

EDUCATION

STATE BOARD OF EDUCATION

Student Transportation

Proposed Readoption with Amendments: N.J.A.C. 6A:27

Authorized By: State Board of Education, Lucille E. Davy, Commissioner, Department of
Education and Secretary, State Board of Education

Authority: N.J.S.A. 18A:1-1, 18A:4-15, 18A:39-2.1 and 18A:70-18

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-332

Submit written comments by January 1, 2010 to:

Ms. Katherine Attwood, Assistant Commissioner
Division of Finance
New Jersey Department of Education
River View Executive Plaza
Building 100, P.O. Box 500
Trenton, New Jersey 08625-0500

The agency proposal follows:

Summary

The Department of Education (Department) is proposing to readopt with amendments the rules for Student Transportation. N.J.A.C. 6A:27 is scheduled to expire January 4, 2011, pursuant to N.J.S.A. 52:14B-5.1c. As part of the comprehensive review of Code process, this chapter was reorganized and relocated from N.J.A.C. 6:21 to 6A:27 in December 2000. Amendments in response to legislative actions were incorporated into N.J.A.C. 6A:27 in September 2002, and again in 2005. This chapter regulates school district transportation operations and ensures the safe and efficient transportation of students to and from school.

The rules contained at N.J.A.C. 6A:27 are being proposed for readoption with amendments pursuant to N.J.S.A. 18A:39-21, which requires the State Board of Education to adopt rules governing the transportation of students. The rules, as proposed, will encourage school districts to conduct their transportation operations in a cost effective and efficient manner while ensuring their students' safety. These proposed rules, along with the transportation efficiency requirements required in the School Funding Reform Act of 2008 (SFRA) and supported by P.L. 2007, c. 63, the Clearing Hurdles to Shared Services, Overriding Waste in Schools, Reining in Abuses, and Empowering Citizens Act (CORE), will also encourage school districts to conduct their transportation operations more efficiently, sharing and consolidating services where possible, thereby enhancing the fiscal accountability of school district boards of education in the provision of transportation services.

Readoption of the current rules and the proposed amendments will allow school district boards of education to continue to have authority and flexibility in adapting the requirements to their school district's particular situation while at the same time achieving greater efficiency and

fiscal accountability. Rules governing vehicles, school bus drivers and students will continue to enhance the safety of all who ride on school buses each day. The proposed rules for re-adoption governing State aid and proposed amendments to the rules governing contracting for transportation services will continue to increase the accountability of school district boards of education to local taxpayers. Re-adoption of the rules will continue to improve transportation efficiency, while maintaining the safety of the students on board by encouraging consolidation and the more effective use of transportation resources.

The proposed amendments are being presented in response to recommendations received from school district personnel and members of the student transportation industry since the 2005 adoption of these rules, and are meant to clarify existing rules. In addition, technical amendments are proposed to the chapter updating all references to County Superintendent of Schools to Executive County Superintendent of Schools and changing the name of the Office of Student Transportation to include its new mandate as the Office of Student Transportation and Shared Services. As part of its mission to provide leadership, the Department is proposing amendments to the current rules to ensure a more efficient evaluation of New Jersey's school district transportation operations.

As the Department has provided a 60-day comment period in this notice of proposal, this notice is exempted from the rulemaking calendar requirement. The following summarizes the content of each subchapter, noting all proposed amendments to the existing rules.

Subchapter 1. General Provisions

N.J.A.C. 6A:27-1.1 Authority

This section clarifies that the term “district board(s) of education” refers to both a district board of education and coordinated transportation services agency, establishes that district boards of education must adopt policies for the transportation of students, and identifies who is responsible for suspending transportation services due to inclement weather. In order to clarify existing regulations, a new subsection is proposed at N.J.A.C.6A:27-1.1(c) to require that district boards of education adopt procedures to ensure that any school transportation which they provide or which is provided by a school bus contractor on their behalf is done in compliance with all Federal and State laws and regulations.

N.J.A.C. 6A:27-1.2 Students who shall be transported

This section defines who shall be transported. New language is proposed at N.J.A.C. 6A:27-1.2(a) to add a definition of eligibility for transportation for preschool students, as defined in N.J.S.A. 18A:7F-43 et seq.

N.J.A.C. 6A:27-1.3 Students who may be transported

This section defines who may be transported by district board of education policies when transportation is not mandated by state law. A new subsection is proposed at N.J.A.C. 6A:27-1.3(c) which would require that local boards of education providing nonmandated transportation for hazardous circumstances adopt a hazardous busing policy as required by N.J.S.A. 18A:39-1.5.

N.J.A.C. 6A:27-1.4 Passengers

This section defines who may ride on the bus as a passenger. No amendments are proposed to the existing rule.

N.J.A.C. 6A:27-1.5 Insurance

This section establishes the requirements for insurance coverage for student transportation. An amendment is proposed at N.J.A.C. 6A:27-1.5(a) to reinforce the requirement that subcontracting companies providing student transportation services obtain adequate insurance coverage. This coverage has been required and is now proposed to be explicitly stated in the rules. A new provision is proposed at N.J.A.C. 6A:27-1.5(f) to require that contractors notify district boards of education with whom they contract and the Executive County Superintendent of Schools within 48 hours whenever they receive notification of cancellation of their insurance coverage in order to ensure that the parties to the contract are aware of the cancellation before it takes effect.

Subchapter 2. Nonpublic School Transportation

N.J.A.C. 6A:27-2.1 General provisions

This section specifies that transportation services for students attending nonpublic schools should be provided from Monday through Friday between September 1 and June 30 when the school is in session in accordance with state laws governing student transportation. It also requires that district boards of education attempt to provide transportation prior to deciding to pay aid in lieu of transportation, and states that school districts are not required to pay aid in lieu of transportation when parents or legal guardians return their signed payment voucher after

the end of the fiscal year. In addition, this section defines a late application for nonpublic school transportation. No amendments are proposed to the existing rule.

N.J.A.C. 6A:27-2.2 Eligibility requirements

This section prescribes the eligibility requirements for students transported to nonpublic schools, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-2.3 Responsibilities of the school district board of education

This section lists the responsibilities of district boards of education in the provision of nonpublic school transportation services. It is proposed that N.J.A.C. 6A:27-2.3(a), a provision requiring district boards of education to distribute nonpublic school transportation forms and procedures to nonpublic schools located within their district, be deleted. All necessary forms along with a nonpublic school transportation procedures manual are now available on the Department's website, making distribution of these items a task no longer necessary for school district personnel.

N.J.A.C. 6A:27-2.4 Responsibilities of the nonpublic school administrator

This section describes the responsibilities of nonpublic school administrators in the provision of transportation services to students attending their schools. An amendment is proposed at N.J.A.C. 6A:27-2.4(a) that requires the nonpublic school administrator to obtain the Application for Nonpublic School Transportation forms and procedures from the Department's website. An amendment is also proposed to move the requirement that a new Application for Nonpublic School Transportation be submitted whenever a student has a change in address from

N.J.A.C. 6A:27-2.4(c) to N.J.A.C. 6A:27-2.4(f), a section which deals with students moving to a new address, and a more appropriate location for this rule. A new provision requiring that, with the exception of the distance between home and school, the nonpublic school administrator ensure the accuracy of the information contained in their students' Application for Nonpublic School Transportation is proposed at N.J.A.C. 6A:27-2.4(c)1.

