings with one large condominium development of 450 units. There are currently approvals pending for approximately 100 additional dwellings. The Northwest Covenant Medical Center is located in the downtown area adjacent to the main shopping district.

The Denville Township School District is a K-to-8 district with one middle school enrolling almost 500 students and two elementary schools enrolling 490 and 530 students, respectively. The district, as many others, is experiencing an enrollment boom with an increase of over 11 percent in the last two years. Currently, the district buses over 900 students who qualify for transportation aid due to the remote designation. Over 600 students are bused as a courtesy. This includes students enrolled in a local parochial school. Fewer than 50 students are not offered busing.

The local Board of Education provides courtesy busing for students almost exclusively for safety reasons due to local hazardous conditions.

These conditions are determined by the geographic and transportation conditions within the community. The township is oriented north to south, a distance of approximately eight miles. The east-west distance, at its widest, is three and one-half miles. The community is trisected by Interstate Highway 80 with entrance and exit ramps, U.S. Highway 46, and New Jersey Highway Route 10. New Jersey Highway Route 53 extends in the north-south direction within the community.

These are all major commuter thoroughfares which are heavily traveled during the hours when the children would be walking to school. Traffic has increased over the last decade due to increased development in the western part of the State and the completion of nearby Interstate Highway 287. Secondary roads within Denville have been impacted as commuters look for shortcuts and other access to these highways. Local and county roads have experienced a high volume increase. Moreover, New Jersey Transit maintains a commuter rail line through Denville with two stations and commuter parking. Most recently this has also increased traffic volume with the additional direct train line into midtown Manhattan.

Denville's origins as a lake community present additional hazards. There are six distinct lake areas throughout the town. These areas are accessible through narrow, winding streets without sidewalks, crosswalks, and lights. In fact, the nature of the terrain would make installation of sidewalks difficult, if not impossible, in many areas. The newer sections of town which have these items are all in areas remote from the schools. Between highways, traffic, and the lack of suitable walking areas, children in our elementary schools, who make up the largest number of those courtesy bused, would be

placed in serious physical danger if they were required to walk. As a result, the board has provided transportation. They do so not as a matter of convenience or luxury, but rather to get children to school safely.

The district operates its own fleet of 18 buses. We triple tier our bus routes for maximum efficiency. We have reduced staff and consolidated bus routes. However, it still requires us to fund almost \$250,000 each year, as well as an annual cost of \$47,000 for purchasing replacement buses. Our enrollment increase requires us to hire additional staff, to purchase additional supplies and texts, and to build and update the facilities. We have kept our budget under cap for many years.

Our district is administratively efficient. We would have qualified for an administrative efficiency bonus if we were a K-to-12 district. However, all of these requirements to provide for the instructional needs of children are impacted by the local share of courtesy busing. We believe that when the safety of children is involved, it should be the responsibility of the State to provide assistance much as it does for those children who live remote.

We ask that serious consideration be given to providing assistance for communities whose children are placed daily in jeopardy due to the traffic, commuting, and road conditions found in our highly populated and traveled areas.

Thank you.

ASSEMBLYWOMAN MYERS: Thank you.

I used to live in Mount Tabor, so I know how far you've come.
Thanks for coming.

Terri Illes, Readington Township Board of Education.

T E R R I I L L E S: Readington Township is a semirural community of more than 47 square miles. We currently have two elementary schools and a middle school with more than 1800 students enrolled districtwide. In 1998 we will be opening a new school that will help us meet the needs of our expanding community.

Last year, the State Department of Education panel refused to certify the Readington Township budget unless the dollars for nonremote hazardous busing were removed from our base budget. This left us no option but to include this essential service along with other budget items necessary to meet the educational needs of a rapidly growing district in a separate cap waiver.

Children's safety should not be put at risk when a school board has a legitimate, approved budgetary need. In fact, according to the research our attorney did during the budget debates last year, there already is legislation in effect which should protect children who live on nonremote routes which involve hazardous walking conditions. Under L.1995, c.95, moneys to transport students who live on these routes can be included in a district's base budget in a separate line item. The law further provides that the Commissioner cannot reduce this amount unless he finds that the route is nonhazardous, i.e., not necessary to protect the health and safety of the pupils. The Commissioner refused to honor this legislation last year.

In Readington, we were fortunate. Our voters agreed that the educational programs and the nonremote hazardous busing included in our cap waiver were important, and our budget passed. Other districts and other children were not so fortunate.

