

## **Proposed Readoption with Amendments of N.J.A.C. 6A:27, Student Transportation**

The following is the accessible version of the proposed readoption with amendments of N.J.A.C. 6A:27, Student Transportation. The second discussion level document includes three sections – [comment and response](#), [summary of the chapter and proposed amendments](#) and [text of the chapter and proposed amendments](#).

**State Board of Education  
Administrative Code  
Comment/Response Form**

This comment and response form contains comments from and since the June 3, 2020, meeting of the State Board of Education when the rulemaking was considered at First Discussion Level.

**Topic:** Student Transportation

**Meeting Date:** July 1, 2020

**Code Citation:** N.J.A.C. 6A:27

**Level:** Second Discussion

**Division:** Division of Finance

**Completed by:** Division of Finance

**Summary of Comments and Agency Responses:**

The following is a summary of the comments received from State Board of Education members and the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

- A. Kathy Goldenberg, President, State Board of Education
  - B. Jack Fornaro, Member, State Board of Education
1. **Comment:** The commenter asked why the proposed amendments to N.J.A.C. 6A:27, Student Transportation, do not address the measures that school districts and bus companies will have to take to address the novel coronavirus and to ensure student safety while being transported. The commenter stated that school districts obviously will face increased costs due to COVID-19. The commenter also stated that COVID-19 is clearly a safety issue and should be addressed in the proposed amendments. **(B)**
- Response:** The commenter is correct that school districts will incur additional costs to implement social distancing measures on buses and other vehicles used to transport students to and from school. The Department has set up a grant program for school districts to apply to receive Federal funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The Department has issued guidance as part of the school reopening plan and will continue to work with school districts and transportation companies to ensure that students can be transported safely when they return to school.
2. **Comment:** The commenter asked if the grant being administrated by the Department will award Federal or State funds. **(B)**
- Response:** Yes, the CARES Act allocated \$310 million for New Jersey. The Department has allocated ninety percent of the Federal funds for grants to assist school districts, at their discretion, with transportation and to defray other costs related to COVID-19.
3. **Comment:** The commenter stated that school district officials are eager to hear what type of disinfectants will be needed to clean properly due to COVID-19 and to address anticipated supply and demand issues as conversations between the Department and school districts continue. **(A)**
- Response:** The Department will continue to provide school districts with the latest guidance related to cleaning from the New Jersey Department of Health (NJ Health) and Centers for Disease Control (CDC). Unless NJ Health or the CDC specify the cleaning

agents that must be used, school districts will select and purchase disinfectants based on conversations with their local health departments and offices of emergency management.



**Second Discussion  
July 1, 2020**

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

**State of New Jersey**  
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LAMONT O. REPOLLET, ED.D.  
*Commissioner*

To: Members, State Board of Education  
  
From: Lamont O. Repollet, Ed.D.  
Commissioner  
  
Subject: N.J.A.C. 6A:27, Student Transportation  
  
Reason for Action: Readoption with Amendments  
  
Authority: N.J.S.A. 18A:1-1, 18A:4-15, 18A:39-21, 18A:39-24, and 18A:39-33  
  
Sunset Date: September 12, 2020

**Summary**

The Department of Education (Department) proposes to readopt N.J.A.C. 6A:27, Student Transportation, with amendments. The chapter sets forth the rules regarding the transportation of students to and from school and school-related activities, governs contracts for student transportation, and delineates the Department's responsibilities in oversight of student transportation. The chapter is scheduled to expire on September 12, 2020.

As part of a comprehensive review, this chapter was reorganized and relocated from N.J.A.C. 6:21 to N.J.A.C. 6A:27, effective January 2, 2001. The chapter has since been readopted three times, in 2005, 2010, and 2013.

Amendments are proposed to bring the regulations into conformance with P.L. 2015, c. 123 and P.L. 2018, c.5, which set standards for training and hiring of drivers that the Department has been enforcing since the two laws became effective. Further amendments are proposed to enhance the ability of school districts to ensure the safe transportation of students and to clarify existing rules for the benefit of students, school districts, and school bus contractors.

Similarly, the Department proposes to bring multiple provisions into alignment with the statutory changes made in response to the May 16, 2018, Paramus School District accident, in which a school bus carrying students and school district personnel collided with a dump truck and flipped over on its side on Interstate 80. The incident resulted in the deaths of a teacher and a student, numerous injured staff and students, and the indictment of the school bus driver for reckless vehicular homicide, among other charges. The New Jersey Legislature and Governor Murphy immediately worked to enact a package of legislation targeting school bus safety. The laws include the institution of three-point seatbelts in school buses (P.L. 2018, c. 118); additional licensing requirements for school bus drivers (P.L. 2018, c. 151); a required notification that a bus driver with a revoked or suspended license is no longer operating a school bus (P.L. 2018, c. 152); the requirement that school bus operations in New Jersey comply with Federal regulations (P.L. 2018, c. 159); training requirements for school bus drivers and aides (P.L. 2018, c. 160); a

mandatory list of students on school buses for school-sponsored activities (P.L. 2019, c. 57); and a transportation safety study (P.L. 2019, c. 24).

In addition, the proposed amendments are the culmination of six years of requests for technical assistance and input from stakeholders. The Division of Finance engages in consistent, ongoing communication with school district and coordinated transportation services agency staff, school bus contractors, and parents and guardians of students. Further, the Division of Finance frequently communicates with the New Jersey Motor Vehicle Commission (NJMVC) and organizations working directly with school bus contractors and student transportation supervisors during policy development and to provide essential information to the student transportation field.

The proposed amendments are essential to support educational programs that promote equity in New Jersey's public schools. The incorporation of the new student transportation safety laws and best practices for student safety will ensure that all school districts provide a similar level of protection to students throughout the State while being transported to and from school. The proposed amendments also incorporate protections designed to ensure educational stability for students in resource family care, consistent with the Federal Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act (ESSA) (P.L. 114-95). Finally, the proposed amendments promote equity by continuing to support a system of providing a safe and efficient means for all eligible student populations to access education at their assigned school.

Unless otherwise noted, all amendments are proposed for clarity, stylistic or grammatical improvement, or to correct New Jersey Administrative Code cross-references.

The following is a brief summary of each section within the chapter and the proposed amendments.

## **Subchapter 1. General Provisions**

### **N.J.A.C. 6A:27-1.1 Scope**

This section establishes the chapter's scope.

The Department proposes to amend the section's heading to "Purpose and scope" because the Department proposes to recodify the provisions of N.J.A.C. 6A:27-1.2, Purpose, into this section.

### **N.J.A.C. 6A:27-1.2 Purpose**

This section establishes the chapter's purpose.

The Department proposes to recodify N.J.A.C. 6A:27-1.2 as new N.J.A.C. 6A:27-1.1(b).

The Department also proposes to recodify existing N.J.A.C. 6A:27-1.3 through 1.7 as new N.J.A.C. 6A:27-1.2 through 1.6, respectively.

### **N.J.A.C. 6A:27-1.3 Authority**

The Department proposes to amend the section's heading to "District board of education responsibilities" because this section defines district board of education responsibilities rather than the authority for the chapter.

This section states that the term "district board(s) of education" refers to both district boards of education and coordinated transportation services agencies (CTSAs). The section also requires district boards of education to adopt policies for the transportation of students to and from school and school-related activities and establishes that district boards of education are responsible for suspending transportation services due to inclement weather or other conditions. This section further requires district boards of education to adopt policies to ensure that all transportation provided to resident students complies with all Federal and State laws and regulations.

#### **N.J.A.C. 6A:27-1.4 Students who shall be transported**

This section defines which students must be transported. The section requires public school students who reside remote from their assigned school of attendance to be transported. Students in preschool through grade eight are considered remote if they live beyond two miles from school, while high school students must live beyond 2.5 miles from school. The section also requires 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 to be transported, as well as special education students who reside remote from their assigned school or who require transportation services in accordance with their individualized education program (IEP). Preschool students who live remote from their school of attendance are eligible for transportation if they are enrolled in a universal preschool program or if they meet the age and income eligibility requirements of, and are enrolled in, a targeted preschool program. The section also allows a student's parent or guardian to waive transportation services for the school year.

The Department proposes to replace the reference to "special education students" in recodified N.J.A.C. 6A:27-1.3(a) with "students with disabilities" to update terminology. The same amendment is proposed throughout the chapter, where necessary.

The Department proposes to amend the second sentence of recodified N.J.A.C. 6A:27-1.3(a), which requires transportation to be provided to preschool students who live remote from their school of attendance and either are 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. Instead, the proposed amendments will state that "[d]istrict boards of education that receive State aid for preschool programs according to N.J.S.A. 18A:7F-54 shall also provide transportation to preschool students who live remote from their school of attendance." The proposed amendments will ensure that students participating in all State-funded preschool programs, including programs that were created or expanded recently by school districts and that now receive Preschool Education Aid (PEA), will have access to student transportation on the same terms as elementary school students.

The Department proposes to recodify existing N.J.A.C. 6A:27-1.4(a)1 as new N.J.A.C. 6A:27-1.3(a)1i. The Department also proposes to replace the term "remote from the school of attendance" with "remote." The distance requirements of beyond 2.5 miles for high school students (grades nine through 12) and beyond two miles for elementary school students (preschool through grade eight) will remain unchanged. The proposed amendment will enable the Department to simplify throughout the chapter all references to the distance between students' homes and schools by replacing "more than two miles [for students in kindergarten through grade eight] and students in grades nine through 12 who reside more than two and one-half miles" and similar language with "remote" and by replacing "two miles or less in kindergarten through grade eight and two and one-half miles or less in grades nine through 12" and similar language with "less than remote."

The Department proposes to recodify existing N.J.A.C. 6A:27-1.4(a)2 as new N.J.A.C. 6A:27-1.3(a)1ii. The Department also proposes to replace “measurement shall be made by” with “[d]istance shall be measured using.” The proposed amendment will clarify that the shortest route along public roadways or public walkways between the entrance of the student’s residence nearest the public roadway or public walkway and the nearest public entrance of the school the student attends is the method used to measure the distance between a student’s home and school since distance is used to determine whether students must be transported to school.

### **N.J.A.C. 6A:27-1.5 Students who may be transported**

This section defines which students may be transported in accordance with district board of education policies when transportation is not mandated by State law. The section also requires district boards of education providing nonmandated transportation due to hazardous circumstances to adopt a hazardous busing policy, as required by N.J.S.A. 18A:39-1.5.

The Department proposes to amend recodified N.J.A.C. 6A:27-1.4(d), which provides that when parents or guardians elect to have transportation provided for their child pursuant to this section, the district board of education or CTSA may elect to charge the parent or legal guardian for all or part of the cost, and that the cost of transportation paid by a parent or legal guardian shall be no more than the per student cost of the route and shall be paid at the time and in the manner determined by the district board of education or CTSA. The Department proposes to replace “this section” with “N.J.S.A. 18A:39-1.7” to clarify that this rule only applies to the transportation of a child pursuant to N.J.S.A. 18A:39-1.7. The Department also proposes to add “pursuant to district board of education policy” at the end of the rule to clarify that the terms of payment must be aligned to the district board of education policy.

The Department proposes to amend recodified N.J.A.C. 6A:27-1.4(e), which implements N.J.S.A. 18A:39-1.2 allowing municipal governments to pay the cost of transportation for students who live less than remote from their school through an interlocal agreement with the district board of education and to charge students’ parents or legal guardians for all or part of the cost of the service. The Department proposes to add “of students transported as part of the interlocal agreement” after “legal guardians” to clarify that municipal governments can seek payment for the cost of nonmandated transportation from parents or legal guardians of only students who are provided transportation via an interlocal agreement.

### **N.J.A.C. 6A:27-1.6 Passengers**

This section defines who may ride on the bus as a passenger.

### **N.J.A.C. 6A:27-1.7 Insurance**

This section establishes the requirements for insurance coverage for student transportation, including companies that act as subcontractors on school bus routes. The section also requires a contractor to notify the contracting district board(s) of education and the executive county superintendent (ECS) within 48 hours of receiving notification that its insurance coverage has been cancelled to ensure the parties to the contract are aware of the cancellation before it takes effect.

The Department proposes to amend recodified N.J.A.C. 6A:27-1.6(b)1, which exempts parents or legal guardians transporting only their own child/children from the requirement to provide the certificate of insurance that names the resident district board of education as an additional insured party to the policy. The Department proposes instead to require the parents or legal guardians transporting only their own child/children to provide to the resident district board

of education a copy of the certificate of automobile liability insurance or the insurance declaration page. The rule, as proposed for amendment, will continue to exempt the parents or legal guardians from naming the district board of education as an additional insured party to the policy. The proposed amendments will ensure that parents or legal guardians transporting their own child/children to and from school are appropriately insured.

The Department proposes to amend recodified N.J.A.C. 6A:27-1.6(f), which requires the insured to notify the district board of education and ECS whenever any policy is cancelled and to do so within 48 hours of receiving the cancellation notice and before the cancellation takes effect. The rule does not apply to parents or legal guardians who transport their own child/children. The Department proposes to add “all additionally insured parties to the policy” after “district board of education.” The proposed amendment will ensure that all entities impacted by the cancellation of insurance coverage are properly notified.

## **Subchapter 2. Nonpublic School Transportation**

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

This section requires transportation services for students attending nonpublic schools to be provided from Monday through Friday between September 1 and June 30 when the nonpublic school is in session. This section also requires transportation services for students attending nonpublic schools to be provided in accordance with N.J.S.A. 18A:39-1 et seq. The section further requires district boards of education to advertise and receive bids for nonpublic school transportation prior to deciding to pay aid in lieu of transportation. The section also states that district boards of education are not required to pay aid in lieu of transportation when parents or legal guardians return a signed payment voucher after the end of the fiscal year. In addition, the section defines a late application for nonpublic school transportation.

The Department proposes to amend N.J.A.C. 6A:27-2.1(a), which requires transportation or aid in lieu of transportation to be provided in accordance with N.J.S.A. 18A:39-1 et seq. The Department proposes to specify that a district board of education is the entity required to provide nonpublic school transportation or aid in lieu of transportation in accordance with the State law governing student transportation. The proposed amendment will align the regulation with the statutory requirement for transportation in N.J.S.A. 18A:39-1.

The Department proposes new N.J.A.C. 6A:27-2.1(c) to state the Department will publish on its website the following Commissioner-prescribed forms: a Nonpublic School Transportation Application, Nonpublic School Transportation Payment Voucher, and Nonpublic School Transportation Certification. The proposed rule also states the Department will update the application, voucher, and certification as necessary. The proposed rule will provide a name for each of the Commissioner-prescribed forms referred to throughout the subchapter for clarity. The Department also proposes throughout the subchapter to replace existing references to “application,” “transportation aid voucher,” “payment voucher,” “certification reports,” and “form” with the name of the corresponding form. The proposed amendments will make the subchapter easier to understand for district boards of education, transportation companies, nonpublic schools, parents or legal guardians, and other entities involved in student transportation.

The Department proposes to recodify existing N.J.A.C. 6A:27-2.1(c) through (g) as new N.J.A.C. 6A:27-2.1(d) through (h), respectively.

The Department proposes to amend recodified N.J.A.C. 6A:27-2.1(g), which states a late application is any request received by the resident district board of education after March 15. The

Department proposes to replace “a late application is any request received by” with “[n]onpublic school administrators shall submit all Nonpublic School Transportation Applications to” and “after March 15” with “no later than March 15,” respectively. The proposed amendments will clarify the affirmative deadline for the applications and the person responsible for submitting them.

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

This section prescribes the eligibility requirements for students transported to nonpublic schools. The section provides that students in kindergarten through grade 12 who live remote from their nonpublic school are eligible for transportation as long as the school is located within the State and is not more than 20 miles from the student’s home, unless certain circumstances apply.

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

This section lists the responsibilities of students' resident district boards of education in the provision of nonpublic school transportation services. The section requires resident district boards of education to document receipt of applications for nonpublic school transportation, determine students' eligibility for transportation, and notify by August 1 annually the parents or legal guardians of nonpublic school students and nonpublic school administrators whether the applications have been approved. The section further requires resident district boards of education to verify nonpublic school students who are eligible for transportation or aid in lieu of transportation and to pay the aid to parents or legal guardians after receiving signed vouchers.

The Department proposes to amend N.J.A.C. 6A:27-2.3(c), which requires the district board of education to prepare the nonpublic school transportation summary form and to submit the form to the nonpublic school administrator in January and May for certification of each respective semester. The Department proposes to replace “shall prepare the nonpublic school transportation summary form prescribed by the Commissioner and shall submit the form” with “shall prepare the Nonpublic School Transportation Certification form and shall submit it.” The proposed amendment will clarify the resident district board of education must prepare the Nonpublic School Transportation Certification and then submit it to the nonpublic school administrator for certification.

The Department proposes to amend N.J.A.C. 6A:27-2.3(d), which requires the district board of education to evaluate the January and May certification reports and, if approved, to continue to provide transportation services. The Department proposes instead to state: “The resident district board of education shall evaluate the certified January and May Nonpublic School Transportation Certification and, if approved by the resident district board of education, shall continue to provide transportation services.” The proposed amendment will clarify that the resident district board of education is to evaluate the certification after it has been certified by the nonpublic school administrator in accordance with N.J.A.C. 6A:27-2.3(c) and 2.4(e).