N.J.A.C. 6A:27-2.5 Responsibilities of the parents or legal guardians of nonpublic school students

This section describes the responsibilities of the parents or legal guardians of nonpublic school students in the provision of school transportation services, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-2.6 Responsibilities of the Executive County Superintendent of Schools

This section defines the responsibilities of the Executive County Superintendent of Schools. A new requirement that the district board of education or the nonpublic school administrator submit requests for arbitration in writing to the Executive County Superintendent of Schools when a dispute exists between the parties is proposed at N.J.A.C. 6A:27-2.6(b)1.

Subchapter 3. Charter School Transportation

N.J.A.C. 6A:27-3.1 General provisions

This section contains the requirements that charter school transportation be provided according to New Jersey law, and that transportation services are the responsibility of the student's resident district board of education. It also requires that students receive transportation

services based upon the date on which their resident school district receives their application. In addition, the rule requires that transportation be provided according to the charter school's calendar and places a limit on the expenditure for transportation to charter schools located outside of a student's school district of residence. New language is proposed at N.J.A.C. 6A:27-3.1(g) to reiterate the requirement for the Executive County Superintendent of Schools to arbitrate disputes between district boards of education and charter schools. This requirement has been in existence since the creation of charter schools, but was not specifically stated in the rules. It is also proposed that new language be added at N.J.A.C. 6A:27-3.1(g)1 to require that a request for arbitration by the Executive County Superintendent of Schools be made in writing.

N.J.A.C. 6A:27-3.2 Eligibility requirements

This section describes charter school students' eligibility for transportation services. Additional language is proposed at N.J.A.C. 6A:27-3.2(a) to include preschool students attending certain charter school preschool programs. An amendment is proposed at N.J.A.C. 6A:27-3.2(c) to limit mandated transportation to and from school to charter schools located within the State. This language is proposed at the request of numerous boards of education to reiterate in the rules a limit on student transportation found in statute.

N.J.A.C. 6A:27-3.3 Transportation within the school district or region of residence

This section requires that students attending a charter school located within their school district or region of residence shall be provided with transportation on the same terms and conditions as transportation is provided to students attending other public schools located within

the school district in which the charter school student resides. This section is proposed for readoption without amendment.

N.J.A.C. 6A:27-3.4 Transportation outside the school district or region of residence

This section places limits on transportation provided to students attending charter schools located outside of the student's school district or region of residence. This section is proposed for readoption without amendment.

N.J.A.C. 6A:27-3.5 Responsibilities of school district boards of education

This section lists the responsibilities of district boards of education in the provision of transportation for charter school students, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-3.6 Responsibilities of the charter school administrator

This section describes the responsibilities of the charter school administrator in the provision of school transportation services. A new provision requiring that, with the exception of the distance between home and school, the lead person of the charter school ensure the accuracy of the information contained in their students' application for charter school transportation is proposed at N.J.A.C. 6A:27-3.6(a). An amendment is proposed at N.J.A.C. 6A:27-3.6(d) which would require that the lead person of the charter school ensure that a new application for charter school transportation is submitted to a student's resident school district whenever a student has a change in address.

N.J.A.C. 6A:27-3.7 Responsibilities of the parents or legal guardians

This section outlines the responsibilities of the parents or legal guardians of charter school students in the provision of transportation to and from school, and is proposed for readoption without amendment.

Subchapter 4. School Choice Transportation Services

N.J.A.C. 6A:27-4.1 General provisions

This section contains a requirement that transportation be provided to choice school students according to New Jersey law. It also specifies choice school districts are responsible for providing transportation to enrolled choice students who are eligible for transportation, and places a limit on expenditures for choice school transportation. An amendment is proposed at N.J.A.C. 6A:27-4.1(d) to change “one half” to “one-half.”

N.J.A.C. 6A:27-4.2 Eligibility requirements

This section lists the transportation services eligibility requirements for students attending a choice school. New language is proposed at N.J.A.C. 6A:27-4.2(a) to include preschool students attending certain preschool programs conducted in choice schools.

Subchapter 5. Special Needs Transportation

N.J.A.C. 6A:27-5.1 Special needs students

This section contains provisions for transporting students with special needs. An amendment is proposed at N.J.A.C. 6A:27-5.1(a)2 that would require that a copy of the receiving school’s calendar be submitted to the student’s resident school district whenever there is an out-of-district placement. That calendar must be submitted by May 15 preceding the year in which

transportation is required, or at the time of placement, if placement occurs after May 15. This language will assist resident school districts in providing more efficient transportation services to special needs students.

N.J.A.C. 6A:27-5.2 Katzenbach school

This section contains provisions for transporting students attending the Marie Katzenbach School. This section is proposed for re adoption without amendment.

Subchapter 6. Other Special Populations

N.J.A.C. 6A:27-6.1 General provisions

This section requires that students governed by this subchapter be provided with transportation in accordance with New Jersey law, and is proposed for re adoption without amendment.

N.J.A.C. 6A:27-6.2 Homeless students

This section contains provisions governing transportation of homeless students to and from school. This section is proposed for re adoption without amendment.

N.J.A.C. 6A:27-6.3 Students residing in group homes

This section contains provisions governing the transportation of students residing in group homes, and is proposed for re adoption without amendment.

N.J.A.C. 6A:27-6.4 Students residing in foster homes

This section contains provisions governing the transportation of students residing in foster homes. This section is proposed for readoption without amendment.

N.J.A.C. 6A:27-6.5 Students residing in shared custody homes

This section defines a student's residence for shared custody situations, and is proposed for readoption without amendment.

Subchapter 7. Vehicle Use and Standards

N.J.A.C. 6A:27-7.1 General provisions

This section states that any vehicles used to transport students to and from school or school related activities must meet State vehicle standards, registration and inspection requirements, and establishes an inspection schedule for each vehicle. A proposed amendment at N.J.A.C. 6A:27-7.1(a)1 requires that any vehicle exempt from authorization for school use on its certificate of inspection because it is being used on a preset franchised route and schedule or is chartered for school related activities must display a current certificate indicating that the vehicle was inspected by the New Jersey Motor Vehicle Commission's Commercial Bus Unit.

N.J.A.C. 6A:27-7.2 Capacity

This section defines the capacity of a school bus. It is proposed that N.J.A.C. 6A:27-7.2(a)1 be deleted since it refers to vehicles owned prior to December 18, 1989 and these vehicles are no longer in service as school vehicles.

N.J.A.C. 6A:27-7.3 Retirement of school buses

This section contains provisions governing the retirement of school buses, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-7.4 Small vehicles

This section contains small vehicle standards, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-7.5 School buses

This section defines the term “school bus” and requires that these vehicles comply with all State regulations for the manufacture of school buses. This section is proposed for readoption without amendment.

N.J.A.C. 6A:27-7.6 Transportation to and from related school activities

This section defines the use of private vehicles for transportation to and from related school activities, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-7.7 Parent transporting his or her own child or children

This section defines the regulations for parents wishing to transport their own child or children to and from school under contract with the district board of education. This section is proposed for readoption without amendment.

N.J.A.C. 6A:27-7.8 Use of school buses other than to and from school and school related activities

This section contains provisions governing the use of school buses other than to and from school and school related activities, and is proposed for re adoption without amendment.

N.J.A.C. 6A:27-7.9 Vehicle records

This section contains provisions governing the retention of inspection and maintenance reports. This section is proposed for re adoption without amendment.

Subchapter 8. State Aid

N.J.A.C. 6A:27-8.1 General provisions

This section contains provisions governing the district board of education's responsibility for the submission of data for the calculation of State aid and explains who is entitled to State transportation aid. This section is proposed for re adoption without amendment.