If our budget had not passed, nearly 500 children would have been forced to walk to school along country roads without sidewalks or shoulders and where speed limits range from 35 to 50 miles per hour. Students would have been required to walk along and across the Route 22 and 202 highways. These roads are dangerous under the best of conditions. Can you imagine what they are like in the early morning fog or when snow covered?

Over a year ago, I made a statement at a public hearing regarding the State's new comprehensive plan. At that time, I said the safety of our children cannot be ignored in any discussion of a thorough and efficient education. For those of us in rural districts, transportation is a critical need and a substantial part of our budgets. The funding of student transportation should be based on arbitrary guidelines of distance but needs to take into account the nature of the communities and the related road hazards in addition to the ages of the children being serviced.

I'd like to thank all of you on the Task Force for taking the safety needs of our children seriously.

ASSEMBLYWOMAN MYERS: Thank you.

Richard Neal. (no response)

Chris Beatty. (no response)

Sybrigje Herman.

S Y B R I G J E H E R M A N: I'm Sybrigje Herman, Business Administrator and Board Secretary here at Hunterdon Central Regional.

The present transportation code assumes a safe walking distance of two miles for elementary students and two and one-half miles for high

school students. This law was enacted in the early 1900s when roads, vehicles, and lifestyles were very different from today.

I believe it is time for the law to be changed. I believe all transportation should be State aided to the school district, and that we should not even begin to try and define hazardous and courtesy. Here in rural Hunterdon County there are very few areas with what we might consider safe walking conditions. Most roads are country roads that are narrow and have no sidewalks. Speed limits are often not observed by motorists. During the winter snows, there is absolutely no place for students to walk. The remainder of the roads are major highways that are heavily traveled, and they also have no sidewalks.

Additionally and unfortunately, times are changing. We have to concern ourselves with elements of the population that might be less than desirable and worry about whether or not our young people are safe when walking to and from bus stops by themselves.

It is my understanding that S-1315 is no longer being considered. That's probably a good thing. In fact, I believe it is a good thing. However, I don't think we should suddenly discount any possible opportunity that we might have for saving dollars on transportation. Perhaps the countywide system was not the answer, because we are not a countywide school district. However, I think it might be a good idea for us to move towards regional transportation systems. Or there are other alternatives.

We, here, at Hunterdon Central have a partnership with Flemington and Raritan that enables us to also triple tier our routes. It saves each of our districts about a half a million dollars a year. That's a lot of

money. I believe that if we operated as a regional system, we could probably do even better than that.

Jointures are essential, and they need to be able to cross county lines. Sometimes just simple things could help significantly. If a student is assigned a parking space, then he should be allowed to sign off on his bus seat rather than requiring us to continue to hold that seat in case he wants to ride when it snows.

Sometimes other expenses -- for example, the NJEA union mentality as opposed to an association thought process -- oftentimes waste needless tax dollars on legal and court costs making it increasingly difficult for districts, like ours, to operate their own fleets, which I believe in most cases do provide better service than contracted routes.

Thank you.

ASSEMBLYWOMAN MYERS: Thank you.

Mary Jane Howell. (no response)

I don't think David Thomas is here.

Who else came to testify? Why don't we do it that way?

Would you come forward and give your name, please.

FRANCES K. TOLLEY: Okay. My name is Fran Tolley. I'm the Board Administrator from South Hunterdon Regional High School.

The term courtesy busing is defined by State statute as transportation of elementary school pupils who live less than two miles from school and secondary school pupils who live less than two and a half miles from school. The law has been in existence since the early 1900s and has never

gone through any revision even though there have been many changes in Hunterdon County in regards to population which affects transportation.

To present courtesy busing in a proper perspective, one must emphasize that at one time roads were not as congested in urban, as well as rural, areas; the speed at which cars traveled roads was not as excessive as we experience today; and finally, safety, although a priority by all parties, was at one time not as much of a concern because of the reasons mentioned earlier.

Points to consider in your deliberation: The roads of 1996 present a very different scenario. Roads have been upgraded causing drivers to travel faster than what is sometimes considered safe. Increased population has placed many more vehicles on the road, in addition to the fact that both mom and dad are now working. And safety has become a major consideration because of factors such as speed of vehicles, numbers of cars on the road, and the fact that there is not accommodation for walking on a rural road. If we also include the fact that some children, during standard time, are walking on roads in the morning when it is dark, this also increases the safety issue. There is definitely a heightened awareness on the part of the parents and school officials regarding safety in our day and age caused by the number and size of awards regarding liability suits.

