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August 9, 2016

Honorable Solomon A. Metzger, ALJ  
Office of Administrative Law  
Quakerbridge Plaza, Building 9  
Mercerville, NJ 08625-0049

**Re: Leonor Alcantara et. al., v. David Hespe et. al.**

OAL Docket No: EDU 11069-2014 S

Agency Ref. No. 156-6/14

Dear Judge Metzger:

Dan Grossman and I represent the petitioners in the above action.

The governor today signed the Lakewood Bussing Bill, P.L.2016, c.22. (S2049 and A3662).<sup>1</sup> It requires that the Lakewood Board of Education shall "not provide any courtesy busing to nonpublic school pupils who reside in the eligible district."

However, P.L.2016, c.22 reallocates \$15,025,348 (\$884 x 16,997 nonpublic students eligible under N.J.S.A.18A:39-1) from the Lakewood T & E budget to a consortium charged with providing nonpublic transportation. The district will continue to provide public school students with transportation at an additional expense. Only \$10,893,560 was budgeted for transportation of both public and nonpublic regular education students in 2016-17. Even with the infusion of state money, P.L.2016, c.22 will certainly increase the current \$12 million budgetary deficit.

The statutory scheme has deprived the Board of Education of discretion over nonpublic courtesy bussing effectively mandating it with the \$15,025,348 transferred from the district to the consortium. This exacerbates the already dire constitutional deprivation to the detriment of Petitioners. "[T]he Legislature's duly enacted statutory scheme has been fully effectuated, yet cannot remedy deficiencies that are constitutional in dimension." Bacon

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<sup>1</sup> Please see <http://www.njleg.state.nj.us> and enter either bill number for the text and legislative fiscal report.

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v. N.J. State Dept of Educ., No. 50-03, Comm'r Dec., at 139  
(Feb. 10, 2003).

Respectfully,

/s/ Arthur H. Lang

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Cc: Dan Grossman via email  
Geoffrey Stark, DAG via email  
Paul L. Tractenberg, Participant via email