N.J.A.C. 6A:27-8.2 School transportation efficiency and corrective action plans

This section prescribes the school transportation efficiency and corrective action plan, and is proposed for re adoption without amendment.

Subchapter 9. Contracting for Transportation Services

N.J.A.C. 6A:27-9.1 General provisions

This section requires that district boards of education administer student transportation contracts in accordance with the requirements of this subchapter. It also specifies that any contract which fails to meet the requirements of this subchapter be set aside by the district board of education, and that all contracts require the approval by the Executive County Superintendent

of Schools. An amendment is proposed at N.J.A.C. 6A:27-9.1(a) to clarify that boards of education have the authority to assign their transportation contracts to another board of education upon approval of both boards.

N.J.A.C. 6A:27-9.2 Responsibilities of school district boards of education

This section defines the responsibilities of district boards of education as parties to school transportation contracts. Amendments are proposed at N.J.A.C. 6A:27-9.2(a) and (a)1 to reinforce the requirement that all anticipated transportation services, even those that are less than the statutory bid limit, must be advertised for bid.

N.J.A.C. 6A:27-9.3 Bid specifications

This section defines school transportation contract bid specifications. A proposed amendment at N.J.A.C. 6A:27-9.3(d)1ii adds routes for vocational school students to the requirement that routes be described listing each bus stop, the schedule for arriving and departing and the vehicle capacity. An additional amendment is proposed to this subparagraph changing the word “Statement” to the lower case “statement.” A new provision is proposed at N.J.A.C. 6A:27-9.3(d)4ix that would include language in bid specifications needed to implement “pay to play” requirements mandated by N.J.S.A. 19:44A-20.13. An amendment is proposed at N.J.A.C. 6A:27-9.3(e)2ii that would require that all bid sheets contain a separate provision for adjusting the contract on a per hour or per mile basis for school related activities transportation. A new provision is proposed at N.J.A.C. 6A:27-9.3(e)9 which would require that a Coordinated Transportation Services Agency membership form be included in any bids received from such agencies, as required by N.J.S.A. 18A:39-11.2.

N.J.A.C. 6A:27-9.4 Responsibilities of the bidder

This section defines the responsibilities of the bidder for school transportation contracts, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-9.5 Bidder's guarantee

This section defines the responsibility of the bidder to provide a monetary guarantee to the district board of education when submitting a bid. A new provision is proposed at N.J.A.C. 6A:27-9.5(a)1 to require that the number assigned to the bid be listed on the bidder guarantee when it is submitted in order to assist local boards in their determination that sufficient guaranty has been submitted by the bidder.

N.J.A.C. 6A:27-9.6 Performance surety bond

This section defines performance surety bonds. Proposed amendments at N.J.A.C. 6A:27-9.6(a)4 and 5 require that the multi-contract number(s) or route number(s) be listed on the performance bonds submitted by the winning bidder to assist local boards in ensuring that an amount sufficient to cover the contract or route has been submitted by the winning bidder in the form of a personal or corporate bond. In addition, a change in language is proposed at N.J.A.C. 6A:27-9.6(a)4i to update this section to current terms used for surety bonds, revising the phrase "sufficient to cover the bond" as "sufficient to guaranty the bond."

N.J.A.C. 6A:27-9.7 Bulk and combination bids

This section contains provisions governing bulk and combination bids. This section is proposed for readoption without amendment.

N.J.A.C. 6A:27-9.8 Receiving and opening bids

This section describes the requirements for receiving and opening bids, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-9.9 Contracts

This section defines the term of school transportation contracts; the materials necessary for the submission of contracts, contract renewals and parental contracts to the Executive County Superintendent of Schools; and the requirement that all contracts require the approval of the Executive County Superintendent of Schools. A technical amendment is proposed at N.J.A.C. 6A:27-9.9(a) to clarify that the term of the "original" contract may not exceed four years.

N.J.A.C. 6A:27-9.10 Awarding contracts

This section contains provisions governing the award of contracts. A new subsection is proposed at N.J.A.C. 6A:27-9.10(g) to establish provisions for disqualification of a bidder who would otherwise be determined to be the lowest responsible bidder for a student transportation contract, as authorized in N.J.S.A. 18A:39-11.2.

N.J.A.C. 6A:27-9.11 High, collusive or no bids

This section states that district boards of education may award contracts pursuant to N.J.S.A. 18A:18A-5(c) and (d) when on two occasions no bids were received, or on two

occasions bids were rejected by the board because they were too high. This section is proposed for re adoption without amendment.

N.J.A.C. 6A:27-9.12 Quoted contracts

This section sets forth provisions governing quoted school transportation contracts. A proposed amendment at N.J.A.C. 6A:27-9.12(a) would reinforce the requirement that all anticipated transportation services shall be bid.

N.J.A.C. 6A:27-9.13 Renewing contracts

This section contains provisions governing the renewal of school transportation contracts. A technical amendment is proposed at N.J.A.C. 6A:27-9.13(a)3 to update the citation of the law defining State aid for nonpublic school transportation with the new citation signed into law in December 2007.

N.J.A.C. 6A:27-9.14 Addendum to a contract

This section defines adjustments made to a contract after the contract has been awarded, and is proposed for re adoption without substantive amendment.

N.J.A.C. 6A:27-9.15 Transferring contracts and contract renewals

This section contains provisions governing the transfer of contracts and contract renewals. A proposed new subsection at N.J.A.C. 6A:27-9.15(i) requires that any board of education intending to assign to another board of education any or all of the board's rights and

liabilities for transportation contracts held by the board obtain the approval of both district boards of education and the Executive County Superintendent.

N.J.A.C. 6A:27-9.16 Joint transportation agreements

This section defines joint transportation agreements. This section is proposed for readoption without substantive amendment.

Subchapter 10. Coordinated Transportation Services

N.J.A.C. 6A:27-10.1 General requirements

This section defines a coordinated transportation services agency (CTSA) and requires that annual meetings be held between representatives of participating resident district boards of education and CTSA's. It also describes the situations in which a resident school district board of education is required by law to use a CTSA, and mandates that the County Superintendent of Schools assist district boards of education and administrators of nonpublic schools in coordinating calendars and schedules to facilitate the coordination of transportation services. In addition, this section defines the issues which must be addressed in agreements between resident district boards of education and CTSA's for the provision of transportation services. An amendment is proposed at N.J.A.C. 6A:27-10.1(f) to clarify that copies of the board minutes from both the resident district board of education and the CTSA must be submitted to the Executive County Superintendent whenever there is an agreement for transportation services.

N.J.A.C. 6A:27-10.2 Responsibilities of resident school district boards of education

This section defines the responsibilities of resident district boards of education in the provision of coordinated transportation services. This section is proposed for re adoption without substantive amendment.

N.J.A.C. 6A:27-10.3 Responsibilities of coordinated transportation services agencies

This section describes the responsibilities of coordinated transportation services agencies in the provision of transportation services, and is proposed for re adoption without amendment.

N.J.A.C. 6A:27-10.4 Conditions when coordinated transportation services agencies must bid

A new section is proposed at N.J.A.C. 6A:27-10.4 which describes the conditions under which a CTSA must submit a bid to a resident district board of education for the provision of transportation services. This section provides the procedures and information necessary to implement recently enacted legislation, N.J.S.A. 18A:39-11.2.

Subchapter 11. Safety

N.J.A.C. 6A:27-11.1 Emergency procedures

This section requires that district boards of education establish policies and procedures to be followed by school bus drivers in the event of an emergency, and is proposed for re adoption without amendment.