In a move to consolidate buses, even before it became popular, South Hunterdon Regional High School district provided transportation for its own students, as well as West Amwell Elementary School through a jointure. The district is intersected by two State highways and two county roads. There are no shoulders for walking on secondary roads, lights, or crosswalks. In fact on many roads, the shoulder is a ditch.

One solution to the courtesy busing issue is to develop criteria to designate roads that can safely accommodate children walking to school. Correspondingly, roads that are hazardous should be designated as such. If a road is labeled hazardous, allow school districts to provide transportation on these routes.

Presently, there are laws that require the municipality to bear the expense of transportation if the municipal government finds that roads present a safety issue. Whether the cost is borne by the municipality or the Board of Education, it translates into tax dollars from the local community. The issue is not who pays, because ultimately it is the taxpayer who pays, but how can children arrive safely to school from home.

Thank you.

ASSEMBLYWOMAN MYERS: Thank you.

MR. O'BRIEN: Excuse me, could you fill out one of the sheets, please.

ASSEMBLYWOMAN WRIGHT: If you have not filled out a form--

MS. TOLLEY: I'm sorry.

ASSEMBLYWOMAN WRIGHT: We don't have a form with your name and--

ASSEMBLYWOMAN MYERS: Contact.

ASSEMBLYWOMAN WRIGHT: Yes.

ASSEMBLYWOMAN MYERS: Anyone else? (no response)
Going once, going twice.

ASSEMBLYWOMAN WRIGHT: Well, we do have a little business to conduct. So why don't we check and see, is Assemblyman Malone and Assemblywoman Buono-- Are they available?

I also want to introduce Assemblywoman Turner, who joined us. And thank you, Assemblywoman Turner. Assemblywoman Myers has been conducting the hearing tonight. I think we've hit a point where we have completed the witnesses.

ASSEMBLYWOMAN TURNER: Oh, I was over at the Christmas chorus show.

ASSEMBLYWOMAN WRIGHT: We understand.

If the other committee members are available, I'm going to ask if we can conduct a little business. Then, perhaps, someone else who signed up to testify might come in.

May I take the chair back?

ASSEMBLYWOMAN MYERS: Please.

ASSEMBLYWOMAN WRIGHT: Okay.

For the Task Force, I wanted to talk about what our next step is, since this is our third and final scheduled public hearing. As you know, the hearing we scheduled for tomorrow night had to be cancelled, because we are in session tomorrow evening, and we were expected that we could be running late. And we did not want to not be present for the hearing we had scheduled. So we did cancel that.

We have had no evidence that there are a lot of people who have requested to testify in other parts of the State at this point. So unless I hear otherwise, I will probably not schedule another public hearing.

What I would like to ask you to consider is that-- We -- each of us who has recommendations for the Task Force that you would like to see in the final report if you could draft something to me and send it to Bill O'Brien, he'll get it to me. And have it to us by January 9. I think that that would help us expedite our work.

I would like to then ask, since we have received our legislative calendar-- I don't know if you have received it? Oh, good. There is not a session scheduled on the 16th of January. Therefore, I would like to schedule a morning or afternoon meeting of the Task Force availability to review the report that we construct and, also, take up any other business we want to do at that time. Now, it may not be that we can complete our business by that meeting on the 16th. Therefore, I would ask the Task Force to hold the next date that is free on a Thursday -- is January 30. And if we could hold that date also and plan to have a final meeting, should we need that.

So I'm giving you three deadlines of dates. One is the 9th for your recommendations to me, through Bill O'Brien, a meeting on the 16th, and holding the 30th.

I would entertain some discussion with regard to the meeting on the 16th and the 30th, as to whether you would prefer morning or afternoon on those dates. Does anyone have any preference? Because there are no scheduled meetings at this moment.

ASSEMBLYWOMAN BUONO: I'd prefer morning. It just would be better for me.

ASSEMBLYWOMAN WRIGHT: Anyone opposed to morning?

ASSEMBLYWOMAN TURNER: When you say morning--

ASSEMBLYWOMAN WRIGHT: Ten o'clock.

ASSEMBLYWOMAN TURNER: Ten o'clock.

And where would that be?

ASSEMBLYWOMAN WRIGHT: In Trenton, because it will be staff and-- Now, the first-- So we'll do 10:00 on the 16th. Do you want to hold 10:00 on the 30th also? Does that meet with everyone's approval? The only person we're missing is Assemblyman Azzolina, and we will get the message to him. So if we would hold those two dates.

Then let's back up to the 16th. Assuming that we have a draft report on the 16th, are there any other parties that you would like to continue to discuss or interview? Or, do you think we need the Commissioner of Education to come back once we get the funding bill through to be sure that we understand what's in the funding bill in terms of transportation or other issues that we might want to raise with transportation with education?