The Department also proposes to amend the second and third sentences of N.J.A.C. 6A:27-2.3(d), which require the resident district board of education to send the Nonpublic School Transportation Payment Voucher to all parents or legal guardians of eligible students who are to receive first and second semester aid in lieu of transportation payments for completion and signature, and to pay aid in lieu of transportation after receipt of the voucher signed by the student’s parents or legal guardians. The Department proposes to add “for completion and signature” before “to all parents or legal guardians” in the second sentence and “the completed” before “voucher” in the third sentence to clarify that the resident district board

of education is required to send the Nonpublic School Transportation Payment Voucher to parents or guardians of eligible students for completion and signature.

#### **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. The section requires nonpublic school administrators to provide transportation applications to students' parents or legal guardians, collect completed applications, and submit them to resident district boards of education. The section also requires nonpublic school administrators to submit the school calendar to the resident district boards of education responsible for providing transportation services by May 15 of the preceding school year.

The Department proposes to amend N.J.A.C. 6A:27-2.4(b), which requires the nonpublic school administrator to distribute the Nonpublic School Transportation Applications to the parents or legal guardians of students upon registration in the nonpublic school, and whenever the student has a change of address. The Department proposes to add "on an annual basis," to the list of circumstances requiring the nonpublic school administrator to distribute the application. The proposed amendment will align the regulation to N.J.A.C. 6A:27-2.5, which requires parents to annually submit the Nonpublic School Transportation Application.

#### **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. The section requires parents or legal guardians to submit to the nonpublic school administrator the application for nonpublic school transportation and, if applicable, the voucher for aid in lieu of transportation.

The Department proposes to delete N.J.A.C. 6A:27-2.5(a), which states it is the responsibility of the parents or legal guardians of a nonpublic school student to annually obtain the application for nonpublic school transportation from the administrator of the nonpublic school in which the student is enrolled,. N.J.A.C. 6A:27-2.4 requires the nonpublic school administrator to obtain from the Department's website the forms and procedures for nonpublic school transportation and to provide the application to students' parents or guardians. Therefore, the proposed amendment will clarify that obtaining the Nonpublic School Transportation Application is not the responsibility of the parents or legal guardians of nonpublic students.

The Department proposes to recodify existing N.J.A.C. 6A:27-2.5(b) and (c) as new N.J.A.C. 6A:27-2.5(a) and (b), respectively.

The Department proposes to amend recodified N.J.A.C. 6A:27-2.5(a)1, which states any application received after March 10 is considered to be a late application and requires an eligible student to receive transportation or aid in lieu of transportation based upon the date the application is received by the resident district board of education. The Department proposes to delete "[a]ny application received after March 10 is considered to be a late application" because an application submitted after March 10 does not bar eligibility for transportation; rather, it defines the date on which the transportation or aid in lieu of transportation is based.

The Department proposes to amend recodified N.J.A.C. 6A:27-2.5(b), which requires parents or legal guardians receiving aid in lieu of transportation to complete and submit, upon request, a signed request for payment of transportation aid voucher to the resident district board of education. The Department proposes to insert "[u]pon request of the resident district board of

education,” before “parents” and to replace “receiving” with “eligible to receive.” The proposed amendments will clarify that the request for submission of the voucher will come from the resident district board of education and that the parents or guardians will not receive aid in lieu of transportation until the parents or guardians submit a completed, signed payment voucher to the resident district board of education.

#### **N.J.A.C. 6A:27-2.6 Responsibilities of the executive county superintendent**

This section defines the responsibilities of the ECS in the provision of transportation services to nonpublic school students. The section requires the ECS to assist in coordinating the calendars and schedules of public and nonpublic schools to facilitate the coordination of transportation services. The section also requires the ECS to arbitrate any dispute between district boards of education and nonpublic school administrators regarding student transportation. The section further requires the ECS to convene, at least once a year, a meeting 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 or Renaissance School Transportation**

The Department proposes to amend the subchapter title to “Charter School or Renaissance School Project Transportation.” Referring to “renaissance school” as “renaissance school project” will align the chapter with the terminology in N.J.A.C. 6A:31-1.2. The same amendment is proposed throughout the subchapter, where applicable.

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

This section requires transportation for charter school and renaissance school project students to be provided according to State law, and makes the students’ resident district board of education responsible for providing transportation services. The section also requires students to receive transportation or aid in lieu of transportation based upon the date on which their resident school district receives their application for transportation services. The section further requires transportation to be provided according to the charter school’s or renaissance school project’s calendar, and places a limit on the expenditure for transportation to charter schools located outside of a student’s school district of residence.

The Department proposes to amend N.J.A.C. 6A:27-3.1(d), which requires charter or renaissance school students who reside in the school district or region of residence in which the charter or renaissance school is located to be provided transportation in the same manner as transportation is provided to other public school students residing within the school district in which the charter or renaissance school students reside. The Department proposes to delete “or region of residence.” The proposed amendments will align the transportation of charter school students with N.J.S.A. 18A:36A-13, which requires “the students who reside in the school district in which the charter school is located shall be provided transportation to the charter school on the same terms and conditions as transportation is provided to students attending the schools of the district” but does not require transportation on the same terms and conditions throughout the region of residence. The proposed amendments will also align the transportation of students attending a charter school located outside the student’s district of residence with the transportation of students attending other schools outside of their district of residence, such as choice program students and nonpublic school students. The same amendment is proposed at N.J.A.C. 6A:27-3.1(e) and throughout the subchapter, where appropriate.

The Department also proposes to amend N.J.A.C. 6A:27-3.1(d) to delete the first two references to “or renaissance.” The same amendment is proposed at N.J.A.C. 6A:27-3.1(e) and

throughout the subchapter, where applicable. The Department further proposes to amend N.J.A.C. 6A:27-3.1(d) to add “and renaissance school project students residing within the renaissance school district” after “is located.” The proposed amendments will clarify that renaissance school project students attend school in their resident school district while charter school students might attend a school located outside of their resident school district. The same amendment is proposed at N.J.A.C. 6A:27-3.3.

The Department proposes new N.J.A.C. 6A:27-3.1(i) to state the Department will publish on its website a Charter School and Renaissance School Project Transportation Application, Charter School Transportation Payment Voucher, and Charter School and Renaissance School Project Certification. The proposed rule also will require the Department to update the application, voucher, and certification as necessary. The proposed rule provides a name for each of the Commissioner-prescribed forms referred to throughout the subchapter for clarity. The Department also proposes throughout the subchapter to replace existing references to “applications for charter or renaissance school transportation,” “request for transportation,” “voucher for payment,” “request for payment of transportation aid voucher,” “certification form,” “certification of attendance,” and “Form” with the name of the corresponding form. The proposed amendments will make the subchapter easier to understand for district boards of education, transportation companies, charter schools and renaissance school projects, parents or legal guardians, and other entities involved in student transportation.

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

This section describes charter school and renaissance school students' eligibility for transportation services. The section provides that students in kindergarten through grade 12 who attend charter or renaissance schools in the State and live remote from their school are eligible for transportation services. The section also states that special education students attending a charter or renaissance school are eligible for transportation services if the students meet the distance requirements in N.J.A.C. 6A:27-3.2(a) or if transportation is required in the student's individualized education program (IEP).

The Department proposes to amend N.J.A.C. 6A:27-3.2(a), which, in part, provides that students in kindergarten through grade 12 who attend charter or renaissance schools in the State and live remote from their school are eligible for transportation services. The Department proposes to replace “[s]tudents in kindergarten through grade eight and” with “[c]harter school students and renaissance school project students residing within the renaissance school district, including.” The proposed amendment will clarify that only renaissance school project students residing in the renaissance school district are eligible for transportation, and will streamline the language regarding eligibility for charter school and renaissance school project students in accordance with recodified N.J.A.C. 6A:27-1.3.

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

This section requires eligible charter school and renaissance school project students to be provided with transportation on the same terms and conditions as provided to students attending other public schools located within the school district in which the charter school or renaissance school project student resides.

### **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.

The Department proposes in the section heading and throughout the section to delete references to “renaissance school students” and “renaissance schools” because renaissance school project students attend school in their school district of residence. Therefore, there is no need for renaissance school projects to be mentioned in the rules governing the provision of transportation services to students who live outside the school district in which their school is located. The same amendments are proposed in N.J.A.C. 6A:27-3.5(b).

The Department proposes to amend N.J.A.C. 6A:27-3.4(a)1, which provides that, if the cost of transportation exceeds the maximum allowable expenditure, the student’s parents or legal guardians may pay the amount in excess of the annual maximum or they shall be entitled to the maximum allowable expenditure as aid in lieu of transportation. The Department proposes to replace “the amount in excess of” with “the difference between the cost of transportation and the annual maximum.” The proposed amendment will clarify the amount that the parents or legal guardians must pay to receive transportation in this circumstance, which is the difference between the cost of transportation and the annual maximum, and not the full cost of transportation. The Department proposes the same change at N.J.A.C. 6A:27-3.4(a)2. The Department also proposes to amend N.J.A.C. 6A:27-3.4(a)1 to add “as set forth in the resident district board of education notification pursuant to N.J.A.C. 6A:27-3.5(c)” at the end of the first sentence. The proposed amendment, which will align this rule with the proposed amendment at N.J.A.C. 6A:27-3.5(c), specifies that a student’s parents or legal guardians will receive, through the resident district board of education notification in N.J.A.C. 6A:27-3.5(c), the information they need to make a determination under this rule.

The Department proposes to amend N.J.A.C. 6A:27-3.4(a)3, which allows the payment of aid in lieu of transportation to be adjusted when the request for transportation is received after the start of the charter school’s school year or when a student withdraws from the charter school prior to the close of the school year. The Department proposes to add “by the resident district board of education” after “is received.” The proposed amendment will specify the receiving entity.

### **N.J.A.C. 6A:27-3.5 Responsibilities of resident district boards of education**

This section lists the responsibilities of resident district boards of education in the provision of transportation for charter school or renaissance school project students. The section requires resident district boards of education to determine the eligibility of charter school or renaissance school project students, notify by August 1 the students’ parents or legal guardians and the lead person of the charter school or renaissance school project regarding eligibility determinations, and provide transportation or aid in lieu of transportation to eligible students. The section also requires resident district boards of education to establish policies and procedures for the provision of charter school or renaissance school project transportation in excess of the maximum statutorily established nonpublic school per student expenditure.

The Department proposes to amend N.J.A.C. 6A:27-3.5(a), which requires district boards of education to determine eligibility and provide transportation or aid in lieu of transportation to eligible charter or renaissance school students. The Department proposes to add “[r]esident” before “district boards of education” and “to eligible charter school or renaissance school project students” after “provide transportation,” respectively. The Department also proposes to delete “or renaissance” at the end of the rule since renaissance school project students are not eligible for aid in lieu of transportation since they attend school in their school district of residence.

The Department proposes to amend N.J.A.C. 6A:27-3.5(b), which requires district boards of education to establish policies and procedures for the provision of charter or renaissance

school transportation in excess of the maximum statutorily established nonpublic school per student expenditure pursuant to N.J.S.A. 18A:39-1. The Department proposes to delete “or renaissance” because renaissance school students attend school in their school district of residence and the maximum statutorily established nonpublic school per student expenditure applies only to the transportation of charter school students outside their school district of residence.

The Department proposes to amend N.J.A.C. 6A:27-3.5(c), which requires the resident district board of education to notify a charter school or renaissance school project student’s parents or legal guardians and the lead person of the charter school or renaissance school project regarding the determination of the request for transportation services. The Department proposes to add a requirement that, if applicable to the student, the resident district board of education’s notification shall include the option of the parents or legal guardians to pay part of the cost for transportation for the student in order to receive transportation pursuant to N.J.A.C. 6A:27-3.4(a), and an explanation of the amount of the cost to the parents or legal guardians, including the total cost of transportation, and the annual maximum statutorily established amount pursuant to N.J.S.A. 18A:39-1a. The proposed amendment will ensure that school districts notify parents or legal guardians that they have the option to pay the excess transportation cost above the statutorily established amount in order to secure transportation for their student. By doing so, it also will enable the parents or legal guardians to provide the notice to the school district that they must provide under N.J.A.C. 6A:27-3.4(a) and 3.7(b) to take advantage of the option.

#### **N.J.A.C. 6A:27-3.6 Responsibilities of the lead person of the charter or renaissance school**

This section describes the responsibilities of lead persons of charter schools or renaissance school projects in the provision of transportation services. The section requires lead persons of charter schools or renaissance school projects to provide transportation applications to students’ parents or legal guardians, collect completed applications, and submit them to the resident district board(s) of education. The section also requires lead persons of charter schools or renaissance school projects to submit the school calendar to all district boards of education responsible for providing transportation services by May 15 of the preceding school year.

The Department proposes to amend N.J.A.C. 6A:27-3.4(c) and (d), which, in part, require certification forms to be returned to the resident district board(s) of education and a new transportation application to be submitted when a student has a change in address. The Department proposes to specify it is the responsibility of the lead person of the charter school or renaissance school project to return or submit the forms.

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

This section outlines the responsibilities of parents or legal guardians of charter or renaissance school students in the provision of transportation to and from school. The section requires parents or legal guardians to submit to the lead person of the charter school or renaissance school project the application for transportation and, if applicable, the voucher for aid in lieu of transportation. The section also requires parents or legal guardians of charter school students who live outside of the charter school’s district or region of residence to notify the resident district board of education about the parents’ or legal guardians’ choice of paying the amount in excess of the maximum statutorily established nonpublic school per student expenditure for transportation or receiving aid in lieu of transportation.

The Department proposes to amend N.J.A.C. 6A:27-3.7(b)1, which states a resident district board of education is not required to provide transportation to a charter school student if his or her parents or legal guardians do not submit a written request for transportation services,

but the parents or legal guardians shall receive the annual maximum statutorily established amount in lieu of transportation. The Department proposes to replace “shall receive” with “shall still be eligible for.” The proposed amendment will clarify that the parents or legal guardians are still eligible for the aid in lieu of transportation amount even through a resident district board of education is not required to transport a student when the parents or legal guardians do not submit a written request for transportation services.

The Department proposes to amend N.J.A.C. 6A:27-3.7(b)3, which requires a student’s parents or legal guardians receiving aid in lieu of transportation to submit a Charter School Transportation Payment Voucher to the resident district board of education. The Department proposes to add “completed and signed” after “shall submit a.” The proposed amendment will clarify that the parents or legal guardians must complete and sign the voucher before submission to the resident district board of education. The same amendment is proposed at N.J.A.C. 6A:27-4.5(b)3.

#### **Subchapter 4. Interdistrict Public School Choice Program Transportation**

The Department proposes an amendment to the subchapter heading to add “New Jersey” to specify that this subchapter only refers to transportation of students under New Jersey’s Interdistrict Public School Choice Program Act, N.J.S.A. 18A:36B-14 et seq, and not under any generalized parental choice of the school their child attends.

The Department proposes to amend N.J.A.C. 6A:27-4 to replace “choice school” with “choice district” as the Department approves choice districts, and not choice schools. The same amendment is proposed throughout the subchapter, where appropriate.

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

This section requires transportation be provided to Interdistrict Public School Choice students according to State law. The section also specifies the district board of education of the school district in which the student resides is responsible for the student’s transportation to and from the choice school if the student meets the distance requirements of N.J.S.A. 18A:39-1 et seq. The section also makes a choice student’s resident district board of education responsible for payment of aid in lieu of transportation, if necessary. The section also specifies that transportation is to be provided according to the choice school’s calendar.

The Department proposes to amend the provision in N.J.A.C. 6A:27-4.1(a) that states transportation or aid in lieu of transportation shall be provided pursuant to N.J.S.A. 18A:39-1 et seq. The Department proposes to add “for choice program students” after “shall be provided” and to also reference N.J.S.A. 18A:36B-22 to align the rule with the Interdistrict Public School Choice Program Act, N.J.S.A. 18A:36B-14 et seq. The Department also proposes to add as the second sentence the definition for “choice district” in N.J.S.A. 18A:36B-15, meaning a public school district established pursuant to N.J.S.A. 18A:8 or 13 that is authorized to open a school(s) to students from sending school districts, to define the term that will be used throughout the subchapter. Finally, the Department proposes at N.J.A.C. 6A:27-4.1(a) to add the following as the final sentence: “For purposes of this subchapter, the resident district board of education means the district of residence of a choice program student and shall have the same meaning as ‘sending district’ as set forth in N.J.S.A. 18A:36B-15.” The proposed amendments will align the rule to the terms used in the Interdistrict Public School Choice Program Act and maintain consistency throughout the chapter.

The Department proposes new N.J.A.C. 6A:27-4.1(c) to state the Department will publish on its website a Choice District Transportation Application, Choice Program Student

Transportation Payment Voucher, and Choice District Transportation Certification. The rule also states the Department will update the application, voucher, and certification as necessary. The proposed rule will provide a name for each of the Department-issued forms referred to throughout the section and standardize the references to the forms for clarity and ease of use for parents, district boards of education, transportation companies, and other entities involved in student transportation. The Department also proposes throughout the section to replace “applications for choice school transportation,” “choice school application for transportation,” “payment voucher,” “payment of transportation aid voucher,” “choice school certification of attendance forms,” and “form” with the corresponding proper name.

The Department proposes to recodify existing N.J.A.C. 6A:27-4.1(c) through (f) as N.J.A.C. 6A:27-4.1(d) through (g), respectively.