N.J.A.C. 6A:27-11.2 Evacuation drills and safety education

This section governs school bus evacuation drills. A new subsection is proposed at N.J.A.C. 6A:27-11.2(d) to require that emergency evacuation drills be documented in the minutes of the resident district board of education, and describes the information which must be reported in the minutes. The requirement for documentation is added to stress the importance of the emergency evacuation drills.

N.J.A.C. 6A:27-11.3 Training

This section requires that employers ensure that all school bus drivers and school bus aides be properly trained for the functions of their positions, and defines the minimum requirements for a mandatory safety education program for drivers and aides. New paragraphs are proposed at N.J.A.C. 6A:27-11.3(b)6 and 7 to add items to be included in training for school bus drivers and aides. These proposed additions highlight the importance of checking a school bus for students left on board and assist in the implementation of newly enacted legislation, N.J.S.A. 18A:39-28 and 29, and stress the importance of the proper treatment of student information by school bus drivers and aides.

N.J.A.C. 6A:27-11.4 Student safety education

This section defines a safety education program which must be provided by district boards of education to all public school students, and is proposed for readoption without amendment.

Subchapter 12. Drivers and Aides

N.J.A.C. 6A:27-12.1 General requirements

This section contains provisions pertaining to the licensing and responsibilities of school bus drivers and school bus aides. A new paragraph is proposed at N.J.A.C. 6A:27-12.1(b)1 to require that the Executive County Superintendent of Schools ensure compliance with the laws governing school bus drivers, N.J.S.A. 18A:39-17 through 20 and relevant New Jersey Motor Vehicle Commission rules. These laws require that boards of education, school bus contractors and school bus drivers submit various information to their county offices. The proposed language is meant to ensure that the Executive County Superintendent of Schools, or their designee, reviews and processes these documents. A proposed amendment to N.J.A.C. 6A:27-12.1(e) would require that an employer submit a school bus driver transmittal form to the Department's Criminal History Review Unit before assigning a newly hired school bus driver, who holds a current criminal history background check, to a bus route. This would ensure that the Criminal History Review Unit is alerted when a school bus driver moves from one employer to another. The addition of this transmittal form to a school bus driver's records that are retained by their employer is included in new language proposed at N.J.A.C. 6A:27-12.1(e)5. Amended language is proposed at N.J.A.C. 6A:27-12.1(f) to reflect the transfer of responsibility for the school bus driver's vehicle condition report form from the Department to the Motor Vehicle Commission. A technical amendment is proposed at N.J.A.C. 6A:27-12.1(i) as a result of the recodification of tuberculin testing requirements at a new cite. Finally, a new subsection is proposed at N.J.A.C. 6A:27-12.1(j) to define the need for school bus drivers and aides to have access so certain information found in a student's record under the Federal Family Educational Rights and Privacy Act in order to ensure the safety of all students on board the school bus.

N.J.A.C. 6A:27-12.2 Accident reporting

This section sets forth provisions governing the reporting of a school bus accident. The addition of a requirement that school bus drivers complete and submit a copy of the Preliminary School Bus Accident Report to the Department of Education within 10 days of the accident is proposed at N.J.A.C. 6A:27-12.1(a) in order to ensure more timely submission of this document.

N.J.A.C. 6A:27-12.3 Students left on a school bus

This proposed section highlights the importance of checking a school bus for students left on board and assists in the implementation of newly enacted legislation, N.J.S.A. 18A:39-28 and 29. It defines situations in which a child should be considered to have been left unattended on a school bus and lists the steps which should be taken by the owner/operator of a school vehicle and by the chief school administrator whenever a child is left unattended on a school bus.

Subchapter 13. Governance and Administration

N.J.A.C. 6A:27-13.1 General authority

This section contains provisions which provide for the establishment of general authority for the provision of a thorough evaluation of a district board of education's student transportation operations and fiscal procedures, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-13.2 General school district procedures

This section requires that district boards of education submit all reports and data necessary for the calculation of State transportation aid, and is proposed for readoption without amendment.

N.J.A.C. 6A:27-13.3 Regulatory review

This section defines the roles of the Executive County Superintendent of Schools and the Office of Student Transportation and Shared Services in a regulatory review of school district transportation operations, and is proposed for readoption with a technical amendment updating reference made necessary by changes to previously adopted rules.

N.J.A.C. 6A:27-13.4 Corrective plan

This section states that a district board of education found to be deficient as a result of an Office of Student Transportation and Shared Services review must submit a corrective action plan addressing the specific recommendations to their Executive County Superintendent of Schools. This section is proposed for readoption without substantive amendment.

N.J.A.C. 6A:27-13.5 Compliance investigation

This section defines the role of the Office of Compliance when a complete inspection of a district board of education's student transportation procedures, operations and costs must be conducted, and is proposed for readoption with a technical amendment updating a rule reference, made necessary by changes to previously adopted rules.

Social Impact

The rules proposed for readoption with amendments, in conjunction with N.J.S.A. 18A:39-1 et seq., the statutes governing student transportation, will further ensure safe and efficient transportation of students to and from school. More than 831,000 children ride school buses to and from school every day. Approximately 19,000 vehicles are used for this purpose.

The proposed amendments clarify existing rules and eliminate potential confusion. Proposed new sections have been written in response to changes in the school transportation industry. All proposed amendments and additions further enhance safe travel for New Jersey students to and from school and school-related activities, as well as promote consolidated services, efficiency and savings, and provide safeguards for school district boards of education in their daily school district transportation operations.

Economic Impact

The rules proposed for re adoption with amendments promote economy and efficiency by outlining good business practices in school district transportation operations. Efficiency will be further enhanced by the clarification of responsibilities of the school district boards of education, contractors, agencies providing shared services, and parents in the transportation of students to and from school. The rules proposed for re adoption with amendments have a positive economic impact for school district boards of education that consolidate services by joining with other school districts and agencies by reducing the number of vehicles that are needed to transport the same number of students. The rules will not create any additional economic impact for the State.

Federal Standards Statement

The rules proposed for re adoption with amendments will not be inconsistent with or exceed any Federal standards or requirements, since no such standards or requirements address the mechanisms prescribed in this chapter.

Jobs Impact

No jobs are expected to be generated or lost as a result of the proposed amendments or rules proposed for readoption.

Agriculture Industry Impact

The proposed amendments and rules proposed for readoption have no impact on the State agriculture industry.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is required because the rules proposed for readoption with amendments impose some changes to reporting, recordkeeping and other compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The only types of small businesses that these rules affect are bus contractors in New Jersey with fewer than 100 employees. These include most of the contractors in the State. The current rules and the proposed amendments require some reporting, recordkeeping and compliance requirements, as discussed in the Summary above. However, their impact is minimal. Amendments which clarify standards imposed on contractors for the submission of contracts and related documents are not considered to be burdensome to small businesses. The recordkeeping and liability insurance coverage required by these rules fall within the scope of what is necessary to operate a bus service company, and are not materially changed by these amendments. Compliance would not require the employment of professional services. Lesser requirements are not provided for small businesses because the requirements are not extraordinary and contractors have easy access to the information sought by the Department.

Smart Growth Impact

The rules proposed for re adoption with amendments will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for re adoption with amendments will have no impact on the average cost of housing. The rules and amendments concern school transportation.

Smart Growth Development Impact

The Department believes that there is an extreme unlikelihood that the rules proposed for re adoption with amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules and amendments concern school transportation.