ASSEMBLYWOMAN TURNER: What-- Did we ever get a representative from the Department of Transportation?

ASSEMBLYWOMAN WRIGHT: Transportation has not come in to meet with us.

ASSEMBLYWOMAN TURNER: Do we want them to come in?

ASSEMBLYWOMAN WRIGHT: Well, that's-- I meant to say education. If I said transportation--

ASSEMBLYWOMAN TURNER: No--

ASSEMBLYWOMAN WRIGHT: --I was in error.

ASSEMBLYWOMAN TURNER: --no, no. I was asking about the Department of Transportation.

ASSEMBLYWOMAN WRIGHT: Okay, yes. Let's take education first. Do we have any need to speak with the Commissioner again?

At last night's hearing, Assemblywoman Turner, perhaps your staff got a copy-- We did receive a letter from the Commissioner with the transportation aid information for every school district in New Jersey. We requested that in our first meeting. He forwarded that to us. I have placed that on the record, and you all should have copies of that. That is very enlightening information. So the question is: Do we need to bring the Commissioner of Education in again when we have that final discussion, before we finalize it?

The next question is: Do we need to discuss anything further with the Department of Transportation? We have not had any formal relationship with them. They did not attend the first meeting.

Assemblywoman Myers.

ASSEMBLYWOMAN MYERS: We had a great deal of testimony last night, and we heard some of it tonight about how difficult it would be to define hazardous route. I don't know. It's my sense that that's correct. I question whether talking with the Commissioner of Transportation is needed unless we are agreed that we need to try to define hazardous route, particularly last night in Jackson.

I see Assemblywoman Buono shaking her head.

ASSEMBLYWOMAN BUONO: No. Yes, yes. It was very persuasive.

ASSEMBLYWOMAN MYERS: There was so much testimony that it doesn't matter whether it's because of highways or snowdrifts or worries

about people attacking children that almost every area today, unfortunately, is hazardous in some regard.

ASSEMBLYWOMAN BUONO: It would be hard.

ASSEMBLYWOMAN MYERS: It is going to be extremely difficult for anybody, particularly at the State level, to define it. I just wondered if this-- If we had any agreement on that tonight, then we could say that we don't need the Department of Transportation. I mean, it would seem to me the only reason to approach them is to try to get a statewide definition.

ASSEMBLYWOMAN TURNER: The only reason I was asking about the Department of Transportation is because some of the State and then, of course, the county highways, which are heavily traveled, many times improvements can be provided. They would be responsible for those improvements to help make that roadway safer.

Now, I don't know if the local level of government would be equipped to do that.

ASSEMBLYWOMAN BUONO: Personally, I'm not ready to just throw it to -- totally throw up my hands and say that it's not doable. I think that hazardous has to enter into the discussion. And I know we are not reaching conclusions tonight, but I will say that the gentleman from Toms River who testified at two of the hearings-- I spoke to Assemblyman Malone. He was very, very persuasive with regard to the issue of remoteness and basing it on the differences of children's ages. It may be that there's a combination of factors that is arrived at.

On another issue, I don't know that we would be permitted to speak to the State Commission of Investigation if the investigation is ongoing

with regard to the bidding process. But I understand-- I would at least like to see what the status is regarding that. Because, as you all know, in New Jersey quite often we only have one bid. That might contribute to the high cost of busing.

ASSEMBLYWOMAN TURNER: Also, getting back to the Department of Transportation-- Many of the conditions that exist in these communities can be directly traced to the Department of Transportation. Where we have these roadways that are high speed, we have an inordinate amount of traffic, and I can attest to that. I had to travel up Route 31. It was unbelievable the number and the size of those trucks on those roadways. And we would need the Department of Transportation in terms of trying to reduce some of those speed limits, also making other roadway improvements. And I think that if they would do something about the tolls on the Turnpike that would help take a lot of the traffic off of these roads, which would make them safer than what they are right now.

So I don't think the Department of Transportation should be taken off the hook. They are responsible for widening many of these roads, which attract more and more traffic.

ASSEMBLYMAN MALONE: I tend to agree with you about the Transportation Department, because they have made some improvements in our areas to actually prevent children from walking across highways. I think that it's sort of a catch-22. Everyone of us in this room wants commercial development, wants business in the community, and you aren't going to get-- Well, most people in this room want commercial development, want businesses to come into the community. They aren't going to come in, they aren't going

to have businesses unless the road structures are such. So you can't have it both ways in some cases.