The Department proposes to amend recodified N.J.A.C. 6A:27-4.1(d), which requires eligible choice school students to receive transportation or aid in lieu of transportation based upon the date the applications for choice school transportation are received by the district boards of education in which the students reside. The Department proposes to replace “choice school students” with “choice program students.” Since the Department approves school districts, rather than individual schools, to provide a choice program, the revised term is more appropriate and will be used throughout the subchapter. The Department also proposes to replace “are received by” with “choice district submits” to indicate the choice district is responsible for submitting the Choice District Transportation Application to the resident district boards of education.

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

This section lists the requirements for students attending a choice school to be eligible for transportation services. The section also includes procedures that must be followed if the cost of the choice program transportation exceeds the annual nonpublic maximum expenditure per student.

The Department proposes to amend N.J.A.C. 6A:27-4.2(a)1, which provides that, if the cost of transportation exceeds the annual maximum statutorily established amount for nonpublic school students, the student’s parents or legal guardians may submit to their resident district board of education a written request for such transportation to be provided. The Department proposes to add “as set forth in the resident district board of education notification pursuant to N.J.A.C. 6A:27-4.3(c)” after “amount for nonpublic school students.” The proposed amendment will clarify that the parents or legal guardians will learn that the cost will exceed the maximum from the district board of education notice required by N.J.A.C. 6A:27-4.3(c). The Department also proposes to add “including agreement to make the payment required by (a)1i below” after “a written request for transportation to be provided.” The proposed amendment will ensure that the parents or legal guardians are aware of, and agree to, the additional payment required to receive the transportation that is in excess of the annual maximum.

The Department proposes an amendment to N.J.A.C. 6A:27-4.2(a)1i, which requires that if a request is made pursuant to N.J.A.C. 6A:27-4.2(a)1, the resident district board of education must provide transportation services, and the parents or legal guardians of the choice program student must pay to the resident district board of education the amount in excess of the annual established maximum. The Department proposes to replace “the amount in excess of the annual established maximum” with “the difference between the cost of transportation and the annual established maximum.” The proposed amendment will clarify that, in this circumstance, the amount the parents or legal guardians must pay to receive transportation is the difference

between the cost of transportation and the annual maximum, and not the full cost of transportation. The Department proposes the same amendment at N.J.A.C. 6A:27-4.5(b).

The Department proposes to amend N.J.A.C. 6A:27-4.2(a)1ii, which states a resident district board of education is not required to provide transportation to a choice program student if his or her parents or legal guardians do not submit a written request for transportation services within seven days of receiving the resident school district's notice of eligibility for transportation, but the parents or legal guardians shall receive the annual maximum statutorily established amount in lieu of transportation. The Department proposes to replace "shall receive" with "shall still be eligible for." The proposed amendments will clarify that the parents or legal guardians are still eligible for the aid in lieu of transportation amount even though a resident district board of education is not required to transport a student when the parents or legal guardians do not submit a written request for transportation services. The same amendment is proposed at N.J.A.C. 6A:27-4.5(b)1.

#### **N.J.A.C. 6A:27-4.3 Responsibilities of resident district boards of education**

This section defines the responsibilities of the resident district board of education of a choice program student with regard to the student's transportation to and from the choice program. The section requires resident district boards of education to determine the eligibility of choice program students, notify by August 1 the students' parents or legal guardians and the choice district's chief school administrator regarding eligibility determinations, and provide transportation or aid in lieu of transportation to eligible students. The section also requires resident district boards of education to establish policies and procedures for the provision of choice program transportation in excess of the maximum statutorily established nonpublic school per student expenditure.

The Department proposes to amend N.J.A.C. 6A:27-4.3(c), which requires the resident district board of education to notify a charter school or renaissance school project student's parents or legal guardians and the lead person of the charter school or renaissance school project regarding the determination of the request for transportation services. The Department proposes to add that if applicable to the student, the resident district board of education's notification shall include the option for the parents or guardians to pay part of the cost for transportation for the student in order to receive transportation pursuant to N.J.A.C. 6A:27-4.2(a), and an explanation of the amount of the cost to the parents or guardians, including the total cost of transportation, and the annual maximum statutorily established amount pursuant to N.J.S.A. 18A:39-1a. The proposed amendment will ensure that school districts include in the notification that the parents or guardians may pay, in accordance with N.J.A.C. 6A:27-4.2(a), the excess transportation cost above the statutorily established amount in order to secure transportation for their student, if that provision is applicable to the student, which will enable the parents or guardians to provide appropriate notification as set forth at N.J.A.C. 6A:27-4.2(a) and 4.5(b).

#### **N.J.A.C. 6A:27-4.4 Responsibilities of the chief administrator of the choice school**

This section defines the responsibilities of the choice school's chief administrator in the provision of transportation to and from school for choice students. The section requires the chief administrator of a choice school to notify the resident district board of education of the need for transportation by March 15 of the preceding school year. The section also requires the chief administrator of a choice school to submit the school calendar to the resident district board(s) of education responsible for providing transportation services by May 15 of the preceding school year.

The Department proposes to amend the section's heading to replace "chief administrator of the choice school" with "chief school administrator of the choice district" to be consistent with N.J.S.A. 18A:36B-15 and to clarify that the Department approves choice districts, which are run by chief school administrators, and not choice schools.

The Department proposes to delete the provision in N.J.A.C. 6A:27-4.4(a) that states "[a] late application shall be any request received by the resident district board of education after March 15" as the due date for the application is prescribed in the rule's first sentence.

The Department proposes to amend N.J.A.C. 6A:27-4.4(c) and (d) to specify it is the responsibility of the choice district's chief school administrator to return the Choice District Transportation Certification to the resident district board of education or to submit a new Choice District Transportation Application to the resident district board of education when a choice program student has a change in address.

#### **N.J.A.C. 6A:27-4.5 Responsibilities of parents or legal guardians**

This section describes the responsibilities of parents or legal guardians of students attending a choice district with regard to transportation services. The section requires parents or legal guardians to provide the chief administrator of the choice school with the stipulated student information at the time of the student's enrollment or when the student has a change in address. The section also requires parents or legal guardians of choice program students to notify the resident district board of education about their choice of paying the amount in excess of the maximum statutorily established nonpublic school per student expenditure for transportation or receiving aid in lieu of transportation when the cost of transportation services to the choice school exceeds the annual maximum statutorily established amount for nonpublic school students.

### **Subchapter 5. Special Needs Transportation**

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

This section requires students with disabilities to be provided transportation in accordance with N.J.S.A. 18A:39-1 et seq. and the students' IEP. The section also requires a copy of a receiving school's calendar to be submitted to the student's resident school district whenever a student has been placed in an out-of-district school for educational purposes. The section further requires a student with disabilities' case manager to provide the transportation coordinator and the bus driver with specific information, including safety concerns, mode of communication, and health and behavioral characteristics of a student for whom transportation services are to be provided. The section also requires students with disabilities below the age of five to be transported in vehicles equipped with safety belts or other child restraint systems.

The Department proposes to amend N.J.A.C. 6A:27-5.1(a), which requires students with special needs to be provided with transportation in accordance with N.J.S.A. 18A:39-1 et seq. and with their IEP. The Department proposes to specify that this rule applies to students with disabilities "who have been determined to be eligible for special education and related services according to N.J.A.C. 6A:14-3.5 or 3.6." The proposed amendment will align the meaning of "students with disabilities" with the defined term in Chapter 14.

The Department proposes to amend N.J.A.C. 6A:27-5.1(a)2, which, in part, requires a copy of the school calendar to 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 it occurs after May 15. The Department proposes to add "[t]he receiving school shall submit" at the beginning of the

sentence and to delete “shall be submitted.” The proposed amendments will clarify the entity responsible for providing the school calendar.

The Department proposes new N.J.A.C. 6A:27-5.1(b) to define the maximum expenditure of the resident district board of education for the transportation of eligible charter school students with disabilities who reside outside the school district in which the charter school is located and eligible choice program students with disabilities. Under the proposed rule, the maximum expenditure will not exceed the maximum per student expenditure for nonpublic school transportation in accordance with N.J.S.A. 18A:39-1. If the cost of transportation exceeds the maximum allowable expenditure, new N.J.A.C. 6A:27-5.1(b)1 will require the charter school or choice district to pay the amount in excess of the annual maximum expenditure. New N.J.A.C. 6A:27-5.1(b)2 states under no circumstances shall the parent or guardian of the student with disabilities be responsible for payment of the cost of transportation services required by the student’s IEP. For charter school and choice program students who have an IEP, the charter school or choice district is responsible for developing and implementing the IEP, which includes decisions on the provision of transportation as a related service. Since the resident district board of education is not involved in the decision-making process as it relates to developing and implementing an IEP for charter school and choice program students, the financial responsibility of the resident district board of education must be limited, as with other charter and choice program transportation. As transportation of students with disabilities is a related service under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §§ 1400 et seq.) and its implementing regulations (34 C.F.R. § 300.34), the cost of the transportation of students with disabilities must be borne by a local education agency (for example, a district board of education or charter school board of trustees) and not parents. Therefore, the charter school or choice district will be required to pay the excess cost.

### **N.J.A.C. 6A:27-5.2 Marie H. Katzenbach School for the Deaf**

This section contains provisions governing the transportation of students attending the Marie H. Katzenbach School for the Deaf (Katzenbach School). The section requires a district board of education to furnish transportation Monday through Friday to and from the Katzenbach School for nonboarding students. The section also requires the Katzenbach School to develop a general plan of transportation for residential students that includes the following: a determination of regional pick-up and drop-off sites and times; transportation of students between the Katzenbach School and the established regional sites; and the assignment of an adult monitor to each bus. The section also states district boards of education are responsible for the transportation of residential students between established regional sites and the student’s home in accordance with the subchapter.

The Department proposes to amend N.J.A.C. 6A:27-5.2(a), which requires a district board of education to furnish transportation Monday through Friday to and from the Marie H. Katzenbach School for the Deaf (Katzenbach School) for nonboarding students in accordance with N.J.S.A. 18A:39-1 et seq. The Department proposes to add “(nonresidential)” after “nonboarding” to clarify the meaning of “nonboarding.”

### **Subchapter 6. Other Special Populations**

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

This section requires students governed by this subchapter, which includes homeless students, students residing in group homes or resource family homes, and students residing in shared custody homes, to be provided with transportation in accordance with N.J.S.A. 18A:39-1 et seq.

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

This section contains provisions governing transportation of homeless students to and from school. When a homeless child attends a school in a school district other than his or her district of residence, the section requires the school district in which the child is enrolled to provide transportation services and requires the district of residence to pay for any transportation costs incurred by the transporting school district. When a homeless child attends school in his or her district of residence, even while temporarily residing in another school district, the section requires the district of residence to provide transportation services. The section also requires the school district where the homeless child is enrolled to provide transportation when a district of residence cannot be determined and the State has assumed fiscal responsibility for the payment of tuition. The section further requires district boards of education to explore alternatives and provide the most economical and safest mode of transportation in implementing the transportation services required for a homeless child.

The Department proposes new N.J.A.C. 6A:27-6.2(a)1 stating when a homeless student is deemed domiciled in a school district pursuant to N.J.S.A. 18A:38-1.d, that school district shall become responsible for the cost of that student's transportation. The proposed rule will clarify that the responsibility for the cost of a homeless student's transportation shifts to the school district in which a student becomes domiciled after one year, consistent with N.J.S.A. 18A:38-1d and administrative decisions by the Commissioner.

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

This section states transportation for students living in group homes shall be the responsibility of the resident district board of education, which must be determined in accordance with N.J.S.A. 18A:7B-12.

## **N.J.A.C. 6A:27-6.4 Students residing in resource family homes**

This section contains provisions governing the transportation of students residing in resource family homes, which also is known as foster care. The section specifies that the school district in which the student's parent or legal guardian was living is responsible for transportation to and from school for a child initially placed in a resource family home after September 9, 2010, or moved from one resource family home to another after that date. For students placed in a resource family home on or prior to September 9, 2010, transportation is the responsibility of the resident district board of education in which the resource family home is located.

The Department proposes to amend N.J.A.C. 6A:27-6.4(b)2, which requires the school district of residence to provide transportation services when a student is placed in a resource family home that is located within the student's school district of residence. The Department proposes to add at the end of the sentence "beginning on the sixth school day after the school district of residence receives the Educational Stability School Notification generated by the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P) pursuant to N.J.S.A. 30:4C-26b.h." The Department proposes the same amendment at N.J.A.C. 6A:27-6.4(b)3. The proposed amendments will align the subparagraphs with the Every Student Succeeds Act and amendments to N.J.A.C. 6A:17, Education of Homeless Children and Students in State Facilities, that the Department has proposed in another rulemaking.

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

This section states the resident district board of education is responsible for providing transportation for students living in shared custody homes. The section also states the resident

district board of education must be determined as prescribed by N.J.A.C. 6A:22-3.1 whether the student's parents or legal guardians are domiciled within different homes in the same school district or in different school districts.

The Department proposes new N.J.A.C. 6A:27-6.5(b) to indicate that resident district boards of education are responsible for transportation of a student living in shared custody homes from only one residence within the school district. The proposed rule will clarify that the resident district board of education's responsibility is limited to transporting students from only one residence even if shared custody students reside in more than one home.

## **Subchapter 7. Vehicle Use and Standards**

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

This section requires vehicles used to transport students to and from school or school-related activities to meet vehicle standards, registration, and inspection requirements of the New Jersey Motor Vehicle Commission (NJMVC). The section also requires the vehicles to be systematically inspected twice each year and to display a current vehicle inspection sticker authorizing the vehicle for school use. The section states a vehicle is exempt from authorization for school use on its certificate of inspection when the vehicle is used on a preset franchised route and schedule, or is chartered for school-related activities, and displays a current certificate indicating the vehicle was inspected by the NJMVC's Commercial Bus Unit. The section also requires district boards of education and all other owners of school vehicles to consult and comply with all Federal and State statutes and regulations governing school transportation vehicles and all NJMVC regulations pertaining to school transportation.

The Department proposes to amend N.J.A.C. 6A:27-7.1(b)1, which exempts a vehicle from authorization for school use on the certificate of inspection when the vehicle 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 NJMVC's Commercial Bus Unit. The Department proposes to state that "a vehicle that is being used as a common carrier on a preset franchised route and schedule, or is chartered for school-related activities, is exempt from the requirement to have authorization for school use on the vehicle inspection sticker, as long as the vehicle displays a current certificate indicating that the vehicle was inspected by the NJMVC's Commercial Bus Unit." "The proposed amendments will align the rule with N.J.A.C. 6A:27-7.2(c) and clarify that this provision exempts the vehicle from the requirement in the second sentence of N.J.A.C. 6A:27-7.1(b), which uses the term "vehicle inspection sticker" rather than "certificate of inspection."

The Department proposes to amend N.J.A.C. 6A:27-7.1(b), which requires district boards of education to consult and comply with all Federal and State statutes and regulations governing school transportation vehicles and all NJMVC regulations pertaining to school transportation. The Department proposes to add "and all other owners of school vehicles" after "[d]istrict boards of education." N.J.A.C. 6A:27-7.1(b) and (c) contain the same provisions but apply separately to district boards of education and all other owners of school vehicles. The proposed amendment, along with the proposed deletion of N.J.A.C. 6A:27-7.1(c), will consolidate the requirements into one rule.

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

This section prohibits the number of students assigned to a seat from exceeding the gross seating length in inches divided by 15. The section states the maximum number of students who may be transported in each vehicle shall be determined by this seat measurement, and that

application of this formula must not result in the use of a school vehicle with a seating capacity above 54 students. The section also prohibits standees on a school vehicle. The section further states its provisions do not apply to a bus that is being used as a common carrier on a preset franchised route and schedule or is chartered for school-related activities.

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

This section states that school buses must be retired in accordance with N.J.S.A. 39:3B-5.1 and 5.2. Title 39 of the New Jersey Statutes contains motor vehicle and transportation laws.

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

This section applies to small vehicles used for the transportation of public school students to and from school and school-related activities and of nonpublic school students when services are provided by a district board of education. The section defines a small vehicle as a vehicle originally designed by the manufacturer with a seating capacity of 10 or fewer persons, including the driver, that is used to transport students to and from school or school-related activities. The section prohibits small vehicles with a gross vehicle weight rating (GVWR) of less than 3,000 pounds from being used for the transportation of students to and from school or school-related activities.

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

This section defines a "school bus" as a vehicle originally designed by the manufacturer with a capacity of 11 or more persons, including the driver. The section requires the vehicles to comply with all NJMVC regulations for the manufacture of school buses.

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

This section allows private vehicles with a capacity of eight or fewer passengers to be used for transportation of students to and from school-related activities, in accordance with policies and regulations adopted by the responsible transporting authority. The section requires the policy to clearly stipulate procedures under which the transportation shall take place safely, including provisions for appropriate and adequate insurance coverage and approval of activities and drivers.

The Department proposes to amend the section's first sentence, which allows private vehicles with a capacity of eight or fewer passengers to be used for transportation of students to and from school-related activities, in accordance with policies and regulations adopted by the responsible transporting authority. The Department proposes to replace "responsible transporting authority" with "district board of education" to clarify that the policies and regulations must be adopted by the district board of education responsible for transporting the students, and to align with the balance of the chapter, which uses "district board of education."