Full text of the rules proposed for re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 6A:27.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

6A:27-1.1 Authority

(a) – (b) (No change.)

(c) **District boards of education shall adopt procedures to ensure that all transportation provided to their resident students is done in compliance with all State and Federal laws and regulations.**

[(c)](d) (No change in text.)

6A:27-1.2 Students who shall be transported

(a) Transportation shall be provided to public school students who reside remote from their assigned school of attendance, nonpublic school students who reside remote from their school of attendance and meet the eligibility criteria of N.J.A.C. 6A:27-2.2, and special education students who reside remote from their assigned school or who require transportation services in accordance with their Individualized Education Program (IEP). **Transportation shall also be provided to preschool students who live remote from their school of attendance and are either enrolled in a universal preschool program or meet the age and income eligibility requirements of and are enrolled in a targeted preschool program pursuant to N.J.S.A. 18A:7F-43 et seq.**

1. – 2. (No change.)

6A:27-1.3 Students who may be transported

(a) – (b) (No change.)

(c) **Whenever a district board of education agrees to provide nonmandated transportation to and from school for reasons of hazard, the board shall adopt a hazardous busing policy in accordance with N.J.S.A. 18A:39-1.5.**

Recodify existing (c) – (f) as (d) – (g) (No change in text.)

6A:27-1.5 Insurance

(a) Anyone providing for the transportation of students to and from school or school related activities **or subcontracting to provide these services** shall furnish automobile liability insurance for bodily injury and property damage in a minimum amount of \$1,000,000 combined single limit per occurrence for all vehicles which are used for this purpose.

(b) (No change.)

(c) Self-insured transportation contractors and district boards of education as provided in N.J.S.A. 48:4-12 and 13 shall file a certificate of self-insurance with the **Executive** [county superintendent of schools] **County Superintendent of Schools**.

(d) Policies or certificates of insurance shall accompany all contracts or contract renewals when they are submitted to the **Executive** [county superintendent of schools] **County Superintendent of Schools** for approval.

(e) Policies or certificates of insurance shall be submitted to the district board of education and the [county superintendent of schools] **Executive County Superintendent of Schools** whenever policies are amended, revised or renewed.

(f) The district board of education and the Executive County Superintendent of Schools shall be notified by the insured whenever any policy is cancelled. Notification shall be made within 48 hours of receipt of the notification of the cancellation by the insured, and before the cancellation takes effect.

SUBCHAPTER 2. NONPUBLIC SCHOOL TRANSPORTATION

6A:27-2.3 Responsibilities of the district board of education

[(a) The district board of education shall supply the Application for Nonpublic School Transportation forms, as prescribed by the Commissioner of Education, and the procedures for nonpublic school transportation to nonpublic schools located within the school district.]

Recodify existing (b) – (f) as **(a) – (e)** (No change in text.)

[(g)] **(f)** A district board of education shall provide to the **Executive** County Superintendent of Schools, upon request, documentation that the criteria for bidding pursuant to N.J.A.C. 6A:27-2.1(b)3 has been utilized.

6A:27-2.4 Responsibilities of the nonpublic school administrator

(a) The administrator of the nonpublic school shall obtain the Application for Nonpublic School Transportation forms **and procedures** from the [district board of education in which the nonpublic school is located] **New Jersey Department of Education website.**

(b) (No change.)

(c) The administrator of the nonpublic school shall annually collect the Application for Nonpublic School Transportation from the students' parents or legal guardians and shall submit these forms to the resident district boards of education in which the students reside, within 30 days of the students' registration in the nonpublic school, or by March 15 of the preceding school year in which transportation services are to be provided. [The Application for Nonpublic School Transportation shall also be submitted to the resident district board of education in which the student resides whenever the student has a change of address.]

1. The administrator of the nonpublic school shall ensure the accuracy of the information contained in the Application for Nonpublic School Transportation, except for the one-way mileage from a student's home to the nonpublic school.

(d) – (e) (No change.)

(f) The nonpublic school administrator shall immediately notify the student's resident district board of education in writing when a student eligible for transportation or aid in lieu of transportation has a change in address or withdraws from the nonpublic school. **Whenever a student has a change in address, a new Application for Nonpublic School Transportation shall also be submitted.**

(g) (No change.)

6A:27-2.6 Responsibilities of the **Executive** County Superintendent of Schools

(a) The **Executive** County Superintendent of Schools shall assist district boards of education and the chief school administrators of the nonpublic schools in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of services.

(b) The **Executive** County Superintendent of Schools shall arbitrate any disputes between district boards of education and the chief school administrators of nonpublic schools regarding student transportation.

1. The district board of education or nonpublic school administrator shall submit requests for arbitration in writing to the **Executive** County Superintendent of Schools outlining the matter to be arbitrated.

(c) The **Executive** County Superintendent of Schools shall convene a meeting, at least once a year, of representatives of all district boards of education and nonpublic school administrators in the county to discuss issues related to student transportation.

SUBCHAPTER 3. CHARTER SCHOOL TRANSPORTATION

6A:27-3.1 General provisions

(a) – (f) (No change.)

(g) The Executive County Superintendent of Schools shall arbitrate any disputes between district boards of education and the lead person of the charter school regarding student transportation.

1. The district board of education or lead person of the charter school shall submit requests for arbitration in writing to the Executive County Superintendent of Schools outlining the matter to be arbitrated.

6A:27-3.2 Eligibility requirements

(a) Students in kindergarten through grade eight **and preschool students who meet the eligibility requirements defined in N.J.A.C. 6A:27-1.2(a)** who reside more than two miles and students in grades nine through 12 who reside more than two and one-half miles from the charter school that they attend are eligible for transportation services.

(b) (No change.)

(c) **The charter school shall be located within the State.**

6A:27-3.6 Responsibilities of the lead person of the charter school

(a) The lead person of the charter school shall notify the district board of education in which each student resides of the need for transportation. Notification shall be given by March 15 preceding the school year in which transportation services are to be provided, or at the time of each student's registration in the charter school if such registration occurs after March 15. This notification shall be submitted on the form prescribed by the Commissioner of Education and shall include the student's name, address, grade, one-way mileage from the student's home to the charter school and the name of the last school of attendance, if any. **The lead person of the charter school shall ensure the accuracy of the information contained in the application for**

charter school transportation, except for the one-way mileage from the student's home to the charter school. A late application shall be any request received by the district board of education after March 15.

(b) – (c) (No change.)

(d) The lead person of the charter school shall immediately notify in writing the district boards of education in which the students reside when a student eligible for transportation or aid in lieu of transportation has a change in address or withdraws from the charter school. **Whenever a student has a change in address, a new application for charter school transportation shall also be submitted.**

(e) (No change.)

SUBCHAPTER 4. SCHOOL CHOICE TRANSPORTATION

6A:27-4.1 General provisions

(a) – (c) (No change.)

(d) The choice district shall not be responsible for providing transportation services for choice students residing less than two miles in grades K through eight and less than two and one-half miles in grades nine through 12, or more than 20 miles from the choice district's school.

6A:27-4.2 Eligibility requirements

(a) [Choice students who reside more than two miles in grades K through eight and more than two and one half miles in grades nine through 12 and who reside 20 miles or less from the choice district's school are eligible for transportation services] **Students in kindergarten through grade eight and preschool students who meet the eligibility requirements defined in N.J.A.C. 6A:27-1.2(a) who reside more than two miles and students in grades nine through 12 who reside more than two and one-half miles from the choice school that they attend are eligible for transportation services**, unless the cost of such services exceeds the annual maximum statutorily established amount per student for nonpublic school transportation.