I mean, if you said, "Well, we can't have Route 1 by Quaker Bridge Mall"-- I mean, if you said, "No, we want to go back to a two-lane highway in front of Quaker Bridge Mall," that would cause some severe concerns by a major number of businesses on Route 1 there -- that we get back to a two-lane road so the kids can get across.

ASSEMBLYWOMAN TURNER: Well, what I'm actually saying is if-- Of course, as you've said, it is true. We do need economic development, and, of course, with that comes traffic. But we are also saying that the State is not going to pick up the tab for courtesy busing. Now, if we are creating the conditions in these communities where it's hazardous for the kids to get to school, then I think the State needs to take another look at the distance factor, because it's antiquated. It's no longer realistic to think that the State should just pay to bus children who live within two and one-half miles or two mile radius of the school when we know the roadways are unsafe now because of all of this development and traffic.

So if the State is creating these problems, then I think the State has an obligation to step in and remedy it.

ASSEMBLYWOMAN WRIGHT: I think the problem, Assemblywoman Turner, is that many times the State isn't creating the problem. Zoning is a local municipal issue in New Jersey. In my district, if I were to look to see who has most of the authority and responsibility for the evolution of the communities in my district -- and having been a mayor and local official -- I would have to say that I really was in charge of that.

I think that one of the things that we brought about by putting the amendments into the funding bill about turning the issue of nonmandated busing back to the school districts and to the municipalities that are involved is taking a very strong position that this is a local issue, and that there are some issues that there is no way that we can deal with at the State level.

I don't totally disagree with you in a sense. I think that if we were to look at the 1000 issues out there that relate to busing probably 900 of them are going to relate to the 567 municipalities and the kind of zoning and planning, etc., that we did. So I'm not sure that-- I mean, I have no objection to us having DOT come in. Certainly people like safety people might give us some insights, and they, obviously, have some experience with this issue, because we're operating under both education statutes and DOT transportation statutes.

ASSEMBLYWOMAN TURNER: But when you look at Route 1, you look at Route 31, 206, 130 -- and the beat goes on -- many of those routes are being heavily traveled by these gigantic trucks because of the increase of tolls on the Turnpike. So the State does have some responsibility for that.

ASSEMBLYWOMAN WRIGHT: Well, that's not the DOT, though. The Turnpike is an Authority, and they generate their tolls. I can only tell you because the Turnpike runs through my district and also 130 and Route 1 does, as well. We have met with the Turnpike Authority, and they are taking initiatives. The one study that they reported to us, immediately after the toll increases within probably two years, was that because of the development -- and I have that Exit 8A, as well as, Exit 7 in my district, and 8 -- in the 8A corridor, we just have astronomical growth going on, and many

of those trucks in our area can be attributed to the local businesses that are developing there.

So I think we could change the Turnpike tolls tomorrow. I know they're working on things like having lower tolls at off hours and trying to motivate the trucks back on. A lot of the truck traffic has returned to the Turnpike. A lot of what you and I are seeing in these other areas are primarily just the growth of the economy in New Jersey.

That's why, I think, we've got to deal with transporting children safely, because I don't know that we can tell trucks where they are going to travel. DOT, I think, is certainly committed as we are, not only because of schoolchildren. Because if we don't have proper speed zones and proper road construction, even the buses aren't going to travel safely on those roads. But I think that based on your discussion certainly we can bring DOT in. I think what we need to focus on is some of the people who might be involved in issues that have to do with the safety and the travel of schoolchildren. We could certainly work on that for our next meeting.

ASSEMBLYWOMAN MYERS: Yes, I didn't mean to object to having the DOT Commissioner here. It's just that even if we got all the trucks off Route 31, I could never envision schoolchildren safely walking to school along Route 31, at any age.

ASSEMBLYWOMAN BUONO: But then you also have to deal-- I would hope that whatever solution that we, hopefully, all agree on, well, first of all, is a permanent solution. I think that goes without saying. We don't want this to be-- It's such a thorny issue. It comes up every year the school budget is on the ballot.

But we have to address the funding mechanism. Assemblyman Peter Barnes and myself held a courtesy bus hearing of our own in the town of Edison. Many of the people who testified objected to funding. They did not want the funding to come from education dollars, because there is so much talk of-- They felt that it was more of a transportation issue. So, I guess, the issue becomes if we're going to fund it, then where do the dollars come from. Do we want to further deplete the education -- we want to spread the education dollars that we have even thinner? So, I think, we have to address that and also the possibility of -- I don't know how the legislation, how the bond is actually worded but -- utilizing transportation trust fund money at least for improvements.