The Department proposes to amend the section's second sentence, which requires the policy to clearly stipulate procedures under which the transportation shall take place safely, to instead require the policies and regulations to clearly stipulate procedures for the safe transportation of students in private vehicles. The Department also proposes to amend the requirement that the policy include provisions for appropriate and adequate insurance coverage and approval of activities and drivers to add "of private vehicles" after "adequate insurance coverage." The proposed amendments will focus the safety policies and procedures on students, in accordance with the Department's priorities for student transportation safety following the

Paramus school bus accident, and will clarify that the policies in this provision apply only to the transportation of students in private vehicles.

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

This section exempts parents transporting their own child or children to and from school under a negotiated contract with the district board of education from having to possess a commercial driver's license, use a vehicle registered as a school bus, or comply with the health examination prescribed for district board of education employees.

#### **N.J.A.C. 7.8 Use of school buses other than to and from school and school-related activities**

This section governs the use of school buses other than to and from school and school-related activities. The section allows district boards of education to permit the use of school buses, owned or leased by the school district, to transport senior citizens' groups to and from events within the school district or in any contiguous school district, disabled citizens in any school district, and children and adults participating in a recreation or other program operated by the municipality(ies) in which the school district is located or the municipality in which any constituent school district of a regional school district is located. Permitted events include civic, social, cultural, educational, recreational, nutritional, and health programs and activities. The section requires district boards of education to develop a policy regarding this type of transportation; the policy must require groups seeking the use of school buses to pay all or part of any cost incurred by the district board of education. The section also sets forth other requirements about the licensing of bus operators, the use of warning lamps, loading and unloading of passengers, and insurance for when school buses are used for non-school purposes under this section.

The Department proposes to amend N.J.A.C. 6A:27-7.8(d), (f), (g), and (h) to add a cross reference to N.J.A.C. 6A:27-7.8(b) to indicate the provisions apply only to the use of school buses to transport senior citizens' groups, disabled citizens, and individuals participating in programs operated by the municipality.

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

This section requires school bus owners to retain all records of inspection and maintenance reports for the life of the vehicle and to make the records available for review by the NJMVC.

#### **N.J.A.C. 6A:27-7.10 Contracting for advertisements on school buses**

This section allows a district board of education to sell advertising space on the exterior of a school bus owned or leased by the district board of education, as authorized by P.L. 2010, c. 121. The section also defines the methods by which a district board of education may contract for advertising on the sides of the school district's school buses. The section requires 50 percent of the revenue from school bus advertising to be used to offset fuel costs associated with the provision of student transportation services and the other 50 percent to be used to support programs or services deemed appropriate by the district board of education.

#### **N.J.A.C. 6A:27-7.11 Limitations on content of advertisements on school buses**

This section contains the limitations on the content of advertisements on school buses as authorized by P.L. 2010, c. 121. The section also allows a district board of education to establish additional limitations on content.

## **N.J.A.C. 6A:27-7.12 Reporting requirements for advertisements on school buses**

This section requires district boards of education that permit advertisements on school buses owned by the district board of education to submit a report to the Commissioner by June 30 each year. The section requires the report to include the number of district-owned school buses upon which advertising has been placed, the length of time the advertisements have been on the school bus(es), and the total revenue earned by the district board of education as a result of the advertisements.

## **N.J.A.C. 6A:27-7.13 School bus sensor system**

This section sets the technical standards for the school bus sensor system mandated by P.L. 2015, c. 266 (N.J.S.A. 39:3B-26). The section provides definitions, measurements and specific requirements for the sensor systems that must be in school buses manufactured after April 16, 2018. The section requires the sensor system to include an audible and visual alert signal placed in the driver's compartment to alert the driver when a person(s) or object(s) is detected within the sensor's designated area or a video monitor placed in the driver's compartment relaying the image of the sensor's designated area. The section also sets requirements for when the front and rear sensor systems must activate and deactivate.

## **N.J.A.C. 6A:27-7.14 Mobility assistance vehicles**

The Department proposes a new section to bring the regulations into conformance with P.L. 2015 c. 268 (N.J.S.A. 18A:39-20.1.b).

The Department proposes new N.J.A.C. 6A:27-7.14(a) to allow district boards of education, governing bodies of nonpublic schools, or State agencies to authorize a person certified as a mobility assistance vehicle technician to transport a student with medical needs in a mobility assistance vehicle to and from school or school-related activities.

The Department proposes new N.J.A.C. 6A:27-7.14(a)1 to define "student with medical needs" as a school-aged child who suffers from a life-threatening medical condition and, as a result of such condition, requires more individualized and continuous care. The proposed definition is the same as in N.J.S.A. 18A:39-20.1.b.

The Department proposes new N.J.A.C. 6A:27-7.14(b) to indicate the vehicles in this section are exempt from all registration, equipment, inspection, and maintenance requirements imposed on the transportation of students by a school bus. The proposed amendment exempts mobility assistance vehicles from these requirements, in accordance with N.J.S.A. 18A:39-20.1.b.

## **Subchapter 8. State Aid**

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

This section governs the district board of education's responsibility for the submission of data for the calculation of State transportation aid and explains who is entitled to state transportation aid.

The Department proposes to amend N.J.A.C. 6A:27-8.1(a), which states district boards of education shall be entitled to State transportation aid for eligible resident public, nonpublic, and charter school students in accordance with N.J.S.A. 18A:7F-57. The Department proposes to delete "charter school" because charter school students fall within the broader category of

resident public school students. Therefore, the proposed amendment will not reduce benefits to students or reduce transportation aid provided to school districts.

The Department proposes to amend N.J.A.C. 6A:27-8.1(c), which requires district boards of education to submit all data necessary for the calculation of State transportation aid, to add “to the Department” after “submit.” The proposed amendment will clarify the recipient of the necessary data.

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

This section requires district boards of education to submit to the Department all data for the calculation of their vehicle utilization rating, and corrective action plans and reports, as necessary, in the manner prescribed by the Commissioner. District vehicle utilization ratings are required by N.J.S.A. 18A:7F-57, in conjunction with state aid for transportation. Corrective action plans may be required by the Commissioner to resolve deficiencies found by the Office of School Finance as set forth in more detail in Subchapter 13.

### **Subchapter 9. Contracting for Transportation Services**

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

This section requires district boards of education to administer student transportation contracts in accordance with the subchapter. The section allows district boards of education to assign their transportation contracts to another district board of education upon approval of both district boards of education. The section also requires contracts that fail to meet the subchapter's requirements to be set aside by the district board of education. The section further requires all contracts to be approved by the ECS.

The Department proposes to recodify the third sentence of N.J.A.C. 6A:27-9.3(a), which requires all bidding practices to be designed to prevent fraud, favoritism, and extravagance, to safeguard the taxpayers, and to protect the lowest responsible bidder, as new N.J.A.C. 6A:27-9.1(d). Moving this provision to the section containing general provisions for contracts will ensure that all participants in the contracting process are aware these provisions must be followed during the transportation contracting process.

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

This section requires district boards of education to assess their student transportation needs prior to the opening of school and in sufficient time to publicly advertise for bids. The section also requires all transportation services to be bid in accordance with N.J.S.A. 18A:39-3 if the district board of education's assessment indicates that student transportation services are anticipated or, in the aggregate, will exceed the statutory bid limit, except for contracts qualifying for renewal. The same assessment and bid requirement is stipulated for school-related activities transportation needs. The section also allows district boards of education to annually bid all transportation contracts or award annual extensions of existing contracts.

The Department proposes new N.J.A.C. 6A:27-9.2(a)2 to exempt the resident district board of education from bidding for nonpublic school, charter school, and choice program transportation services when the services are provided: utilizing a district-owned vehicle or public transportation; through a renewal of an existing contract qualifying for renewal; or through an agreement with another district board of education. The proposed rule will clarify that providing transportation through the means listed are not contracts that require bids pursuant to N.J.S.A. 18A:39-3.

The Department proposes to amend the fourth sentence in N.J.A.C. 6A:27-9.2(b), which requires bids to include the time and place for submission of proposals to the district board of education, to add “the identification number of the bid and” after “shall include.” The proposed amendment will codify current best practice and will ensure that each bid is properly identified.

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

This section defines school transportation contract bid specifications. The section requires specifications drawn for purposes of competitive bidding to be drafted in a manner that encourages free, open, and competitive bidding. The section also sets the rules for revisions to bid specifications and makes clear that variations from the bid specifications must be reasonable and are subject to the Commissioner’s review.

The Department proposes to amend the second sentence of N.J.A.C. 6A:27-9.3(b), which requires that, if a district board of education finds it has made in good faith a mistake in its specifications that cannot be corrected, bids not be accepted based upon the specifications. The Department proposes to replace “not be accepted based upon the specifications” with “be rejected and re-advertised.” The proposed amendment will align the rule with N.J.A.C. 6A:27-9.8(d).

The Department proposes to amend N.J.A.C. 6A:27-9.3(d)1i, which establishes the required route description for the transportation of regular public school students, to replace “regular public school students” with “general education public school students.” The proposed amendment will align the term with other chapters in Title 6A of New Jersey Administrative Code. The same amendment is proposed throughout the chapter, where applicable.

The Department proposes to amend N.J.A.C. 6A:27-9.3(e)1, which requires as part of the bid specifications and contract a bid sheet for transportation to and from school to contain a provision for the bid to be made on a per diem or per annum basis and on a per route basis for regular public, nonpublic, and in-district special education students; and on a per route, per vehicle, per student, or per mile basis for special education students transported outside the school district. The Department proposes to delete “in-district” to clarify that the bid sheet for the transportation of all students must be made on a per diem or per annum basis and on a per route basis, except for the additional allowances for out-of-district special education transportation as provided in the second sentence. The Department also proposes to replace “and on a per route, per vehicle, per student, or per mile basis for special education students transported outside the school district” with “[i]n addition to being made on a per route basis, transportation for students with disabilities outside the school district may also be bid.” The proposed amendment will require that a bid sheet for transportation to and from school must contain a provision for the bid to be made on a per diem or per annum basis and on a per route basis for general education public students, nonpublic students, and students with disabilities. In addition to being made on a per route basis, transportation for students with disabilities outside the school district may also be bid on a per vehicle, per student, or per mile basis. The proposed amendment will clarify the additional bidding options for transportation for students with disabilities outside the school district on a per vehicle, per student, or per mile basis, in addition to the per route basis that applies for all types of transportation as covered in the first sentence of the rule.

The Department proposes to amend N.J.A.C. 6A:27-9.3(e)5, which requires the district board of education to direct bidders to submit a stockholder’s disclosure statement as part of the bid specifications and the contract. The Department proposes to replace “stockholder’s disclosure statement” with “statement of ownership disclosure,” a term that is consistent with the multiple types of entities addressed in the statute requiring the statement in N.J.S.A. 52:25-24.2.

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

This section defines the responsibilities of the bidder for school transportation contracts. The section prohibits bidders or their agents from drafting specifications or route descriptions to be advertised for bid. The section also requires bidders to submit a guarantee payable to the district board of education to ensure that the successful bidder will enter into the contract, if awarded, and furnish a performance surety bond. The section further requires that the surety bond for the performance of the contract for transportation to and from school equal at least to the amount of one year of the contract to be provided to the district board of education.

The Department proposes to amend N.J.A.C. 6A:27-9.4(b) and (c), which prohibit district boards of education from considering bids that do not include a separate cost for adjusting the contract and bids that are unsolicited, to clarify that the responsibility for proper bids also falls on the bidder. N.J.A.C. 6A:27-9.4(b), as proposed for amendment, will require bids to include a separate cost for adjusting the contract. N.J.A.C. 6A:27-9.4(c), as proposed for amendment, will prohibit bidders from submitting any kind of unsolicited alternate bid. The Department also proposes new N.J.A.C. 6A:27-9.10(c) and (d), which will be discussed later in the summary, to specify the district board of education responsibilities in the appropriate section.

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

This section limits the form of the required guarantee, which must be submitted with the bid, to a certified check, cashier's check, or bid bond. It allows the district board of education to determine whether to accept one, two, or all three forms of guarantee. The section also requires the amount of the bidder's guarantee to be a minimum of five percent of the bid, not to exceed \$50,000. The section further requires the guarantee to be returned to the bidders, except for the three lowest bidders, within 10 working days after the opening of the bids.

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

This section requires a district board of education to require a surety bond for the performance of initial contracts and contract renewals for transportation to and from school. It must equal at least the amount of one year of the contract. However, the bond for contracts of more than one year may be for an amount in excess of the proportionate annual contract amount as determined by the district board of education. The section establishes additional provisions related to performance surety bonds.

The Department proposes to amend N.J.A.C. 6A:27-9.6(a)3 which provides that the district board of education may require a performance surety bond for quoted contracts. The Department proposes to add "pursuant to N.J.A.C. 6A:27-9.12" after "quoted contracts." The proposed amendment will clarify that the permission to require a performance surety bond applies to quoted contracts as explained in N.J.A.C. 6A:27-9.12.

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

This section allows district boards of education to receive bulk and combination bids, and defines the two types of bids. The section also requires bulk and combination bids to include individual route or contract costs, and prohibits bulk bidding from being used to eliminate competitive bidding.

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

This section describes the requirements for receiving and opening bids. The section also allows district boards of education to reject any or all bids. The section prohibits a district board of education from imposing new conditions after bids are opened and from allowing bidders to change bids or offer new oral bids.

The Department proposes to amend N.J.A.C.6A:27-9.8(c), which states that after bids are opened, a district board of education cannot impose new conditions and bidders shall not be allowed to change bids or make oral bids, and that specifications shall not be modified after bids have been received, and the contract awarded to one of the bidders upon revised specifications. The Department proposes to amend the rule to replace “cannot” with “shall not” and to add “shall not” before “awarded to one of the bidders upon revised specifications.” The proposed amendments clarify that there are no circumstances under which a district board of education is permitted to change the conditions of the bid after opening the bids, and to clarify that the contract cannot be awarded to one of the bidders upon the impermissible revised specifications.

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

This section limits to four years the term of original school transportation contracts. The section also requires all contracts or contract renewals for student transportation to be made on Commissioner-prescribed forms and to be submitted to the ECS for approval within 30 days after the award of the contract or by September 1 of the school year in which transportation is to be provided. The section further requires all contracts to be approved by the ECS regardless of whether State aid is involved.

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

This section governs the award of contracts and establishes provisions for disqualification of a bidder that otherwise would be determined to be the lowest responsible bidder for a student transportation contract, as authorized in N.J.S.A. 18A:39-11.2.

The Department proposes new N.J.A.C. 6A:27-9.10(c) to prohibit a district board of education from considering a contract that does not include a separate cost for adjusting the contract. The Department proposes new N.J.A.C. 6A:27-9.10(d) to prohibit a district board of education from considering alternate unsolicited bids. The proposed rules relocate the provisions in existing N.J.A.C. 6A:27-9.4(c) and (d) that address district board of education responsibilities when awarding contracts. The proposed amendments at existing N.J.A.C. 6A:27-9.4(b) and (c) that clarify bidder responsibility related to separate costs for adjusting the contract and alternate unsolicited bids. The proposed amendments at N.J.A.C. 6A:27-9.4 and 9.10 will ensure that the sections governing bidder and district board of education responsibilities contain the appropriate provisions.

The Department proposes to recodify existing N.J.A.C. 6A:27-9.10(c) through (g) as new N.J.A.C. 6A:27-9.10(e) through (i), respectively.

The Department proposes new N.J.A.C. 6A:27-9.10(i)1i(1) and (2) to require the district board of education to submit to the ECS all documentation in support of its position that the bidder is “nonperforming” to facilitate the ECS’s determination. The Department also proposes to require the district board of education to provide a copy of the documentation to the bidder. The Department further proposes to provide the bidder, who would have 14 days from receipt of the district board of education’s submission to the ECS, with the opportunity to respond in writing. Additionally, the Department proposes new N.J.A.C. 6A:27-9.10(i)1i(3) to allow the ECS to make a decision as to nonperformance based solely on the written submissions of the district board of education and the bidder without a hearing when the ECS determines there are

no facts in dispute. However, new N.J.A.C. 6A:27-9.10(i)1i(4) would require the ECS to hold a hearing in accordance with N.J.S.A. 18A:39-11.3 when he or she determines there are facts in dispute. New N.J.A.C. 6A:27-9.10(i)1i(5) would require the ECS to issue a written decision within seven calendar days of the hearing or of receipt of the bidder's submission. The proposed new rules will streamline the process for the ECS's determination that a bidder is "nonperforming," pursuant to N.J.S.A. 18A:39-11, making the process more efficient for school districts, bidders, and county offices of education.

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

This section requires contracts to be awarded pursuant to N.J.S.A. 18A:18A-5.c and d if no bids were received on two occasions, or bids were rejected on two occasions by the district board of education because they were too high.

The Department proposes to amend N.J.A.C. 6A:27-9.11 to replace "shall be awarded" with "may be awarded" to align the provision to N.J.S.A. 18A:18A-5.c and d.

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

This section governs quoted school transportation contracts and reinforces the requirement that all anticipated transportation services must be bid.

The Department proposes to amend the provision in N.J.A.C. 6A:27-9.12(a) that prohibits the district board of education from using the process of soliciting quotations to intentionally split transportation routes into smaller parts to avoid reaching the amount determined by the Governor as the formal competitive bidding requirement. The Department proposes to replace "the amount determined by the Governor as the formal competitive bidding requirement" with "statutory bid threshold for transportation, pursuant to N.J.S.A. 18A:39-3." The proposed amendment will refer directly to the statute to specify the correct reference to the bidding amount.