(b) (No change.)

SUBCHAPTER 5. SPECIAL NEEDS TRANSPORTATION

6A:27-5.1 Special needs students

(a) Students with special needs shall be provided with transportation in accordance with N.J.S.A. 18A:39-1 et seq. and in accordance with their Individualized Education Program (IEP).

1. (No change.)

2. When an out-of-district placement for educational reasons is made by a resident district board of education, transportation shall be provided consistent with the school calendar of the receiving school. **A copy of the school calendar shall be submitted to the resident school district by May 15 preceding the year in which transportation is required, or at the time of placement, if placement occurs after May 15.**

3. – 4. (No change.)

SUBCHAPTER 7. VEHICLE USE AND STANDARDS

6A:27-7.1 General provisions

(a) Vehicles used to transport students to and from school or school related activities shall meet the vehicle standards, registration and inspection requirements of the New Jersey Motor Vehicle Commission. These vehicles shall be systematically inspected twice each year and display a current vehicle inspection sticker authorizing the vehicle for school use.

1. A vehicle is exempt from authorization for school use on the certificate of inspection when it is being used on a preset franchised route and schedule or is chartered for school related activities, **and displays a current certificate indicating that the vehicle was inspected by the New Jersey Motor Vehicle Commission's Commercial Bus Unit.**

6A:27-7.2 Capacity

(a) The number of students assigned to a seat shall not exceed the gross seating length in inches divided by 15. The maximum number of students who may be transported in each vehicle shall be determined by this seat measurement. Application of this formula shall not result in the use of a school vehicle with a seating capacity in excess of 54.

[1. Vehicles manufactured as 58 passenger elementary school vehicles owned by a district board of education or contractor prior to December 18, 1989 may be utilized until retirement.]

(b) – (c) (No change.)

SUBCHAPTER 9. CONTRACTING FOR TRANSPORTATION SERVICES

6A:27-9.1 General provisions

(a) District boards of education shall administer student transportation contracts in accordance with the requirements of this subchapter. **Boards of education reserve the right to assign their transportation contracts to another board of education upon approval of both boards of education.**

(b) (No change.)

(c) All contracts require the approval of the **Executive** County Superintendent of Schools.

1. Notwithstanding the [county superintendent's] **Executive County Superintendent's** contract approval, State aid shall be subject to modifications by the Commissioner of Education for good cause shown.

6A:27-9.2 Responsibilities of district boards of education

(a) Prior to the opening of school and in sufficient time to publicly advertise for bids, district boards of education shall assess their student transportation needs. If the assessment indicates that student transportation services **are anticipated or** in the aggregate shall exceed the

statutory bid limit, except for contracts qualifying for renewal, all transportation services shall be bid in accordance with N.J.S.A. 18A:39-3.

1. District boards of education shall assess their school related activities transportation needs. If the assessment indicates that these services **are anticipated or** in the aggregate will exceed the statutory bid limit, except for contracts qualifying for renewal, this transportation shall be bid.

(b) (No change.)

(c) District boards of education shall designate a committee, official or employee to prepare the specifications for which proposals are sought. Prior to the advertisement for bids, a copy of the specifications shall be submitted to the **Executive** County Superintendent of Schools for review for compliance with this chapter. The specifications and advertisement for bids shall be approved and authorized by formal action of the district board of education.

(d) – (e) (No change.)

6A:27-9.3 Bid specifications

(a) – (c) (No change.)

(d) Bid specifications shall contain a number to identify each bid and language that requires contractors to comply with all current applicable State and Federal laws pertaining to student transportation and shall be prepared to include, but not be limited to, the requirements of this subchapter.

1. The bid specifications shall include a separate route description for each individual route to and from school.

i. (No change.)

ii. A route for the transportation of special education students, **vocational school students** and nonpublic school students shall, at a minimum, be described listing each bus stop, the schedule for arriving and departing and the vehicle capacity. The [Statement] **statement** “the direction of the vehicle from the last stop shall be along the safest most direct route to the destination” shall also be included in the route description. In addition, language shall be included which requires the successful bidder to submit to the district board of education, within 10 days of the start of the contract, a description of the actual streets traveled.

iii. (No change.)

2. (No change.)

3. The bid specifications shall state that the district board of education shall reserve the right, with the approval of the **Executive** County Superintendent of Schools, to change the route or trip. If any change results, adjustment in the contract price shall be made in accordance with the bid.

4. The specifications shall include language that describes the following district board of education requirements:

i. – vi. (No change.)

vii. The criteria to be used to award a contract in the case of a tied bid; [and]

viii. A copy of the school calendar for routes to and from school[.]; **and**

ix. A statement of disclosure of political contributions in accordance with N.J.S.A. 19:44A-20.13.

5. – 6. (No change.)

(e) The district board of education shall include language which directs bidders to submit the following documents and forms, prescribed by the Commissioner of Education, to be made part of the bid specifications and of the contract:

1. (No change.)

2. The bid sheet for school related activities transportation shall include a provision for bids to be made on an hourly rate per vehicle or a per trip rate per vehicle, and shall include a separate provision for an aide cost, if required.

i. (No change.)

ii. The bid sheet shall contain a separate provision for adjusting the contract **on a per hour or per mile basis**, if an adjustment is solicited by the district board of education.

3. – 6. (No change.)

7. A non-collusion affidavit; [and]

8. Proof of the ability to obtain automobile liability insurance coverage required by the specifications[.]; **and**

9. A Coordinated Transportation Services Agency membership form.

6A:27-9.5 Bidder's guarantee

(a) The district board of education may, at its discretion, require the guarantee to be submitted in the form of a certified check, cashier's check or bid bond. No other form of guarantee is authorized.

1. The bidder guarantee shall include the bid number assigned to the bid for which it is submitted.

(b) – (c) (No change.)

6A:27-9.6 Performance surety bond

(a) A surety bond for the performance of contracts and contract renewals for transportation to and from school shall be required by the district board of education equal at least to the amount of one year of the contract. In the case of contracts for more than one year, the bond may be for an amount in excess of the proportionate annual contract amount as determined by the district board of education. The district board of education may, at its discretion, require a performance surety bond furnished by a corporate surety company

recognized by the State Department of Banking and Insurance as being authorized to do business in the State of New Jersey or may permit a personal surety bond.

1. – 3. (No change.)

4. Personal bonds shall be submitted on the Personal Surety Bond form, as prescribed by the Commissioner of Education. The bond shall be signed by at least two responsible sureties, who are residents of New Jersey, neither of whom shall be a member of the district board of education **and shall include the multi-contract number(s) or route number(s) guaranteed by the bond.**

i. The district board of education shall have the right to reject an individual surety offer, and may request a certification that each individual's net worth is sufficient to [cover] **guaranty** the bond.

5. The corporate bond shall be issued in the name of the school bus contractor with whom the district board of education holds the contract and shall be signed by the contractor and authorized agent of the bonding company. **The bond shall also include the multi-contract number(s) or route number(s) guaranteed by the bond.**

(b) (No change.)

6A:27-9.9 Contracts

(a) The term of the **original** contract shall not exceed four years.

1. (No change.)

(b) All contracts or contract renewals for student transportation shall be made on forms prescribed by the Commissioner of Education, and shall be submitted for approval to the **Executive** County Superintendent of Schools within 30 days after the award of the contract by the district board of education or by September 1 of the school year in which transportation is to be provided.