ASSEMBLYWOMAN WRIGHT: It is, yes.

ASSEMBLYWOMAN BUONO: It is.

ASSEMBLYWOMAN WRIGHT: That is focused on already. That's another thing we could--

ASSEMBLYWOMAN MYERS: Assemblyman's Azzolina bill.

ASSEMBLYWOMAN WRIGHT: Well, actually even-- Okay, that bill. Okay, yes. That has been a focus of earlier legislation. I think we've sent that message loud and clear.

I think the other dilemma I want to say in terms of the dollars, Assemblywoman Buono, is that with the amount of dollars that we are already spending on education, I am not expecting to be a miracle worker and create a system that will generate any more dollars. I'm sure someone's praying that we're going to find such an efficient system that will reduce the need for dollars. But I think the critical issue is that we do recognize some of these

things that must be dealt with and hope that we can come up with something that is a more long-term solution.

So I think I hear the Committee saying that we will invite-- Bill, we'll have to discuss who at DOT could help us on this. We're in transition with Commissioners. We're probably not going to have a Commissioner, but a deputy or someone particularly who can talk to us about trucks on the road, safety issues, and how we can deal with some of this. That would be helpful.

I think that we can start certainly moving. If you can give preliminary recommendations before that meeting just so we can get a sense of where we are and whether we can report out by the end of January, as was our hope.

I also would like to suggest that-- The question is-- We might want to determine, do we have any benefit from discussing these issues further with the Department of Education? We certainly could ask the-- There is a person who came with the Commissioner, remember, who answered many of the questions, who is the Transportation Coordinator.

ASSEMBLYWOMAN BUONO: Personally, I would like to hold off on deciding on that issue. But I don't know. I hesitate to suggest that, but I think it might be very helpful if the Treasurer would agree to come. I mean, so much talk has been on the funding issue.

One of the gentlemen from Toms River came and talked about the possibility -- not that I support it -- of imposing a surcharge, another DMV surcharge and constitutionally dedicating that. I wonder if it would help to have the Treasurer, or if he would agree to come and speak with us.

ASSEMBLYWOMAN WRIGHT: Well, I just said that I don't see additional funding in this, not when we're spending at the level we're spending.

ASSEMBLYWOMAN BUONO: Oh, I thought you meant from education dollars. I wasn't referring to education dollars.

ASSEMBLYWOMAN WRIGHT: Well, additional spending is additional spending to me no matter how you choose it.

ASSEMBLYWOMAN BUONO: Well, see, that's where we disagree. I think that funding has to be part of the discussion.

ASSEMBLYWOMAN WRIGHT: My concern is that when-- I'm not saying that funding can't be part of the discussion, but I don't envision a surcharge anywhere unless it's in lieu of perhaps something that is being spent now.

Assemblywoman Myers.

ASSEMBLYWOMAN MYERS: Since the second, I've been focusing on whether we could find some money in the existing pool. When we got the printout from the Department on the range of expenditures across school districts, I can't believe that there's not a way to find efficiencies. It's pretty obvious that some districts have been very efficient in spending transportation dollars and others have not. Whether we work toward something where there's an average for everyone to target or whether we have a range or what, I don't know, but Mr. Dibofsky brought up some points about possibly finding efficiencies. If we're going to provide more busing or hope to, then if we can find existing money through efficiencies, that's the source of the money for the safety busing -- it would seem to me -- without raising taxes.

ASSEMBLYWOMAN WRIGHT: The question that we need to address is Assemblywoman Buono's question or recommendation that is: Is it appropriate to bring the Treasurer in to discuss this issue, and how do you want to proceed?

ASSEMBLYMAN MALONE: My suggestion would be is that we hand in our recommendations, a draft report be written, we review the draft report, then make requests through you, Madam Chairwoman, as to potential individuals. You may want to additionally call in -- based on the information after we review it -- so this way it gives us all an opportunity to digest some of the comments, get some other input from other experts we may have available to us through various sources to come up with maybe some very pertinent questions of other departments that may be necessary to come in and answer those questions. I think once we see the draft and read the testimony and take out some parts, I think it might be easier to do it that way rather than deciding tonight which people we may wish to call back.

I think that we'd have something substantive to review and then maybe have some questions. Then the different people in the Committee could make a request of you, as to who they feel who would be appropriate.

ASSEMBLYWOMAN MYERS: Before the 16th?