The Department proposes to amend N.J.A.C. 6A:27-9.12(c), which requires quoted contracts submitted to the ECS to 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. The Department proposes to replace "quoted contracts submitted to the executive county superintendent" with "[t]he district board of education's submission of quoted contracts to the executive county superintendent for approval." The proposed amendment will clarify that the district board of education is the entity making the submission to the ECS for approval.

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

This section governs the renewal of school transportation contracts. The section sets the conditions under which an existing contract can be extended annually. The section also states an immediate rebid of a contract renewal is not required when it is necessary to change the bus type but that change must be approved by the district board of education. However, the contract must be bid for the next school year.

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

This section requires an addendum to a contract to adjust the cost of a contract or contract renewal. The section also requires increased bonding when an addendum to an existing contract increases its cost.

The Department proposes to amend N.J.A.C. 6A:27-9.14(a)1 and 2, which establish the basis for addendums to contracts for regular and handicapped students transported within the school district or for handicapped students transported outside the school district. The Department proposes to replace “regular students” with “general education students” and “handicapped students” with “students with disabilities.” The proposed amendments will align the terms with those used in other chapters in Title 6A of New Jersey Administrative Code. The same amendments are proposed throughout the chapter, where applicable.

The Department proposes to amend N.J.A.C. 6A:27-9.14(b), which requires an addendum to a contract or a contract renewal to be submitted to the ECS on the contract addendum form prescribed by the Commissioner for approval within 30 days of the district board of education’s approval. The Department proposes to specify it is the district board of education’s responsibility to submit the form. The Department proposes a similar amendment at N.J.A.C. 6A:27-9.14(d), which requires a certified copy of the minutes of the district board of education authorizing the adjustment and additional performance surety bond, if required, to accompany the contract addendum form when it is submitted to the ECS. The proposed amendments will clarify that the district board of education is responsible for submitting the required documents to the ECS.

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

This section governs the transfer of contracts and contract renewals. The section also requires a contractor that 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 to obtain approval of the district board(s) of education and the ECS.

The Department proposes new N.J.A.C. 6A:27-9.15(h)2 to require a district board of education that has allowed a contract to be subcontracted to submit to the ECS a copy of the district board of education minutes approving each route to be subcontracted and a certificate of insurance from the subcontractor. The proposed provision will enable the ECS to ensure that the subcontracting of transportation contracts is properly approved by the district board of education and includes proper insurance coverage.

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

This section allows two or more district boards of education to provide jointly for the transportation of students to and from any school(s) within or outside the school districts or counties. The section also allows the ECS to order joint transportation whenever he or she determines that transportation of students could be more economically accomplished by joint transportation, to assign the administration to one district board of education as the host, and to prorate the cost to the joining district board(s) of education.

The Department proposes to amend N.J.A.C. 6A:27-9.16(e), which requires the joint transportation agreement form prescribed by the Commissioner to be sent to the host school district’s ECS for approval within 60 days of the agreement. The Department proposes to clarify that the host district board of education is responsible for sending the joint transportation agreement form to the ECS. N.J.A.C. 6A:27-9.16(c) defines the host district board of education as the one providing the transportation, either by district-owned or contracted vehicle. The proposed amendments clarify which district board of education in a joint transportation contract is responsible for submitting the agreement.

The Department proposes to amend N.J.A.C. 6A:27-9.16(f), which requires certified copies of the board minutes for each district board of education involved in the joint agreement to accompany the agreement submitted to the ECS. The Department proposes to replace “board minutes for each district board of education” with “minutes approving the agreement for each district board of education” and to add “by the host district board of education” after “submitted.” The proposed amendments will specify the minutes that must be submitted and the district board of education responsible for the submission.

## **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 meetings to be held at least annually between representatives of participating resident district boards of education and CTAs to establish the provisions of the contractual agreement between the parties. The section also describes the situations in which a resident district board of education is required by law to use a CTSA. The section further mandates that the ECS assist district boards of education and nonpublic school administrators in coordinating calendars and schedules to facilitate the coordination of transportation services. In addition, the section defines the issues that must be addressed in agreements between resident district boards of education and CTAs for the provision of transportation services.

The Department proposes to amend N.J.A.C. 6A:27-10.1(c), which requires resident district boards of education to utilize a CTSA to transport students going to a special education or vocational school located outside of the resident school district. It also requires district boards of education to utilize a CTSA to transport nonpublic school students whose parents received aid in lieu of transportation in the prior school year. The Department proposes to add “or for whom the resident school district cannot provide transportation in the ensuing school year” to clarify that resident district boards of education must also utilize a CTSA to transport nonpublic school students who fall into this category. The proposed amendment more clearly restates the authorizing statutory language at N.J.S.A. 18A:39-11.1 and mirrors language in N.J.A.C. 6A:27-10.2.

The Department proposes to amend the provision in N.J.A.C. 6A:27-10.1(f) that requires 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 to be sent to the ECS. The Department proposes to specify that the CTSA is the entity responsible for submitting the required documents.

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

This section requires resident district boards of education to evaluate their methods of transporting students attending a special education or vocational school located outside of the school district and nonpublic school students whose parents or legal guardians receive aid in lieu of transportation to determine whether services could be more economically provided through a CTSA. The section also contains exceptions to the requirement that a resident district board of education utilize a CTSA.

The Department proposes new N.J.A.C. 6A:27-10.2(b) to require resident district boards of education to first attempt to use a CTSA to provide transportation services for nonpublic school students prior to determining eligibility for aid in lieu of transportation. The proposed rule will ensure resident district boards of education are aware of their responsibility to first attempt to obtain transportation through a CTSA before payment of aid in lieu of transportation to

parents or guardians, rather than merely attempting to provide transportation alone at the district board of education level.

The Department proposes to recodify N.J.A.C. 6A:27-10.2(b) through (g) as N.J.A.C. 6A:27-10.2(c) through (h), respectively.

The Department proposes to amend the provision in recodified N.J.A.C. 6A:27-10.2(h) that requires regional school districts to continue to have the responsibility for providing nonpublic school transportation services for all constituent school district students in accordance with N.J.S.A. 18A:39-1. The Department proposes to add “regardless of grade level” after “constituent school district students.” The proposed amendment will clarify the language in N.J.S.A. 18A:39-1 that requires regional school districts providing transportation for pupils attending schools other than public schools to assume responsibility for the transportation of all such pupils, with the cost for pupils below the grade level of the regional school district prorated among the constituent school districts.

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

This section requires a CTSA to organize, schedule, and provide transportation services in a manner that achieves maximum efficiency for participating school districts. The section also allows a CTSA to contract for transportation services, use vehicles owned or leased by the agency, and/or utilize vehicles owned by resident district boards of education for the provision of coordinated services. The section further establishes the requirements for the calculation of per student costs for transportation services provided by a CTSA.

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

This section establishes the conditions under which a CTSA must submit a bid to a resident district board of education for the provision of transportation services. The section further provides the procedures and information necessary to implement N.J.S.A. 18A:39-11.2.

## **Subchapter 11. Safety**

### **N.J.S.A. 6A:27-11.1 Emergency procedures**

This section requires district boards of education to establish policies and procedures to be followed by school bus drivers in the event of an emergency and to ensure driver compliance with all applicable rules in the chapter.

The Department proposes to rename the section “District board of education safety policies,” as the content of the section incorporates district board of education safety policies in addition to emergency procedures.

The Department proposes new N.J.A.C. 6A:27-11.1(c) to require district boards of education to develop a policy to ensure that school administration conducts ongoing random checks of school bus transportation operations. The checks must include, but not be limited to: verifying that drivers possess a valid commercial driver’s license (CDL) with proper endorsements to operate the type and class of vehicle used to transport students; verifying the vehicle being used to transport students has a valid registration, insurance, and inspection sticker; and conducting a pre-trip inspection of buses. The proposed rule codifies best practices by school districts to ensure that school bus drivers and vehicles have the appropriate documentation in place and that there are no visible defects to the school bus.

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

This section governs school bus evacuation drills. The section also requires emergency evacuation drills to be documented in the minutes of the resident district board of education and includes the information that must be reported in the minutes.

The Department proposes to amend N.J.A.C. 6A:27-11.2(a), which requires administrators to organize and conduct emergency exit drills at least twice within the school year for all students who are transported to and from school. The Department proposes to replace “[s]chool administrators” with “[a]dministrators, or a person assigned to act in a supervisory capacity, in each school of attendance.” The Department also proposes to add “on school property” after emergency exit drills” and to replace “within the school year” with “within each school year.” The Department also proposes to require drills to include instruction for the proper use and adjustment of seatbelts. The proposed amendments will articulate the specific school administrators who are responsible for the emergency exit drills and will provide guidance to ensure student safety based on the proper use and adjustment of seatbelts.

The Department proposes to delete N.J.A.C. 6A:27-11.2(c), which requires drills to be conducted on school property and to be supervised by the principal or person assigned to act in a supervisory capacity, as the proposed amendments to N.J.A.C. 6A:27-11.2(a) will specify that school administrators are responsible for emergency exit drills.

The Department proposes to recodify N.J.A.C. 6A:27-11.2(d) as N.J.A.C. 6A:27-11.2(c).

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

This section requires employers to ensure all school bus drivers and school bus aides are properly trained for the functions of their positions. The section also defines the minimum requirements for a mandatory safety education program for school bus drivers and school bus aides. The section further highlights the importance of checking a school bus for students left on board and stresses the importance of the proper treatment of student information by school bus drivers and aides.

The Department proposes to amend N.J.A.C. 6A:27-11.3(b), which requires employers to administer a safety education program for all permanent and substitute drivers and aides, to add “twice per calendar year” after “administer.” Although the Department implemented N.J.S.A. 18A:39-19.1a, which requires the training twice per calendar year, it had not previously aligned the code with the statute.

The Department proposes new N.J.A.C. 6A:27-11.3(d) to require an employer to administer, for all school bus drivers and school bus aides that it employs, a training program for interacting with students with special needs as developed by the Commissioner according to N.J.S.A. 18A:39-19.2 and 19.3. The training would be required before an individual could operate a school bus or serve as school bus aide. Proposed new N.J.A.C. 6A:27-11.3(d)1 will mandate that an employer require a school bus driver or school bus aide to file with the employer a certification that the individual has completed the training program within five business days of its completion. The proposed rule also will require the employer to retain a copy of the certification for the duration of the individual’s employment and to forward a copy of the certification to the ECS with the annual school bus driver and aide certifications. The proposed new rule will align the rules with N.J.S.A. 18A:39-19.2 and 19.3, which was implemented by the Department after the effective date.

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

This section defines a safety education program that must be provided to all public school students by district boards of education.

## **N.J.A.C. 6A:27-11.5 Student list for school-sponsored activities**

To bring the rules into conformance with N.J.S.A. 18A:39-19.8, which allows district boards of education to create appropriate policies to ensure that school personnel will have a list of students on school buses transporting students to a school-sponsored activities, including, but not limited to, field trips or interscholastic sports programs. The new section will require any policy developed pursuant to this section to require the individual creating the list of students for each school bus to submit it to the school principal, or designee, and to require the principal, or designee, to maintain the list for use in the case of an emergency.

## **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 and delineates the responsibilities of the ECS in collecting information on school bus drivers. It requires an employer to submit proof that a newly hired school bus driver has passed a current criminal history background check using the school bus driver transmittal form before the employer can assign that driver to a bus route. The section also ensures the Criminal History Review Unit is alerted when a school bus driver moves from one employer to another and describes the need for school bus drivers and aides to have access to certain information found in a student's record under the Federal Family Educational Rights and Privacy Act to ensure the safety of all students on board a school bus.

The Department proposes to amend N.J.A.C. 6A:27-12.1(b), which requires anyone driving a school vehicle used to transport students to and from school and school related activities to meet all requirements of N.J.S.A. 18A:39-17, 18, 19.1, and 20, and all NJMVC rules governing school bus drivers, to add a reference to N.J.S.A. 18A:6-7.6 through 7.12. The proposed amendment will ensure that school bus drivers and their employers are aware that school bus drivers must meet the requirements in the law regarding the provision and review of employment records that disclose child abuse or sexual misconduct investigations.

The Department proposes new N.J.A.C. 6A:27-12.1(c) to require any certified mobility assistance vehicle technician authorized by a district board of education, nonpublic school governing body, or State agency to provide mobility assistance vehicle transportation services, pursuant to N.J.S.A. 18A:39-20.1, to furnish to the ECS a criminal history background check and evidence of a check for the technician's record of alcohol and drug-related motor vehicle violations. Proposed N.J.A.C. 6A:27-12.1(c)2 will exempt the certified mobility assistance vehicle technician from having to be licensed or regulated as a school bus driver. Proposed N.J.A.C. 6A:27-12.1(c)3 will exempt the certified mobility assistance vehicle technician from being subject to the requirements set forth in N.J.S.A. 18A:39-19.2. The proposed new rule will align the section with N.J.S.A. 18A:39-20.1.b and specify the requirements for mobility assistance vehicle technicians authorized to provide mobility assistance vehicle transportation services for students.

The Department proposes to recodify existing N.J.A.C. 6A:27-12.1(c) and (d) as new N.J.A.C. 6A:27-12.1(d) and (e), respectively.

The Department proposes to amend recodified N.J.A.C. 6A:27-12.1(d), which requires drivers to hold a valid CDL with appropriate endorsement(s) for the class and type of vehicle operated, issued by the NJMVC. The Department proposes to add “or the state where the driver primarily resides” at the end of the rule. The proposed amendment will clarify that the driver’s license and endorsements must be in the state where the driver primarily resides.

The Department proposes to amend recodified N.J.A.C. 6A:27-12.1(g), which requires employers to retain a current qualifications record for each school bus driver and aide, and to submit to the Department’s Criminal History Review Unit a school bus driver transmittal form prior to assigning a newly hired, currently approved school bus driver to a bus route. The Department proposes to recodify the language pertaining to the required submission to the Criminal History Review Unit as new N.J.A.C. 6A:27-12.1(f). The proposed recodification will ensure that employers follow each of the required steps regarding criminal history background checks for school bus drivers and aides in the appropriate order. The Department also proposes to replace “Criminal History Review Unit (CHRU)” with “Office of Student Protection” to reflect the current name for the unit responsible for conducting background checks on school bus drivers. The same amendment is proposed throughout the subchapter, where necessary.

The Department proposes new N.J.A.C. 6A:27-12.1(h) to require employers to notify each school bus driver when reoccurring qualification requirements become due. The proposed rule also states the requirements shall include, but not be limited to, driver license renewal, driver physical, and criminal history background check. The proposed rule will ensure that drivers are aware when qualification requirements become due and will encourage drivers to meet the requirements in a timely manner.

The Department proposes new N.J.A.C. 6A:27-12.1(i) to require employers to notify each school bus aide and mobility vehicle assistant technician when the criminal history background check becomes due. The proposed rule will ensure that school bus aides and mobility assistance technicians are aware when qualification requirements become due and will encourage the individuals to complete the requirements in a timely manner.

The Department proposes new N.J.A.C. 6A:27-12.1(j) to require employers to verify to the Department’s Office of Student Protection that a school bus driver is no longer operating a school bus within one business day of notification that the school bus driver’s license is suspended or revoked. The proposed rule will align the rules with N.J.S.A. 18A:39-19.6 to provide the Department with an assurance that school bus drivers with a suspended or revoked license are no longer operating a school bus.

The Department proposes to recodify existing N.J.A.C. 6A:27-12.1(f) as new N.J.A.C. 6A:27-12.1(k).

The Department proposes to delete existing N.J.A.C. 6A:27-12.1(g), which requires school bus drivers and school bus aides to participate in emergency exit drills performed in accordance with N.J.A.C. 6A:27-11.2, as the requirement is contained in recodified N.J.A.C. 6A:27-11.2(b).

The Department proposes to recodify existing N.J.A.C. 6A:27-12.1(h) as new N.J.A.C. 6A:27-12.1(l).

The Department proposes to delete existing N.J.A.C. 6A:27-11.1(i), which requires school bus drivers and school bus aides to meet tuberculin testing requirements at N.J.A.C. 6A:32-6.3(b)2iv, because the cited provision in N.J.A.C. 6A:32, School District Operations, has been deleted.

The Department proposes to recodify existing N.J.A.C. 6A:27-12.1(j) as new N.J.A.C. 6A:27-12.1(m).

The Department proposes to delete recodified N.J.A.C. 6A:27-12.1(m)2, which requires school bus drivers and aides to 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, because the training requirement is in recodified N.J.A.C. 6A:27-11.3(b).

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

This section governs the reporting of a school bus accident. The section requires a school bus driver to immediately inform the principal of the receiving school and the school business administrator of the district board of education providing the transportation following an accident that involves an injury, death, or property damage. The section also requires the school bus driver to complete and file a preliminary school bus accident report prescribed by the Commissioner within 10 days of the accident.