(c) New contracts submitted to the **Executive** County Superintendent of Schools shall be accompanied by the bid specifications, all documents required by the specifications to be submitted by the bidder, a copy of the newspaper bid advertisement, and a certified extract of the minutes of the district board of education authorizing the contract.

(d) Contract renewals submitted to the **Executive** County Superintendent of Schools shall be accompanied by a certified extract of the minutes of the district board of education authorizing the contract and copies of the contractor's certificate of insurance, affirmative action documentation and performance surety bond.

(e) (No change.)

(f) A summary of all bids received shall be submitted to the **Executive** County Superintendent of Schools with the submission of new contracts. If a contract is not awarded to the lowest bidder, a statement by the school board attorney justifying the contract award must accompany the summary.

(g) All transportation contracts require the approval of the **Executive** County Superintendent of Schools regardless of whether State aid is involved.

(h) Notwithstanding the **Executive** [county superintendent's] **County Superintendent's** approval, State aid shall be subject to modifications by the Commissioner of Education for good cause shown.

6A:27-9.10 Awarding contracts

(a) – (f) (No change.)

(g) A board of education may disqualify a bidder who would otherwise be determined to be the lowest responsible bidder for a student transportation contract, if the board finds that it has had prior negative experience with the bidder. The disqualification shall be for a reasonable, defined period of time not to exceed three years, and must be made by resolution approved by majority of the board of education.

1. Prior negative experience may be any one of the following:

i. The bidder has been determined to be “nonperforming” under a student transportation contract after a hearing which shall include the bidder, the superintendent of schools, and the Executive County Superintendent of Schools. The Executive County Superintendent shall make a determination as to nonperformance, which may be appealed to the Commissioner and the State Board of Education;

ii. **The bidder defaulted on a transportation contract requiring the board of education to utilize the services of another contractor to complete the contract;**

iii. **The bidder defaulted on a transportation contract requiring the board of education to look to the bidder's surety for completion of the contract or tender of the costs of completion; or**

iv. **The bidder has at least a 10 percent ownership in any contractor that had prior negative experience with the board of education.**

6A:27-9.12 Quoted contracts

(a) Quotations may be sought after the opening of school for unanticipated transportation services. **All anticipated transportation services shall be bid.** The process of soliciting quotations shall not be used by the district board of education to intentionally split transportation routes into smaller parts so as to avoid reaching the amount determined by the Governor as the formal competitive bidding requirement.

(b) (No change.)

(c) Quoted contracts submitted to the **Executive** County Superintendent of Schools shall be accompanied by a certified copy of the district board of education minutes authorizing the contract, copies of the contractor's certificate of insurance, performance surety bond, if applicable, and evidence of three quotes.

6A:27-9.13 Renewing contracts

(a) Annual extensions of an existing contract, approved by the **Executive** County Superintendent of Schools, are permitted provided:

1. – 2. (No change.)

3. There is no increase in the annual amount of the contract to the district board of education, or the increase in the contractual base amount as a result of such extension does not result in an effective increase that exceeds the annual rise in the Consumer Price Index (CPI) as defined in N.J.S.A. 18A:7F-[3]45 for that school year, regardless of the fact that the route description has changed or an aide has been added or removed. The increase may exceed the rise in the CPI when the increase, as provided for in the original bid, is directly attributable to the addition of an aide, a route change to accommodate a new student rider, or safety concerns. Any such extension shall require the approval of the **Executive** County Superintendent of Schools.

i. (No change.)

4. (No change.)

(b) (No change.)

6A:27-9.14 Addendum to a contract

(a) (No change.)

(b) An addendum to a contract or contract renewal shall be submitted on the Contract Addendum form, prescribed by the Commissioner of Education, to the **Executive** County Superintendent of Schools for approval within 30 days of the district board of education's approval.

(c) (No change.)

(d) A certified copy of the minutes of the district board of education authorizing the adjustment and additional performance surety bond, if required, shall accompany the Contract Addendum form when it is submitted to the **Executive** County Superintendent of Schools.

6A:27-9.15 Transferring contracts and contract renewals

(a) Whenever a contractor has entered into or intends to enter into an agreement to sell or assign to a purchaser all of the contractor's rights and liabilities with respect to all of the transportation contracts held by the contractor, such assignment requires the approval of the district board(s) of education and their **Executive** County Superintendent of Schools.

(b) When a contractor has entered into or intends to enter into an agreement to sell or assign to a purchaser all of the contractor's rights and liabilities with respect to all of the transportation contracts serviced by a specific terminal(s) that will no longer be operated by the contractor for student transportation services, such assignment requires the approval of the district board(s) of education and their **Executive** County Superintendent of Schools.

(c) – (f) (No change.)

(g) The Student Transportation Contract Transfer Agreement form shall be accompanied by a copy of the certified board minutes approving the transfer of the contract and all documents required of the original bidder when it is submitted to the **Executive** County Superintendent for approval.

(h) (No change.)

(i) Whenever a board of education assigns to another board of education any or all of the board's rights and liabilities for transportation contracts held by the board, such assignment requires the approval of both district boards of education and the Executive County Superintendent of Schools.

6A:27-9.16 Joint transportation agreements

(a) (No change.)

(b) Whenever in the judgment of the **Executive** County Superintendent of Schools transportation of students could be more economically accomplished by joint transportation, he or she may order such joint transportation, assign the administration to one district board of education as host and prorate the cost to the joining district board(s) of education.

(c) (No change.)

(d) The host district board of education shall be responsible for initiating the joint agreement and ensure that when transportation is provided by contracted services, contracts meet the requirements for approval by the **Executive** County Superintendent of Schools.

(e) The Joint Transportation Agreement form, prescribed by the Commissioner of Education, shall be sent to the host school district's **Executive** County Superintendent of Schools for approval within 60 days of the agreement.

1. A copy of a joint agreement, signed by all parties, issued between district boards of education in different counties shall be sent within 90 days of the agreement to the joiner school district's **Executive** [county superintendent of schools] **County Superintendent of Schools**.

(f) Certified copies of the board minutes for each district board of education involved in the joint agreement shall accompany the agreement submitted to the **Executive** County Superintendent of Schools.

SUBCHAPTER 10. COORDINATED TRANSPORTATION SERVICES

6A:27-10.1 General requirements

(a) – (d) (No change.)

(e) The **Executive** County Superintendent of Schools shall assist district boards of education and the chief school administrators of the nonpublic schools in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of services.

(f) Resident district boards of education shall adopt, by resolution, an agreement with the CTSA for transportation services. A copy of the board resolution to participate in the coordinated services, the contractual agreement, and a copy of the board minutes **from both parties** shall be sent to the **Executive** County Superintendent of Schools. The agreement shall include, but is not limited to, the following:

1. – 8. (No change.)

9. A provision for the **Executive** [county superintendent's] **County Superintendent's** acknowledgement of the agreement between the parties.

(g) (No change.)

6A:27-10.2 Responsibilities of resident district boards of education

(a) – (c) (No change.)

(d) Resident district boards of education that paid aid in lieu of transportation to the parents or legal guardians of nonpublic school students in the prior year, or who have determined that transportation cannot be provided for the ensuing school year, shall attempt to utilize a CTSA for those students before the determination is made to pay aid in lieu of transportation.

1. – 2. (No change.)

3. The **Executive** County Superintendent of Schools shall be notified when it has been determined that the inability to provide transportation services is due to calendar and/or schedule conflicts.

(e) – (g) (No change.)