ASSEMBLYWOMAN WRIGHT: No, because we can't get your drafts out to you before the 16th in time for you to get, you know, us to get people in.

ASSEMBLYWOMAN MYERS: Then, should we forget about the 16th? Just give comments back for the 30th?

ASSEMBLYWOMAN WRIGHT: That's another option.

What Assemblywoman Myers is saying is if your recommendations come to us by the 9th, we will be able to get those out to you before you arrive on the 16th. Therefore, the question she's raising is: Should we scrap the 16th and have you review the recommendations by the 23rd?

ASSEMBLYMAN MALONE: I'll be honest with you. I may want to have the Commissioner of Education back after I look at the information about the cost per district and get a better feel for some of the things. Digest even more the information in the funding formulas for transportation in this bill, so we have a little bit more of a chance to be prepared to talk to the Commissioner. I think all of us have been working sort of double and triple shift on education. We're a little numb at times with this, and I think we need a little space to breathe here and to get our thoughts together. This is a critical issue, and I would like to try in all honesty get people back that we need.

ASSEMBLYWOMAN BUONO: I agree with that.

ASSEMBLYWOMAN WRIGHT: So of what I hear the group saying is let's get drafts to us by the 9th. We'll try and get drafts back to you by the 16th. You'll respond by the 23rd, and we will have something in wherever we are-- We'll be ready for a meeting on the 30th. And when you return your comments on the 23rd, you will give us direction as to who you would like to have brought into the 30th meeting. Because we can meet with those persons, then finalize the report, and we might be able to wrap up on the 30th. We're still on at the 10:00 on the 30th.

Go ahead.

ASSEMBLYWOMAN MYERS: I have one other suggestion if we're going to do it that way. That maybe put various people on notice that we might want to call them.

ASSEMBLYWOMAN WRIGHT: Oh, yes. Good idea. Very good idea. We can contact them after the first of the year. The people we would contact would be someone representing the Commissioner of Transportation, someone in the transportation operation that has to do with safety particularly as it relates to school busing, and then the Commissioner of Education and the transportation specialist that works with him. So there are four people. Put the Treasurer on the list, too, and we'll have some further discussion about that. Actually, I can certainly talk to any of you individually.

The other point I wanted to raise -- that doesn't really change anything that you've laid out -- is the whole discussion of what is, in fact, in the public school funding reform bills. Because, as I understand it, I was reviewing-- Section 25 is the portion that shows formulas for transportation aid. I have with me, tonight, my -- the quick-and-dirty copy of the Martin amendments. I think, as I read the bill today -- I believe this is what is still in there -- that we know the efficiency factor language was deleted. The Commissioner told us that that they will report in January of 1998, when the Governor does her budget message.

"The transportation aid" -- and I'm reading from this School Board's document -- "will be distributed at a flat rate of \$280 regular education per child, \$1192 per special education student plus mileage." And then, "The Commissioner will recommend the changes in a year."

I think we need to get some work, Bill, on how those are going to flush out. There probably will be printouts by that time on what the transportation aid will be looking like if, in fact, that is the case. So I think, Bill, if we could -- possibly even before the Christmas break -- write another letter to the Commissioner and ask him if he could give us the breakouts on what the new funding bill will anticipate throughout the districts and the State.

MR. O'BRIEN: Okay.

ASSEMBLYWOMAN WRIGHT: Because it looks like, as we're moving through, we're getting some of our questions addressed through the funding legislation. There's no sense in our spinning our wheels if some of these issues are addressed.

ASSEMBLYWOMAN MYERS: That's 280 per pupil.

ASSEMBLYWOMAN WRIGHT: That's what my--

ASSEMBLYWOMAN MYERS: Across the board?

ASSEMBLYWOMAN WRIGHT: It just said--

ASSEMBLYWOMAN MYERS: It doesn't matter how many miles?

ASSEMBLYWOMAN WRIGHT: A flat rate. Now, if you read Section 25 in A-20, you'll see that there is another factor involved in that. This may have meant the plus mileage on both of these, because there is mileage-- There's a formula that brings in several variables. I know the 280 is correct in the materials that I read. I didn't even see the 1192 in my bill. So we do need to be sure that we're clear on what the funding bill says and how that really impacts what we're doing.

What I was told is that that is a hold-harmless amount in transportation aid distributed differently throughout the State.

ASSEMBLYWOMAN MYERS: Do we want to ask for any more elucidation on this printout?

ASSEMBLYWOMAN WRIGHT: Well, actually--

ASSEMBLYWOMAN MYERS: It's pretty hard to--

ASSEMBLYWOMAN WRIGHT: I know. Bill was going to take a look-- I don't know whether you've had a chance to look at it.