The Department proposes to amend N.J.A.C. 6A:27-12.2(a) to require the school bus driver to complete the Commissioner-prescribed preliminary school bus accident report and submit it to the principal and the school business administrator by the end of the first business day after the accident, in addition to the existing requirement to immediately notify the principal and school business administrator. The Department also proposes to amend the provision in N.J.A.C. 6A:27-12.2(a) that requires a school bus driver to complete and file, within 10 days of the accident, the Commissioner-prescribed preliminary school bus accident report to specify that the completed report must be filed with the Department within the 10-day timeframe. The proposed amendments will ensure the accident report is provided to the necessary administrators and to the Department within the specified timeframes.

The Department proposes new N.J.A.C. 6A:27-12.2(b) to require the district board of education to also electronically submit the accident information to the Department on the Department-prescribed electronic accident report log. The proposed rule will codify current practice for the required reporting of accident information to the Department and will ensure the Department is able to collect pertinent information on school bus accidents.

The Department proposes to recodify N.J.A.C. 6A:27-12.2(b) as new N.J.A.C. 6A:27-12.2(c).

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

This section highlights the importance of checking a school bus for students left on board and assists in the implementation of N.J.S.A. 18A:39-28 and 29. The section defines situations in which a child is to be considered to have been left unattended on a school bus, and lists the steps that must 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.

The Department proposes to delete N.J.A.C. 6A:27-12.3(a)1, which defines that 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, to align the regulations with N.J.S.A. 18A:39-27 through 30 and administrative law decisions by the Commissioner.

The Department proposes to amend N.J.A.C. 6A:27-12.3(b)1, which requires the ECS to submit a completed "Student Left Unattended On the Bus" report to the Office of Student Transportation and the Criminal History Review Unit. The Department proposes to replace

“Student Transportation” with “School Finance” to reflect that the Office of School Finance is responsible for student transportation. The same or similar amendment is proposed throughout the chapter, where necessary.

#### **N.J.A.C. 6A:27-12.4 School district transportation supervisors**

This proposed section will align certification requirements for school district transportation supervisors with N.J.S.A. 18A:39-19.7. The proposed section provides a definition for “school transportation supervisor” and specifies the requirements for certification for school district personnel employed as school transportation supervisors.

The Department proposes new N.J.A.C. 6A:27-12.4(a) to provide that, for the purposes of this chapter, “school transportation supervisor” means an individual employed by a district board of education whose job function includes a majority of the following: the operation of student transportation in the school district; administration, supervision, and evaluation of student transportation and vehicle maintenance personnel; planning and coordinating work schedules for all transportation personnel; the packaging of routes for bidding purposes; administering, monitoring, and overseeing the Federal and State requirements for student transportation in the school district; developing and implementing district board of education student transportation policies and training; regularly monitoring the safe transportation of the school district’s students and the maintenance of vehicles; and preparation or submission of district board of education contracts, reports, and other documentation required by this chapter. The proposed rule provides a clear delineation of the responsibilities for school district employees who are transportation supervisors.

The Department proposes new N.J.A.C. 6A:27-12.4(b) to require a school district transportation supervisor who meets the criteria in (b)1 or 2, as a condition of employment, to provide evidence to the district board of education of satisfactory completion of the School Transportation Supervisors Certification Program offered by the Center for Government Services at Rutgers, the State University of New Jersey or any other certification program designated by the Commissioner. The proposed rule also requires a school district transportation supervisor who was employed by a district board of education on January 31, 2019, and has less than 11 years of experience as a school district transportation supervisor, to complete the certification program no later than January 31, 2023, and a school district transportation supervisor who was hired by a district board of education after January 31, 2019, who has less than 11 years of experience as a school district transportation supervisor, to complete the certification program within four years of the date of hire. The proposed rules are aligned to the requirements and deadlines for certification as set forth N.J.S.A. 18A:39-19.7.

The Department proposes new N.J.A.C. 6A:27-12.4(c) to state that the school district transportation supervisor and district board of education shall determine who bears the cost of completing the certification program. The proposed rule is aligned with N.J.S.A. 18A:39-19.7.

The Department proposes new N.J.A.C. 6A:27-12.4(d) to state that a certified school business administrator employed as the district board of education’s school business administrator shall not be required to meet the proposed certification requirements for a school district transportation supervisor, regardless of whether the school business administrator performs the majority of the job functions in N.J.A.C. 6A:27-12.4(a). The proposed rule will acknowledge that school business administrators often operate in multiple job functions at district boards of education, including supervision of school district transportation, and also receive training on many of the course requirements for the School Transportation Supervisors Certification Program as part of the school business administrator certification requirements in

N.J.A.C. 6A:9B-12.7(c)iv, including labor relations and personnel (aligns to management and supervisory skills that are part of the certification program); school financial and legal practices (aligns to financial operations and codes, statutes, and regulations that are part of the certification program); and pupil transportation. Thus, a certified school business administrator working as the district board of education's school business administrator already possesses sufficient training and knowledge to carry out the duties of a school district transportation supervisor.

The Department proposes new N.J.A.C. 6A:27-12.4(e) to require that any school district transportation supervisor certification program designated by the Commissioner includes courses focused on the statutes and regulations that govern school transportation operations. The proposed rule aligns with the requirements for a supervisor certification program set forth in N.J.S.A. 18A:39-19.7.a.

### **Subchapter 13. Governance and Administration**

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

This section provides the general authority for the Commissioner to provide for a thorough evaluation of a district board of education's student transportation operations and fiscal procedures. The section also allows the Commissioner to withhold or adjust transportation aid for district boards of education that are noncompliant with the chapter's provisions, such as, but not limited to, the improper award of contracts, use of unauthorized vehicles, or inaccurate data submitted for State aid.

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

This section requires district boards of education to submit reports necessary for the calculation of State transportation aid and the analysis of the numerical values (cost factors) contained in the transportation aid formula.

The Department proposes to amend N.J.A.C. 6A:27-13.2 to add "to the Department" after "shall submit" to clarify that the reports necessary for the calculation of State transportation aid must be submitted to the Department.

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

This section defines the roles of the ECS and the Office of Student Transportation in the regulatory review of school district transportation operations.

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

This section requires a district board of education found to be deficient as a result of an Office of Student Transportation review to submit to the Office of Student Transportation and the ECS a corrective action plan addressing the specific recommendations.

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

This section defines the role of the Office of Fiscal Accountability and Compliance (OFAC) when a complete inspection of a district board of education's student transportation procedures, operations, and costs must be conducted.

The Department proposes to amend N.J.A.C. 6A:27-13.5(a)3, which requires an OFAC inspection if 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:23A-4.1(a). The Department proposes to replace “certification based upon deficiencies noted in student transportation and does not demonstrate reasonable progress pursuant to N.J.A.C. 6A:23A-4.1(a)” with “compliance as set forth in the corrective action plan.” The proposed amendment will replace the existing New Jersey Administrative Code reference, which has been deleted, with a provision referring to the corrective action plans required in N.J.A.C. 6A:27-13.4. The proposed amendment will ensure that OFAC investigates when a school district has not met its corrective action plan to address student transportation deficiencies.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The rules proposed for readoption with amendments and new rules apply to district boards of education and CTSAs providing student transportation to public and nonpublic school students as required by N.J.S.A. 18A:39-1 et seq, as well as administrators of nonpublic schools, charter schools, and renaissance school projects who must facilitate the provision of student and school information to the entities providing transportation. The rules proposed for readoption with amendments and new rules will have an impact on the governing authorities and individuals who administer and provide transportation services, as well as students who receive the services and their parents or legal guardians.

The rules proposed for readoption with amendments and new rules will have a positive social impact on New Jersey's diverse student population because the rules will further ensure safe and efficient transportation of students to and from school. More than 763,000 children ride school buses to and from school every day. Approximately 16,000 vehicles are used for this purpose. The proposed amendments and new rules clarify existing rules and eliminate potential confusion. All proposed amendments and new rules will further enhance safe travel for New Jersey students to and from school and school-related activities and provide additional safeguards for district boards of education, school bus contractors, and school bus drivers in their daily school district transportation operations.

### **Economic Impact**

The rules proposed for readoption with amendments and new rules 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 district boards of education, contractors, agencies providing shared services, and parents or legal guardians in the transportation of students to and from school. The proposed rules for readoption with amendments and new rules will have a positive economic impact for district boards of education that consolidate services through a joining agreement with other school districts and agencies by reducing the number of vehicles needed to transport the same number of students. The proposed readoption with amendments and new rules may result in a small economic impact for school districts and school bus contractors due to the implementation of the required policy for ongoing random checks of school bus transportation operations and other safety measures such as training. As most of the amendments are existing best practices or already required by existing law, the positive impact on student transportation safety will likely outweigh the predicted minor economic impact.

### **Federal Standards Statement**

The rules proposed for readoption with amendments and new rules are in compliance with, and do not exceed, Federal requirements in the Every Student Succeeds Act (ESSA) (P.L. 114-95), which is the 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), and in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400). There are no other Federal requirements that impact the rules proposed for readoption with amendments and new rules.

### **Jobs Impact**

The Department does not anticipate the rules proposed for readoption with amendments and new rules will result in the generation or loss of jobs.

### **Agriculture Industry Impact**

The rules proposed for readoption with amendments and new rules will have no impact on the agriculture industry in New Jersey.

### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is required because the rules proposed for readoption with amendments and new rules include 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 type of small business the rules affect is school bus contractors in New Jersey with fewer than 100 employees, which includes most of the school bus contractors in the State. The proposed amendments require reporting, recordkeeping, and compliance requirements. However, their impact is minimal. The 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 the rules fall within the scope of what is necessary to operate a bus service company and are not materially changed by the proposed amendments, particularly because the proposed regulations that impact school bus contractors merely codify requirements under existing New Jersey law. The Department is consequently unable to exempt, reduce, or waive requirements under existing law for the school bus contracting industry. Moreover, any minimal impact of the proposed regulations on school bus contractors would be far outweighed by the positive impact on student transportation safety, which is also beneficial to the school bus contracting industry. Compliance with the rules as proposed for readoption with amendments would not require the employment of professional services.

### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments and new rules will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for readoption with amendments and new rules would evoke a change in the average costs associated with housing because the rules concern student transportation.

### **Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments and new rules will have an insignificant impact on smart growth. There is an extreme unlikelihood the rules proposed for readoption with amendments and new rules 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 proposed for readoption with amendments and new rules concern student transportation.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

There is an extreme unlikelihood that the rules proposed for readoption with amendments and new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules proposed for readoption with amendments and new rules concern student transportation.

**Full text** of the rules proposed for readoption and the proposed amendment follows (addition indicated in boldface **thus**; deletions indicated in brackets [thus]):

## Chapter 27. Student Transportation

### Subchapter 1. General Provisions

#### 6A:27-1.1 [Scope] Purpose and scope

- (a) This chapter sets forth the rules governing the transportation of students to and from school and school-related activities. [It] **The chapter** also contains rules governing contracts for student transportation[. Finally, it contains] **and** the rules delineating the Department's responsibilities in its oversight of student transportation.
- (b) **The chapter's purpose is to ensure the safe and efficient transportation of students to and from school and school-related activities.**

#### [6A:27-1.2 Purpose

The purpose of this chapter is to ensure the safe and efficient transportation of students to and from school and school-related activities.]

#### 6A:27-[1.3]1.2 [Authority] District board of education responsibilities

- (a) As used in this chapter, the term "district board(s) of education" shall refer to both district boards of education and coordinated transportation services agencies (CTSAs).
- (b) District boards of education shall provide transportation pursuant to N.J.S.A. 18A:39-1 et seq. and shall adopt policies and procedures governing the transportation of students to and from school and [school related] **school-related** activities.
- (c) District boards of education shall adopt policies to ensure that all transportation provided to [their] resident students is done in compliance with all State and Federal laws and regulations.
- (d) District boards of education providing transportation services shall be responsible for the suspension of transportation services due to inclement weather or other conditions.

6A:27-[1.4] **1.3** Students who shall be transported

(a) [Transportation] **District boards of education** shall [be provided] **provide transportation** 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 **with disabilities** who reside remote from their assigned school or who require transportation services in accordance with their individualized education program (IEP).  
[Transportation] **District boards of education that receive State aid for preschool programs according to N.J.S.A. 18A:7F-54** shall also [be provided] **provide transportation** to preschool students who live remote from their school of attendance [and either are 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. For the purpose of determining eligibility for student transportation:**

- [1.] **i.** [The words “remote from the school of attendance”] **“Remote”** shall mean beyond two and one-half miles for high school students (grades nine through 12) and beyond two miles for elementary school students ([grades] preschool through **grade** eight).
- [2.] **ii.** [For the purpose of determining eligibility for student transportation, measurement] **Distance** shall be [made by] **measured using** the shortest route along public roadways or public walkways between the entrance of the student’s residence nearest [such] **the** public roadway or public walkway and the nearest public entrance of the school [which] the student attends.

- (b) Pursuant to N.J.S.A. 18A:39-1c, transportation need not be provided if a student's parent(s) or legal guardian(s) signs a written statement waiving transportation services for the school year.
1. District boards of education shall develop a policy for the provision of transportation services to the student in the case of a family or economic hardship, and may develop guidelines and procedures for parental waivers of transportation services.

6A:27-[1.5]**1.4** Students who may be transported

- (a) District boards of education may provide for the transportation of students who reside less than remote from their school in accordance with [their local] **district board of education** policies and at [their own] **the school district's** expense.
1. District boards of education may elect to charge the parent or legal guardian for all or part of the cost of this service in accordance with N.J.S.A. 18A:39-1.3.
- (b) District boards of education that provide for the transportation of students pursuant to N.J.S.A. 18A:39-1 or a cooperative transportation services agency (CTSA) may provide for the transportation of resident and nonresident students who are not otherwise eligible for transportation services [by any other law] and charge the parent or legal guardian for all or part of the cost of this transportation in accordance with N.J.S.A. 18A:39-1.3.
1. The parent(s) or legal guardian(s) of a nonpublic school student who receives aid in lieu of transportation from their resident district board of education may purchase transportation services from another district board of education or CTSA.
- (c) Whenever a district board of education agrees to provide nonmandated transportation to and from school for reasons of hazard, the **district board of education** shall adopt a hazardous busing policy in accordance with N.J.S.A. 18A:39-1.5.

- (d) When [the] **a** parent or legal guardian elects to have transportation provided for [their] **his or her** child pursuant to [this section] **N.J.S.A. 18A:39-1.7**, the district board of education or CTSA may elect to charge the parent or legal guardian for all or part of the cost. However, the cost of the transportation paid by [the] **a** parent or legal guardian shall be no more than the per student cost of the route and shall be paid at the time and in the manner determined by the district board of education or CTSA **pursuant to district board of education policy**.
- (e) Municipal governments may elect to pay the cost of transportation for students who live less than remote from their school through an interlocal agreement with the district board of education in accordance with N.J.S.A. 18A:39-1.2. [Municipalities] **Municipal governments** may elect to charge [the] parents or legal guardians **of students transported as part of the interlocal agreement** for all or part of the cost of this service.
- (f) Students who are unable to pay because of financial hardship [may] **shall** not be excluded from receiving services described under this section. The criteria used to determine financial hardship shall be the same as the Statewide **income** eligibility standards established for free and reduced-price meals under the State school lunch program.
- (g) District boards of education shall notify the Department on the Commissioner-prescribed form when transportation is provided for students pursuant to this section.

**6A:27-[1.6]1.5 Passengers**

A district board of education shall ensure that only enrolled eligible public school students, eligible private school students, adults serving as [chaperons] **chaperones**, or authorized school personnel are transported.

**6A:27-[1.7]1.6 Insurance**

- (a) Anyone providing for the transportation of [students] **a student(s)** to and from school or school-related activities, or subcontracting to provide the 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 used for this purpose.
- (b) Insurance shall be obtained through a company authorized to issue insurance in New Jersey. The certificate of insurance shall name the **resident** district board(s) of education and any coordinated transportation services agency providing transportation services as an additional insured party to the policy. The certificate of insurance also shall name as an additional insured party to the policy the resident district boards(s) of education for which another district board of education or agency provides transportation.
  - 1. Parents or legal guardians transporting only their own child/children shall [be exempt from the requirement to] provide **to the resident district board of education a copy of** the certificate of **automobile liability** insurance [that names] **or the insurance declaration page and shall be exempt from naming** the district board of education as an additional insured party to the policy.
- (c) Self-insured transportation contractors and district boards of education as provided in N.J.S.A. 48:4-12 and 13 shall file with the executive county superintendent a certificate of self-insurance.
- (d) Policies or certificates of insurance shall accompany all contracts or contract renewals when submitted to the executive county superintendent for approval.
- (e) Policies or certificates of insurance shall be submitted to the district board of education and the executive county superintendent whenever policies are amended, revised, or renewed.
- (f) [The] **Whenever a policy is cancelled, the insured shall notify the** district board of education, **all additionally insured parties to the policy**, and the executive county

superintendent [shall be notified by the insured whenever any policy is cancelled.

Notification shall be made] within 48 hours of the insured's receipt of the cancellation notice and before the cancellation takes effect.

