



*State of New Jersey*

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
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TRENTON, NJ 08625-0112

CHRIS CHRISTIE  
*Governor*

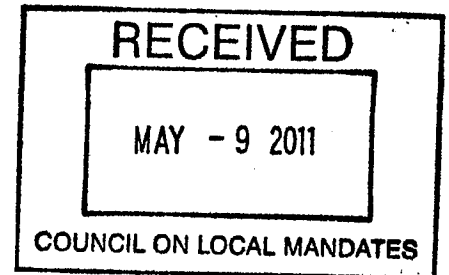
KIM GUADAGNO  
*Lt. Governor*

PAULA T. DOW  
*Attorney General*

ROBERT M. HANNA  
*Director*

May 6, 2011

New Jersey Council on Local Mandates  
135 West Hanover Street  
Trenton, New Jersey 08625



Re: In the Matter of Complaint Filed by the  
Springfield Township Board of Education  
Docket No. 3-11

Dear Council Members:

Enclosed please find an original and two copies of an Answer in the above referenced matter. A certification of service is also enclosed. Kindly stamp one copy "filed" and return it to this office in the envelope provided.

Thank you for your courtesies.

Sincerely yours,

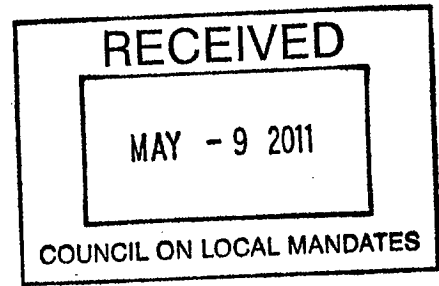
PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY

By: Christopher Huber / pac  
Christopher Huber  
Deputy Attorney General

§CH:pc  
enc.  
c: Raquel Lord, Esq.



PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for State Respondents  
Richard J. Hughes Justice Complex  
25 Market Street  
P.O. Box 112  
Trenton, New Jersey 08625



By: Christopher Huber  
Deputy Attorney General  
(609) 777-4861

BEFORE THE COUNCIL ON  
LOCAL MANDATES  
Docket No. 3-11

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IN THE MATTER OF COMPLAINT :  
FILED BY THE SPRINGFIELD :  
TOWNSHIP BOARD OF EDUCATION : ANSWER

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Respondent, Acting Commissioner of the New Jersey Department of Education, by way of Answer to the Complaint filed by Claimant, Springfield Township Board of Education, states:

1. The allegations in paragraph II(1) constitute conclusions of law to which no response is required. Moreover, it is specifically denied that N.J.S.A. 18A:39-1 and N.J.S.A. 18A:39-1a are unconstitutional.

2. To the extent the allegations in paragraph II(2) contain only the effective dates of the statutes at issue in this case, no response is required. The statutes and legislative records speak for themselves.

3. The allegations in paragraph II(3) constitute conclusions of law to which no response is required. To the extent paragraph II(3) contains factual allegations, same are denied. Moreover, it

is specifically denied that N.J.S.A. 18A:39-1 and N.J.S.A. 18A:39-1a are unconstitutional.

WHEREFORE, Respondent requests that the Council on Local Mandates dismiss Claimant's Complaint.

#### Pleading Summary

Respondent denies that the increases in the maximum cost for transportation of non-public students pursuant to N.J.S.A. 18A:39-1 and N.J.S.A. 18A:39-1a are an unfunded mandate. Pursuant to N.J.S.A. 18A:39-1, each school district is directed to provide transportation to those students that attend non-public schools located between two and twenty miles away from the student's residence. The total cost of the transportation for the district is capped by N.J.S.A. 18A:39-1a. The Claimant alleges that since 1996, "the State has passed legislation on multiple occasions that increases the financial burden on local boards of education but has failed to fully fund these additional obligations." Claimant is challenging the annual increases in the transportation cap pursuant to N.J.S.A. 18A:39-1a. However, N.J.S.A. 18A:39-1a was amended again in 2001 to include the following language:

In the 2002-2003 school year and thereafter, any additional costs incurred by a school district due to the increase in the maximum amount of non-public school transportation costs per pupil pursuant to this section shall be borne by the State."

[N.J.S.A. 18A:39-1a].

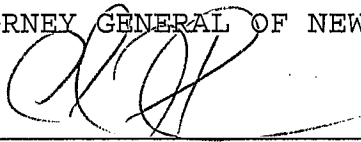
Any increases in the cap for transportation of non-public students by a school district is reimbursed by the State at the end of each

school year. Claimant has applied for and received reimbursement at the end of each of the last five school years. Therefore, the increases in the transportation cap pursuant N.J.S.A. 18A:39-1a are not unfunded mandates.

WHEREFORE, Respondent requests that the Council on Local Mandates dismiss Claimant's Complaint.

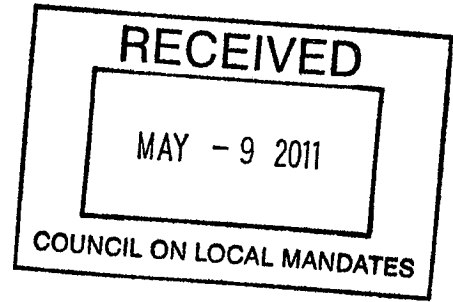
Respectfully submitted,

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY

By:   
\_\_\_\_\_  
Christopher Huber  
Deputy Attorney General

Dated: 5/6/11

PAULA T. DOW  
Attorney General of New Jersey  
Attorney for Respondent  
New Jersey Acting Commissioner of Education  
Richard J. Hughes Justice Complex  
P.O BOX 112  
Trenton, New Jersey 08625



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BEFORE THE COUNCIL ON  
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IN THE MATTER OF COMPLAINT  
FILED BY THE SPRINGFIELD  
TOWNSHIP BOARD OF EDUCATION

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Certification of Service

I, PATRICIA A. COLLINS, hereby certify as follows:

1. I am a Legal Secretary in the Division of Law,  
Department of Law and Public Safety, State of New Jersey.

2. On May 6, 2011 the direction of Christopher Huber,  
Deputy Attorney General, I served two copies of an Answer in the  
above captioned matter by overnight mail to:

Raquel S. Lord, Esq.  
Porzio Bromberg  
100 Southgate Parkway  
Morristown, New Jersey 07962

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
PATRICIA A. COLLINS

DATED: *May 6, 2011*