MR. O'BRIEN: I didn't have a chance. I just got it.

ASSEMBLYWOMAN WRIGHT: Is there anything that you can recommend? Can you get anything out to the Task Force that would--

ASSEMBLYWOMAN MYERS: Well, one question is, for example-- There might be some errors, but this shows in Monmouth County Henry Hudson Regional 127,000 per pupil. There has to be explanations for these high--

MR. O'BRIEN: That's for special ed people.

ASSEMBLYWOMAN MYERS: Yes, but still there has to be some explanation.

ASSEMBLYWOMAN WRIGHT: The document that Assemblywoman Myers is reading from is a document that lists every school district and New Jersey's cost per student for transportation for regular ed and special ed, and then it summarizes it at the county level for total numbers.

ASSEMBLYWOMAN MYERS: I guess what we need is an explanation of the formula, if there is one. And maybe how to break out those high numbers, because they skew the average terribly.

ASSEMBLYWOMAN WRIGHT: Well, that's why it's so important that the Committee really needs-- I think if we get it from the Commissioner, his interpretation of what the expectation will be based on, and after tomorrow, he knows what legislation we're operating under, that will give us some comparative data as well. And that will help us I think as we analyze these.

So the two things we've asked you for, Bill, one, is to write the Commissioner and see if--

MR. O'BRIEN: Right.

ASSEMBLYWOMAN WRIGHT: --we can get that as soon as is possible. Then, also, if you can or have the staff at OLS give us any kind of analysis and summary of that data of those 611, or so, school districts and the differences in their funding.

ASSEMBLYMAN MALONE: That they can give us the transportation information in English rather than in some other kind of code or something. The acronyms and synonyms and everything else are nice if everybody works with those every day all day long. But to come up with the formula of the CDY times EXP times 242 equals--

ASSEMBLYWOMAN WRIGHT: Well, that's what's in Chapter 25.

ASSEMBLYMAN MALONE: --2162. Well, that's nice, but most of us don't deal with those acronyms and synonyms and antonyms and everything else every day.

ASSEMBLYWOMAN BUONO: Just skip those.

ASSEMBLYWOMAN WRIGHT: Yes.

I'm not sure if anyone else has come into the room who would like to testify since we completed the early testimony. Is there anyone in the room who came to testify that we have not heard?

Yes, sir. You're welcome to testify if you like. (negative response from audience)

ASSEMBLYWOMAN MYERS: Did you want me to read the people who sent written testimony?

ASSEMBLYWOMAN WRIGHT: Oh, sure, please. Assemblywoman Myers is going to put the names of people who have submitted written testimony for the record.

ASSEMBLYWOMAN MYERS: Lopatcong Township; Blairstown Elementary School; Flemington-Raritan School District; Frelinghuysen Township School District; Bedminster Township Board of Education; Holland Township School District; Hopewell Valley Regional School District; Kingwood Township School District; Knowlton Township School District; Phillipsburg School District; Pohatcong Board of Education; and West Amwell Township School District.

ASSEMBLYMAN MALONE: Sounds like the snow-closing list for tomorrow after it snows. (laughter)

ASSEMBLYWOMAN WRIGHT: Also, Bill, I think you have several more that we gave you tonight that came into our offices.

MR. O'BRIEN: That's correct.

ASSEMBLYWOMAN WRIGHT: They will be submitted to the record?

MR. O'BRIEN: That's correct. It's been distributed to the Task Force.

ASSEMBLYWOMAN MYERS: And I'd just like to thank the Chair for not meeting the January 1 deadline on behalf of my family.

ASSEMBLYWOMAN WRIGHT: Well, I want to thank-- The Chair wants to thank the Task Force, because I don't know how many task forces come out on December 18--

ASSEMBLYMAN MALONE: Yes, we're all questioning that, Chairwoman. (laughter) After thinking about that in a weak moment, I think we all realized that it was not the most optimum time.

ASSEMBLYWOMAN WRIGHT: Well, we really appreciate-- We've had a very fine response from the citizens in the districts where we have testified, and the testimony is very helpful to us. We hope that we will be able to come up with some resolutions to some of these issues.

We think that the amendments that we have already put in place on the funding bill to at least bring the nonmandated school busing issue back to the local level without committing the Commissioner in any way is really a very worthwhile move. We think that the impetus of this Task Force definitely brought that around in a very expedited form.

So if there is no other business, this Task Force stands adjourned. And thank you all.

(HEARING CONCLUDED)