## Subchapter 2. Nonpublic School Transportation

### 6A:27-2.1 General provisions

- (a) [Transportation] **District boards of education shall provide nonpublic school transportation** or aid in lieu of transportation [shall be provided] in accordance with N.J.S.A. 18A:39-1 et seq.
- (b) District boards of education shall advertise and receive bids for nonpublic school transportation before a determination is made to provide transportation or aid in lieu of transportation.
  - 1. The resident district board of education is not required to bid for nonpublic school services when transportation is provided utilizing a district-owned vehicle, public transportation, [through] a renewal of an existing contract qualifying for renewal under N.J.S.A. 18A:39-3, or an agreement with another district board of education.
  - 2. Resident district boards of education that paid aid in lieu of transportation in the prior year, or have determined they cannot provide transportation for the ensuing school year, shall attempt to utilize one of the coordinated transportation services agencies (CTSAs) before paying aid in lieu of transportation.
  - 3. [When a] A resident district board of education **that** bids or coordinates nonpublic school transportation services with another district board of education[, the resident district board of education] shall consider the following criteria prior to determining the method of providing transportation services. [Additional criteria]

**The resident district board of education** may also [be used at the resident district board of education's discretion] **use additional criteria.**

- i. There are an adequate number of resident students attending the nonpublic school(s) to support a bus route.
  - ii. The location of the nonpublic school is within the **school** district or regional school district.
  - iii. Tiered routes can be designed to include public and nonpublic schools. A tiered route shall mean the utilization of a single vehicle to service more than one route.
  - iv. Routes can be designed to transport public and nonpublic school students on the same bus.
  - v. Routes can be designed to service multiple nonpublic school destinations.
  - vi. The route can be designed according to [local] **district board of education** policy regarding length of time.
4. The resident district board of education is not required to bid for nonpublic school services when another district board of education has bid on the resident board's behalf.
- (c) **The Department will publish on its website the following Commissioner-prescribed forms: a Nonpublic School Transportation Application, Nonpublic School Transportation Payment Voucher, and Nonpublic School Transportation Certification. The Department will update the application, voucher, and certification as necessary.**
- [**(c)**] (**d**) The resident district board of education is not required to pay aid in lieu of transportation when the parent(s) or legal guardian(s) of a nonpublic school student returns a signed [payment voucher] **Nonpublic School Transportation Payment Voucher** after the end of the fiscal year.

[**(d)**] (**e**) The resident district board of education shall not expend more than the maximum per student expenditure for nonpublic school transportation in accordance with N.J.S.A. 18A:39-1.

1. The calculation of the maximum per student expenditure shall not include any administrative fee charged by a CTSA.

[**(e)**] (**f**) Transportation for nonpublic school students shall be provided Monday through Friday between September 1 and June 30 when the non-profit nonpublic school is in session.

[**(f)**] (**g**) [A late application is any request received by] **Nonpublic school administrators shall submit all Nonpublic School Transportation Applications to** the resident district board of education [after] **no later than** March 15. Eligible students shall receive transportation or aid in lieu of transportation based upon the date the resident district board of education receives the [applications for nonpublic school transportation] **Nonpublic School Transportation Applications.**

[**(g)**] (**h**) The payment of aid in lieu of transportation may be adjusted when the [request for transportation] **Nonpublic School Transportation Application** is received after the start of the nonpublic school's year, or when the student withdraws from the nonpublic school before the close of the school year.

#### 6A:27-2.2 Eligibility requirements

- (a) Elementary **and secondary nonpublic** school students [shall] **must** reside [more than two miles from their nonpublic school and secondary school students [shall] **must** reside more than two and one-half miles] **remote** from their nonpublic school to be eligible for transportation services.
- (b) Only resident district boards of education that provide transportation to remote public school students attending public school programs other than vocational, special

education, or other specialized programs [are] **shall be** required to provide transportation services to eligible nonpublic school students.

- (c) The nonpublic school shall be located within the State not more than 20 miles from the student's home, and shall not be operated for profit in whole or in part.

1. **A county of the third class is defined as a county that does not border the Atlantic Ocean and has a population between 50,000 and 200,000.** If a school district is located in a county of the third class with a population of between 80,000 and 120,000, **based on the last U.S. Decennial Census**, transportation services shall be provided to a nonpublic school located outside the State not more than 20 miles from the student's home. [A third class county is defined as a county that does not border the Atlantic Ocean and has a population between 50,000 and 200,000.]

2. Students living more than 20 miles from their nonpublic school are eligible for transportation services when other remote students living in their municipality, **but** whose [residence is] **residences are** less than 20 miles from the school, are transported to the same school. Students who live more than 20 miles from their nonpublic school and who reside in a regional or consolidated school district composed of only two constituent municipalities [are] **shall also be** eligible for transportation services when other remote students living in either municipality are transported or the parents of other remote students living in either municipality receive aid in lieu of transportation. District boards of education may require students living more than 20 miles from the school to utilize existing school bus routes and stops established for students living within 20 miles of the school.

- (d) All nonpublic school students eligible for transportation or aid in lieu of transportation shall be enrolled in [grades] kindergarten through grade 12. Nonpublic school students

shall meet the entrance age requirement for the public school students of their resident district board of education in accordance with N.J.S.A. 18A:38-5 and 18A:44-2 to be eligible for transportation services.

- (e) Expenditures for nonpublic school transportation [are] **shall be** limited to the annual maximum statutorily established amount per student in accordance with N.J.S.A. 18A:39-1. If the cost of transportation to the nonpublic school exceeds this amount, the resident district board of education shall not provide transportation but **instead** shall [instead] pay aid in [the] lieu of transportation to the student's parents or legal guardians.

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

- (a) The resident district board of education shall document receipt of [applications for nonpublic school transportation] **Nonpublic School Transportation Applications** and **shall** determine students' eligibility for transportation.
- (b) The **resident** district board of education shall notify by August 1 of each year the **nonpublic school student's** parent(s) or legal guardian(s) [of the nonpublic school student] and the nonpublic school administrator as to the determination of each [application for nonpublic school transportation] **Nonpublic School Transportation Application**.
- (c) The **resident** district board of education shall prepare the [nonpublic school transportation summary form prescribed by the Commissioner] **Nonpublic School Transportation Certification form** and shall submit [the form] **it** to the nonpublic school administrator in January and May for certification of each respective semester.
- (d) The **resident** district board of education shall evaluate the **certified** January and May [certification reports] **Nonpublic School Transportation Certification form** and, if approved **by the resident district board of education**, shall continue to provide transportation services. The [request for payment of transportation aid voucher prescribed

by the Commissioner] **resident district board of education** shall [be sent] **send the Nonpublic School Transportation Payment Voucher for completion and signature** to all parents or legal guardians of eligible students who are **eligible** to receive first and second semester aid in lieu of transportation payments. [After receiving signed vouchers from the parents or legal guardians, the] **The resident** district board of education shall pay aid in lieu of transportation to [the] **a** student's parents or legal guardians **only after receipt of the completed voucher signed by the student's parents or legal guardians.**

- (e) **A resident** district board of education shall consult with the nonpublic school administrator prior to designing bus routes and in sufficient time to advertise for bids, when a request is made by a nonpublic school administrator for such consultation.
- (f) **A resident** district board of education shall provide to the executive county superintendent, 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 **nonpublic school** administrator [of the nonpublic school] shall obtain **from the Department's website** the application **forms and procedures** for nonpublic school transportation [forms and procedures from the Department's website].
- (b) [Applications] **The nonpublic school administrator** shall [be distributed] **distribute the Nonpublic School Transportation Applications** to the parents or legal guardians of students upon **a child's** registration in the nonpublic school, **on an annual basis**, and whenever [the] **a** student has a change of address.
- (c) The **nonpublic school** administrator [of the nonpublic school] shall annually collect the [application for nonpublic school transportation] **Nonpublic School Transportation Application** from the students' parents or legal guardians. The administrator also shall submit the [forms] **completed applications** to the students' resident district boards of

education within 30 days of the students' registration in the nonpublic school or by

March 15 of the [preceding] school year **preceding the school year** in which  
transportation is to be provided.

1. The **nonpublic school** 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) The nonpublic school administrator shall submit the school calendar to the resident district board(s) of education responsible for providing transportation services by May 15 [preceding] **of** the school year [in] **preceding the school year for** which transportation is being requested.
- (e) [Using Commissioner-prescribed forms, the] **The** nonpublic school administrator shall certify that the named students were enrolled for the first and second semesters of the academic year **using the Nonpublic School Transportation Certification**. The nonpublic school administrator shall return the [forms] **Nonpublic School Transportation Certification** to the **resident** district board(s) of education at the time and in the manner prescribed by the **resident district** board(s) **of education**.
- (f) The nonpublic school administrator shall immediately notify in writing the [student's] resident district board of education 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] **Nonpublic School Transportation Application** shall also be submitted **to the resident district board of education**.
- (g) The nonpublic school administrator shall immediately notify in writing the [student's] resident district board(s) of education when there is a change in the school location.

[(a) It is the responsibility of the parents or legal guardians of a nonpublic school student to annually obtain the application for nonpublic school transportation from the administrator of the nonpublic school in which the student is enrolled.]

[(b)] (a) The parents or legal guardians annually shall [complete the application for nonpublic school transportation for each student, and] submit [the application] **a completed Nonpublic School Transportation Application** to the nonpublic school administrator by March 10 preceding the school year for which transportation is being requested or at the time of registration in the nonpublic school if registration is after March 10.

1. [Any application received after March 10 is considered to be a late application.

Eligible students] **An eligible student** shall receive transportation or aid in lieu of transportation based upon the date the application is received by the resident district board of education.

2. A new application shall be completed and submitted to the nonpublic school whenever the student has a change of address.

[(c)] (b) [Parents] **Upon request of the resident district board of education, parents** or legal guardians [receiving] **eligible to receive** aid in lieu of transportation shall complete and [submit upon request] **sign** a [signed request for payment of transportation aid voucher] **Nonpublic School Transportation Payment Voucher and shall submit it** to the resident district board of education.

#### 6A:27-2.6 Responsibilities of the executive county superintendent

(a) The executive county superintendent shall assist district boards of education and [chief school administrators of the] nonpublic [schools] **school administrators** in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of transportation services.

- (b) The executive county superintendent shall arbitrate any dispute(s) between district boards of education and [the chief school administrators of] nonpublic [schools] **school administrators** regarding student transportation.
1. The district board of education or nonpublic school administrator shall submit to the executive county superintendent **a** written [requests] **request** for arbitration outlining the matter to be arbitrated.
- (c) The executive county superintendent shall convene at least once a year a meeting 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** or Renaissance School **Project** Transportation

#### 6A:27-3.1 General provisions

- (a) Transportation or aid in lieu of transportation shall be provided to charter **school** or renaissance school **project** students pursuant to N.J.S.A. 18A:39-1 et seq. A charter school shall be considered a public school offering a specialized program as established under N.J.S.A. 18A:36A-1 et seq., the [“]Charter School Program Act of 1995.[”] A renaissance school **project** shall be considered a public school offering a specialized program as established under N.J.S.A. 18A:36C-1 et seq., the [“]Urban Hope Act.[”]
- (b) The **resident district board of education shall be responsible for the** transportation of students to and from a charter **school** or renaissance school [shall be the responsibility of the district board of education of the school district in which each student resides]  
**project**. Students who reside less than remote from their charter **school** or renaissance school **project** are eligible for transportation in accordance with the policies of the **resident** district board of education [in which they reside].

- (c) Eligible students shall receive transportation or aid in lieu of transportation based upon the date the applications for charter or renaissance school **project** transportation are received by the **resident** district boards of education [in which the students reside].
- (d) Charter [or renaissance] school students who reside in the school district [or region of residence] in which the charter [or renaissance] school is located **and renaissance school project students residing within the renaissance school district** shall be provided with transportation in the same manner as transportation is provided to other public school students residing within the school district in which the charter **school** or renaissance school **project** students reside.
- (e) The expenditure for the transportation of charter [or renaissance] school students who reside outside of the school district [or region of residence] in which the charter [or renaissance] school is located [is] **shall be** limited to the annual nonpublic school maximum statutorily established expenditure per student in accordance with N.J.S.A. 18A:39-1.
- (f) Transportation shall be provided to students in accordance with the charter **school** or renaissance school **project** calendar.
- (g) The executive county superintendent shall arbitrate any disputes regarding student transportation between district boards of education and the lead person of the charter **school** or renaissance school **project**.
  1. The district board of education or lead person of the charter **school** or renaissance school **project** shall submit to the executive county superintendent **a** written [requests] **request** for arbitration outlining the matter to be arbitrated.
- (h) Charter **school** or renaissance school[s] **projects** may use general funds for nonmandated student transportation.
- (i) **The Department will publish a Commissioner-prescribed Charter School and Renaissance School Project Transportation Application, Charter School**

**Transportation Payment Voucher, and Charter School and Renaissance School Project Certification on its website. The Department will update the application, voucher, and certification as necessary.**

6A:27-3.2 Eligibility requirements

- (a) [Students in kindergarten through grade eight] **Charter school students and renaissance school project students residing within the renaissance school district, including preschool students who meet the eligibility requirements defined in N.J.A.C. 6A:27-1.4(a)]****1.3(a)**, who reside [more than two miles and students in grades nine through 12 who reside more than two and one-half miles] **remote** from the charter **school** or renaissance school [that] **project** they attend are eligible for transportation services.
- (b) [Special education students] **Students with disabilities** attending a charter **school** or renaissance school **project** shall be eligible for transportation services if they meet the distance requirements of (a) above or if transportation is required in the student's [Individualized Education Program] **individualized education program (IEP)**.
- (c) The charter **school** or renaissance school **project** shall be located within the State.

6A:27-3.3 Transportation within the school district [or region of residence]

Eligible charter [or renaissance] school students who reside in the school district [or region of residence] in which the charter [or renaissance] school is located **and eligible renaissance school project students residing within the renaissance school district** shall be provided 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** or renaissance school **project** student resides.

6A:27-3.4 Transportation outside the school district [or region of residence]

- (a) Eligible charter [or renaissance] school students who reside outside of **the school district**  
**in which** the charter [or renaissance school's school district or region of residence]  
school **is located** shall be provided transportation services within the annual nonpublic  
school maximum statutorily established expenditure per student in accordance with  
N.J.S.A. 18A:39-1.
1. If the cost of transportation exceeds the maximum allowable expenditure, [the] **a**  
student's parents or legal guardians may pay the [amount in excess of] **difference**  
**between the cost of transportation and** the annual maximum or they shall be  
entitled to the maximum allowable expenditure as aid in lieu of transportation, **as**  
**set forth in the resident district board of education notification pursuant to**  
**N.J.A.C. 6A:27-3.5(c).** [The] A student's parents or legal guardians shall notify  
in writing the resident district board of education of their choice of paying the  
additional amount or [of] receiving aid in lieu of transportation. A student shall  
not be transported if his or her parents or legal guardians do not submit to [their]  
**the resident** district board of education a written request for transportation  
services within seven days of receipt of the school district's notice[. However];  
**however**, the student's parents or legal guardians shall **still** be entitled to the  
annual maximum allowable expenditure in lieu of transportation.
  2. Once [the] **a** student's parents or legal guardians notify **the resident** district board  
of education [in which the student resides] that they agree to pay the [amount  
over] **difference between the cost of transportation and** the annual maximum  
statutorily established amount, the parents or legal guardians are no longer  
entitled to receive aid in lieu of transportation for that school year.
  3. The payment of aid in lieu of transportation may be adjusted when the [request for  
transportation] **Charter School and Renaissance School Project**  
**Transportation Application** is received by **the resident district board of**

**education** after the start of the charter [or renaissance] school's **school** year or when the student withdraws from the charter [or renaissance] school before the close of the charter [or renaissance] school's **school** year.

4. [District] **Resident district** boards of education shall pay to the parents or legal guardians of eligible charter [or renaissance] school students aid in lieu of transportation for each half of the academic year. Payment shall be made after the [certification form] **Charter School and Renaissance School Project Certification** verifying attendance is submitted by the lead person of the charter [or renaissance] school, and the [voucher for payment] **Charter School Transportation Payment Voucher** is properly completed and returned by the parents or legal guardians to the **resident** district boards of education [in which the students reside]. [District] **Resident district** boards of education shall not be required to pay aid in lieu of transportation when the payment voucher is received after the close of the fiscal year.

- (b) [District] **Resident district** boards of education shall not be required to bid for transportation services but **instead** may [instead] pay aid in lieu of transportation when the request for transportation is received after the start of the school year.

#### **6A:27-3.5 Responsibilities of resident district boards of education**

- (a) [District] **Resident district** boards of education shall determine eligibility and provide transportation **to eligible charter school or renaissance school project students** or aid in lieu of transportation to eligible charter [or renaissance] school students.
- (b) [District] **Resident district** boards of education shall establish policies and procedures for the provision of charter [or renaissance] school transportation in excess of the maximum statutorily established nonpublic school per student expenditure pursuant to N.J.S.A. 18A:39-1.

- (c) By August 1, the **resident** district board of education [of the school district in which each student resides] shall notify a charter **school** or renaissance school **project** student's parents or legal guardians and the lead person of the charter **school** or renaissance school **project** regarding the determination of the request for transportation services. **If applicable to the student, the resident district board of education's notification shall include:**
1. **The option for the parents or legal guardians to pay part of the cost for transportation for the student in order to receive transportation pursuant to N.J.A.C. 6A:27-3.4(a); and**
  2. **An explanation of the amount of the cost to the parents or legal guardians, including the total cost of transportation, and the annual maximum statutorily established amount pursuant to N.J.S.A. 18A:39-1a.**
- (d) [District] **Resident** district boards of education shall submit to the charter **school** or renaissance school **project** for January and May [certifications] the [charter or renaissance school certification of attendance] **Charter School and Renaissance School Project Certification** forms [prescribed by the Commissioner].
- (e) [District] **Resident** district boards of education shall send the [request for payment of transportation aid voucher] **Charter School Transportation Payment Voucher** to the parents or legal guardians of eligible charter [or renaissance] school students for the first and second semester aid in lieu of transportation payments.