6A:27-10.4 Conditions when coordinated transportation services agencies must bid

(a) The CTSA is subject to all laws governing student transportation contracts, including bonding requirements. In addition to the standard forms required with a bid, a CTSA must also include:

1. An agency membership form listing each member school district with the name of the district superintendent; and

2. A non-collusion statement indicating that personnel within the agency that is bidding did not draft specifications or route descriptions.

(b) Bidding by CTSA's in order to utilize agency owned/leased vehicles is not required when:

1. An educational services commission or jointure commission transports students who reside in districts that were member of the commission as of January 1, 2004, and the commission provided transportation with vehicles they owned/leased as of that date;

2. An educational services commission or jointure commission provided transportation to students who reside in districts located in first class counties that were

not members of the commission, and as of January 1, 1999 were transported by vehicles owned/leased by the commission;

3. A county special services school district transports students enrolled in the district or students enrolled in nonpublic schools who reside in the county, if as of January 1, 2004 the special services school district owned/leased buses and was providing transportation; or

4. A county special services school district transports special education students within the county or contiguous counties, if as of January 1, 2004 the special services school district is located in a 5th class county and has been providing special education transportation with buses it owns/leases.

SUBCHAPTER 11. SAFETY

6A:27-11.2 Evacuation drills and safety education

(a) – (c) (No change.)

(d) Drills shall be documented in the minutes of the local board of education at the first board meeting following the completion of the emergency exit drill. The minutes shall include, but are not limited to, the following:

1. The date of the drill;
2. The time of day the drill was conducted;
3. The school name;

4. **The location of the drill;**
5. **The route number(s) included in the drill; and**
6. **The name of the school principal, or person(s) assigned, who supervised the drill.**

6A:27-11.3 Training

(a) (No change.)

(b) Employers shall administer a safety education program for all permanent and substitute drivers and aides. At a minimum, this training shall include:

1. – 3. (No change.)

4. Loading and unloading procedures; [and]

5. School bus stop loading zone safety[.];

6. Inspecting the school vehicle for students left on board at the end of a route;
and

7. The use of a student's education records, including the employee's responsibility to ensure the privacy of the student and his or her records, if applicable.

(c) (No change.)

SUBCHAPTER 12. DRIVERS AND AIDES

6A:27-12.1 General requirements

(a) (No change.)

(b) Anyone driving a school vehicle used to transport students to and from school and school related activities shall meet all requirements of N.J.S.A. 18A:39-17, 18, 19 and 20 and all New Jersey [Department of Transportation] **Motor Vehicle Commission** rules governing school bus drivers.

1. The Executive County Superintendent shall ensure compliance with the requirement in (b) above.

(c) Drivers shall hold a valid Commercial Driver's License with appropriate endorsement(s) for the class and type of vehicle operated, issued by the New Jersey [Department of Transportation] **Motor Vehicle Commission**.

(d) (No change.)

(e) Employers shall retain a current qualifications record for each school bus driver and aide **and shall submit a school bus driver transmittal form to the New Jersey Department of Education Criminal History Review Unit prior to assigning a newly hired, currently approved school bus driver to a bus route.** At a minimum, [these] **the retained** records shall include:

1. – 2. (No change.)

3. A current medical examiner's certificate, if required; [and]

4. The current criminal history background check certification letter[.]; **and**

5. A copy of the New Jersey Department of Education Criminal History Review Unit school bus driver transmittal form, if applicable.

(f) The driver shall complete daily a driver's school bus condition report as prescribed by the [Commissioner of Education] **Motor Vehicle Commission.**

(g) – (h) (No change.)

(i) School bus drivers and aides shall meet tuberculin testing requirements pursuant to N.J.A.C. [6:29-2.3]**6A:32-6.3.**

(j) **School bus drivers and aides shall be considered to be school officials under the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, who have a legitimate educational interest to those parts of a student's record relating to transportation, without parental consent.**

1. Legitimate educational interest, applicable whenever a school official needs to review an education record in order to fulfill his or her professional responsibility, is defined for school bus drivers and aides as information needed in order to receive proper training and ensure informed actions to safely transport the student and any other students on the bus.

2. School bus drivers and aides shall receive training in the use of a student's education records, and in their responsibility to ensure the privacy of the student and his or her records.

6A:27-12.2 Accident reporting

(a) Every school bus driver shall immediately inform the principal of the receiving school and the school business administrator of the district board of education providing for the transportation following an accident which involves an injury, death or property damage. The driver shall also complete and file the Preliminary School Bus Accident Report prescribed by the Commissioner of Education **within 10 days of the accident.**

(b) (No change.)

6A:27-12.3 Students left on a school bus

(a) **Every owner/operator of a school vehicle shall immediately inform the administrator or principal of the receiving school and the chief school administrator of the district board of education providing for the transportation or their designee following an incident in which it has been determined that a student has been left unattended on the school bus at the end of the route. School district or school bus contractor personnel who discover, or to whom it is reported, that a student has been left on a school bus shall immediately report the incident to the owner/operator of the vehicle.**

1. A student is considered to have been left unattended on the school bus at the end of the route when the driver has left the vicinity of the bus.

(b) **The chief school administrator or their designee shall complete the Student Left Unattended on the Bus report prescribed by the Commissioner and submit the report to the Executive County Superintendent of Schools within 10 days of the incident.**

1. The Executive County Superintendent shall submit the completed report to the Office of Student Transportation and Shared Services and the Criminal History Review Unit.

SUBCHAPTER 13. GOVERNANCE AND ADMINISTRATION

6A:27-13.3 Regulatory review

(a) The **Executive** County Superintendent of Schools shall conduct a review of transportation operations of district boards of education in accordance with N.J.A.C. 6A:30[-1.4(a)7] **and 6A:23A-2.3.**

(b) The Office of Student Transportation **and Shared Services** field representative shall conduct [quarterly] reviews of the **Executive** [county superintendent's] **County Superintendent's** administration of student transportation. This review shall include a sampling of records that have been submitted to the **Executive** County Superintendent of Schools by district boards of education to determine compliance with the provisions of this chapter.

(c) The Office of Student Transportation **and Shared Services** field representative shall conduct [on site annual] reviews of student transportation procedures, operations and fiscal records of district boards of education as directed by the Commissioner of Education, and shall

notify the district board of education and **Executive** [county superintendent]**County Superintendent** of the findings.

(d) The Office of Student Transportation **and Shared Services** shall verify data submitted by district boards of education for State transportation aid.

6A:27-13.4 Corrective plan

A district board of education found to be deficient as a result of the Office of Student Transportation **and Shared Services** review shall submit a corrective action plan addressing the specific recommendations to the **Executive** County Superintendent of Schools and the Office of Student Transportation **and Shared Services**.

6A:27-13.5 Compliance investigation

(a) The Office of Compliance shall conduct a complete inspection of student transportation procedures, operations, and costs for any district board of education identified as deficient in the administration of student transportation as a result of the Office of Student Transportation **and Shared Services** review or State Department of Education monitoring process under any one of the following circumstances.

1. The Office of Student Transportation **and Shared Services** review indicates that conditions exist that may prevent the successful implementation of a corrective action plan;

2. A district board of education fails to implement and adhere to the corrective action plan that has been approved by the **Executive** County Superintendent of Schools; or

3. A district board of education fails to achieve certification based upon deficiencies noted in student transportation and does not demonstrate reasonable progress pursuant to N.J.A.C. [6A:30-2.5(b)]**6A:23A-4.1(a)**.