**6A:27-3.6 Responsibilities of the lead person of the charter **school** or renaissance school **project****

(a) The lead person of the charter **school** or renaissance school **project** 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** or renaissance school **project** if such registration occurs after March 15. This notification shall be submitted on the [form prescribed by the Commissioner] **Charter School and Renaissance School Project Transportation Application** and shall include the student's name, address, grade, one-way mileage from the student's home to the charter **school** or renaissance school **project**, and the name of the last school of attendance, if any. The lead person of the charter **school** or renaissance school **project** shall ensure the accuracy of the information contained in the application [for charter or renaissance school transportation], except for the one-way mileage from the student's home to the charter **school** or renaissance school **project**. [A late application shall be any request received by the district board of education after March 15.]

- (b) The lead person of the charter **school** or renaissance school **project** shall submit the school calendar to all district boards of education responsible for providing transportation services for [their] students by May 15 preceding the school year in which transportation is being requested.
- (c) In January and May of each year, the lead person of the charter **school** or renaissance school **project** shall certify on [Commissioner-prescribed forms] **the Charter School and Renaissance School Project Certification** that the students were enrolled for each semester of the academic year. The [certification forms] **lead person of the charter school or renaissance school project** shall [be returned] **return the certification forms** to the district board of education in which each student resides at the time and in the manner prescribed by the **district board of education**.
- (d) The lead person of the charter **school** or renaissance school **project** shall immediately notify in writing the **resident** district board[s] 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** or renaissance school **project**. Whenever a student has a change in address, **the lead person of the charter school or renaissance**

**school project shall submit** a new [application for charter or renaissance school transportation shall also be submitted] **Charter School and Renaissance School Project Transportation Application.**

- (e) The lead person of the charter **school** or renaissance school **project** shall immediately notify in writing the district board of education in which [students reside] **each student resides** whenever there is a change in the location of the charter **school** or renaissance school **project**.

**6A:27-3.7 Responsibilities of the parents or legal guardians of charter school or renaissance school project students**

- (a) At the time of enrollment in a charter **school** or renaissance school **project** and whenever there is a change of address, the parents or legal guardians of a charter **school** or renaissance school **project** student shall provide the lead person of the charter **school** or renaissance school **project** with the student's name, address, grade, one-way mileage between the student's home and the charter **school** or renaissance school **project**, and the name of the last school of attendance, if any.
- (b) When a student lives outside of [a] **the school district in which the** charter [or renaissance school's district or region of residence] **school is located**, the student's parents or legal guardians shall notify in writing the **resident** district board of education [in which the student resides] of their choice of paying the amount in excess of the maximum statutorily established nonpublic school per student expenditure **for transportation** or receiving aid in lieu of transportation.
1. A resident district board of education is not required to provide transportation to a charter [or renaissance] school student if his or her parents or legal guardians do not submit a written request for transportation services[. However]; **however**, the

- parents or legal guardians shall [receive] **still be eligible for** the annual maximum statutorily established amount in lieu of transportation.
2. The student's parents or legal guardians who choose to pay for transportation shall do so in the manner prescribed by the **resident** district board of education [in which the student resides].
  3. The student's parents or legal guardians receiving aid in lieu of transportation shall submit a [request for payment of transportation aid voucher] **completed and signed Charter School Transportation Payment Voucher** to the **resident** district board of education [in which the student resides] at the time and in the manner prescribed by the **resident district board of education**.

Subchapter 4. **New Jersey** Interdistrict Public School Choice Program Transportation

6A:27-4.1 General provisions

- (a) Transportation or aid in lieu of transportation shall be provided **for choice program students** pursuant to N.J.S.A. **18A:36B-22 and 18A:39-1 et seq.** A choice [school] **district means as defined in N.J.S.A. 18A:36B-15. The choice district** shall be considered a public school **district** offering a specialized program established under N.J.S.A. 18A:36B-14 et seq., the Interdistrict Public School Choice Program Act. **For purposes of this subchapter, the resident district board of education means the district of residence of a choice program student and shall have the same meaning as "sending district" as set forth in N.J.S.A. 18A:36B-15.**
- (b) The transportation of students to and from a choice **district school of attendance** shall be the responsibility of the **resident** district board of education [of the school district in which each student resides].
- (c) **The Department will publish a Commissioner-prescribed Choice District Transportation Application, Choice Program Student Transportation Payment**

**Voucher, and Choice District Transportation Certification on its website. The Department will update the application, voucher, and certification as necessary.**

[c] (d) Eligible choice [school] **program** students shall receive transportation or aid in lieu of transportation based upon the date the [applications for choice school transportation are received by] **choice district submits the Choice District Transportation Application to the resident** district boards of education [in which the students reside].

1. The **resident** district board of education [in which the students reside] shall pay aid in lieu of transportation for each half of the academic year after the [payment voucher is submitted by the] parents or legal guardians of the choice **program student submit the Choice Program Transportation Payment Voucher to the resident district board of education.**
2. The **resident** district board of education [in which the students reside] shall not be required to pay aid in lieu of transportation when it receives the payment voucher after the close of the fiscal year.

[d] (e) The resident [school] district **board of education** shall not be responsible for providing transportation services for choice **program** students residing [two miles or less in kindergarten through grade eight and two and one-half miles or less in grades nine through 12,] **less than remote** or more than 20 miles from the [choice district's] school **of attendance.**

[e] (f) Transportation shall be provided to choice **program** students in accordance with the choice [school's] **district's** calendar.

[f] (g) The executive county superintendent shall arbitrate disputes regarding student transportation between resident district boards of education and the choice [school's] **district's** chief **school** administrator.

1. The resident district board of education or the choice [school's] **district's** chief **school** administrator shall submit in writing to the executive county superintendent [requests] **a request** for arbitration outlining the matter to be arbitrated.

#### 6A:27-4.2 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] **remote** from the choice **district** school [that] they attend[, and] **shall be eligible for transportation services** provided that the choice **district** school is not more than 20 miles from the student's residence[, are eligible for transportation services, unless] **and** the cost of such services [exceeds] **does not exceed** the annual maximum statutorily established amount per student for nonpublic school transportation.

1. If the cost of transportation services exceeds the annual maximum statutorily established amount for nonpublic school students **as set forth in the resident district board of education notification pursuant to N.J.A.C. 6A:27-4.3(c)**, the parents or legal guardians may submit to their resident [school] district **board of education** a written request for [such] transportation to be provided, **including agreement to make the payment required by (a)1i below**. The request shall be made within seven days of the parents or legal guardians' receipt of the resident [school district's] **district board of education's** notification of eligibility for transportation.

- i. If such a request is made, the resident [school] district **board of education** shall provide transportation services, and the parents or legal guardians of the choice **program** student shall pay to the resident [school] district

**board of education** the [amount in excess of] **difference between the cost of transportation and** the annual established maximum. Parents or legal guardians shall pay this amount in the manner prescribed by the resident [school] district **board of education**.

- ii. The resident [school] district **board of education** shall not be required to provide transportation to the choice **program** student if his or her parents or legal guardians do not submit to the resident [school] district **board of education** a written request for transportation services within seven days of receipt of the resident [school district's] **district board of education**'s notice of eligibility for transportation[. However]; **however**, the parents or legal guardians shall [receive] **still be eligible for** the annual maximum statutorily established amount in lieu of transportation.

- 2. If the resident [school] district **board of education** provides aid in lieu of transportation to the parents or legal guardians, the amount shall be consistent with the amount established for nonpublic school students in N.J.S.A. 18A:39-1 and payment may be adjusted for late registration or early withdrawal.

- (b) To be eligible for transportation services, [special education] students **with disabilities** attending a choice **district** school shall meet the distance requirements in (a) above or transportation must be a requirement of the student's [Individualized Education Program] **individualized education program**.

#### 6A:27-4.3 Responsibilities of resident district boards of education

- (a) The **resident** district board of education of the [school district in which each] **choice program** student [resides]shall determine eligibility and provide transportation or aid in lieu of transportation to eligible choice [school] **program** students.

- (b) The resident [school] district boards of education shall establish policies and procedures for the provision of choice[school] **program** transportation in excess of the maximum statutorily established nonpublic school per student expenditure pursuant to N.J.S.A. 18A:39-1.
- (c) By August 1, the resident [school] district **board of education** shall notify the choice **program** student's parents or legal guardians and the choice [school's] **district's** chief **school** administrator regarding the determination of the request for transportation services. **If applicable to the student, the resident district board of education's notification shall include:**
1. **The option for the parents or legal guardians to pay part of the cost for transportation for the student in order to receive transportation pursuant to N.J.A.C. 6A:27-4.2(a); and**
  2. **An explanation of the amount of the cost to the parents or legal guardians, including the total cost of transportation, and the annual maximum statutorily established amount pursuant to N.J.S.A. 18A:39-1a.**
- (d) Resident district boards of education shall submit to the choice [school] **district** the [choice school certification of attendance forms prescribed by the Commissioner] **Choice District Transportation Certification** for the January and May certifications.
- (e) Resident district boards of education shall send to eligible choice **program** student's parents or legal guardians the [request for payment of transportation aid voucher] **Choice Program Student Transportation Payment Voucher** for the first and second semester aid in lieu of transportation payments.

**6A:27-4.4 Responsibilities of the chief **school** administrator of the choice [school] **district****

- (a) The choice [school's] **district's** chief **school** administrator shall notify the **resident** 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 choice **district** school if such registration occurs after March 15. Notification shall be submitted on the [form prescribed by the Commissioner] **Choice District Transportation Application**, and shall include the student's name, address, grade, one-way mileage from the student's home to the choice **district** school, and the name of the last school of attendance, if any. The choice [school's] **district's** chief **school** administrator shall ensure the accuracy of the information contained in the application [for choice school transportation], except for the one-way mileage from the student's home to the choice **district** school. [A late application shall be any request received by the resident district board of education after March 15.]

1. The choice [school's] **district's** chief **school** administrator shall obtain the [choice school application for transportation] **Choice District Transportation Application** from the Department's website.
- (b) The choice [school's] **district's** chief **school** administrator shall submit the school calendar to all district boards of education responsible for providing transportation services for [the] choice **program** students by May 15 preceding the school year in which transportation is being requested.
- (c) In January and May of each year, **using the Choice District Transportation Certification**, the choice [school's] **district's** chief **school** administrator shall certify [on Commissioner-prescribed forms] that the choice **program** students were enrolled for each semester of the academic year. The [certification forms] **choice district's chief school administrator** shall [be returned] **return the certification forms** to the district board of education in which each student resides at the time and in the manner prescribed by the **resident district board of education**.

- (d) The choice [school's] **district**'s chief **school** administrator shall immediately notify in writing the **resident** district [boards] **board** 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 choice **district** school. Whenever a student has a change in address, **the choice district's chief school administrator shall submit** a new [application for choice school transportation shall also be submitted] **Choice District Transportation Application.**
- (e) The choice [school's] **district**'s chief **school** administrator shall immediately notify in writing the **resident** district board of education [in which students reside] whenever there is a change in the location of the choice **district** school **of attendance**.

**6A:27-4.5 Responsibilities of parents or legal guardians of choice program students**

- (a) At the time of enrollment in a choice [school] **district**, and whenever there is a change of address, the choice [school] **program** student's parents or legal guardians shall provide the choice [school's] **district**'s chief **school** administrator with the student's name, address, grade, one-way mileage between the student's home and the choice **district** school **of attendance**, and the name of the last school of attendance, if any.
- (b) When the cost of transportation services to the choice **district** school **of attendance** exceeds the annual maximum statutorily established amount for nonpublic school students, the choice [school] **program** student's parents or legal guardians shall notify in writing the **resident** district board of education [in which the student resides] of their choice of paying the [amount in excess of] **difference between the cost of transportation and** the maximum statutorily established nonpublic school per student expenditure or receiving aid in lieu of transportation.
1. The resident [school] district **board of education** shall not be responsible for providing transportation to the choice **program** student if his or her parents or

- legal guardians do not submit a written request for transportation services[. However]; however, the parents or legal guardians shall [receive] **still be eligible for** the annual maximum statutorily established amount in lieu of transportation.
2. The choice **program** student's parents or legal guardians who choose to pay for transportation shall do so at the time and in the manner prescribed by the **resident** district board of education [in which the student resides].
  3. The choice **program** student's parents or legal guardians receiving aid in lieu of transportation shall submit a [request for payment of transportation aid voucher] **completed and signed Choice Program Student Transportation Payment Voucher** to the **resident** district board of education [in which the student resides] at the time and in the manner prescribed by the **resident district board of education.**

#### **Subchapter 5. [Special Needs] Transportation of Students with Disabilities**

##### **6A:27-5.1 [Special needs students] Students with disabilities**

- (a) [Students with special needs] **Students with disabilities who have been determined to be eligible for special education and related services according to N.J.A.C. 6A:14-3.5 or 3.6** shall be provided with transportation in accordance with N.J.S.A. 18A:39-1 et seq. and with their [Individualized Education Program] **individualized education program** (IEP).
  1. The district board of education shall provide transportation as required in the IEP. Such services may include, but are not limited to, special transportation equipment, transportation aides, and special arrangements for other assistance to and from school.
  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] **The receiving school shall submit a** copy of the school calendar [shall be submitted] to the resident [school] district **board of education** by May 15 preceding the year in which transportation is required, or at the time of placement if it occurs after May 15.

3. When necessary, the student's case manager shall provide the transportation coordinator and the bus driver with specific information including safety concerns, mode of communication, and health and behavioral characteristics of a student for whom transportation services are to be provided.
4. Students with disabilities below the age of five shall be transported in vehicles equipped with safety belts or other child restraint systems.

**(b) The expenditure of the resident district board of education for the transportation of eligible charter school students with disabilities who reside outside the district in which the charter school is located and eligible choice program students with disabilities shall not exceed the maximum per student expenditure for nonpublic school transportation in accordance with N.J.S.A. 18A:39-1.**

1. **If the cost of transportation exceeds the maximum allowable expenditure, the charter school or choice district shall pay the amount in excess of the annual maximum expenditure.**
2. **Under no circumstances shall the parent or guardian of the student with disabilities be responsible for payment of the cost of transportation services required by the student's IEP.**

6A:27-5.2 Marie H. Katzenbach School for the Deaf

- (a) A district board of education shall be required to furnish transportation Monday through Friday to and from the Marie H. Katzenbach School for the Deaf (Katzenbach School) for nonboarding (**nonresidential**) students in accordance with N.J.S.A. 18A:39-1 et seq.

- (b) The Katzenbach School shall develop a general plan of transportation for residential students that includes the following:
1. A determination of regional pick-up and drop-off sites and times;
  2. Transportation of students between the school and the established regional sites; and
  3. The assignment of an adult monitor to each bus.
- (c) District boards of education [are] **shall be** responsible for the transportation of residential students between established regional sites and the student's home in accordance with this subchapter.

#### Subchapter 6. Other Special Populations

##### 6A:27-6.1 General provisions

Students governed by this subchapter shall be provided with transportation in accordance with N.J.S.A. 18A:39-1 et seq.

##### 6A:27-6.2 Homeless students

- (a) When a homeless child attends a school in a school district other than his or her district of residence, the school district in which the child is enrolled shall provide transportation services and the district of residence shall pay for any transportation costs incurred by the transporting school district.
1. **When a homeless student is deemed domiciled in a school district pursuant to N.J.S.A. 18A:38-1.d, that school district shall become responsible for the cost of that student's transportation.**
- (b) When a homeless child attends school in his or her district of residence, the district of residence shall provide transportation services.

- (c) When a homeless child attends school in his or her district of residence while temporarily residing in another school district, the district of residence shall provide for transportation to and from school.
- (d) When a district of residence cannot be determined and the State has assumed fiscal responsibility for the payment of tuition, the school district where the homeless child is enrolled shall provide transportation.
- (e) In implementing the transportation services required for a homeless child, district boards of education shall explore alternatives and provide the most economical and safest mode of transportation.

#### 6A:27-6.3 Students residing in group homes

Transportation for students living in group homes shall be the responsibility of the resident district board of education. The resident district board of education shall be determined in accordance with N.J.S.A. 18A:7B-12.

#### 6A:27-6.4 Students residing in resource family homes

- (a) Transportation for students placed in a resource family home on or prior to September 9, 2010, shall be the responsibility of the resident district board of education in which the resource family home is located and shall follow the requirements of N.J.S.A. 18A:39-1 et seq.
- (b) For students removed from the custody of their parent or legal guardian and placed in a resource family home or moved from placement in one resource family home to another after September 9, 2010:
  1. The **student's** school district of residence [for the student] is the school district in which the student's parent or legal guardian was living at the time of the student's placement;

2. When a student is placed in a resource family home that is located within the student's school district of residence, the school district of residence shall provide transportation services **beginning on the sixth school day after the school district of residence receives the Educational Stability School District Notification generated by the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P) pursuant to N.J.S.A. 30:4C-26b.h.**
3. When a student is placed in a resource family home that is located outside of the student's school district of residence, the school district in which the resource family home is located shall arrange for transportation services in consultation with the school district of residence **beginning on the sixth school day after the school district of residence receives the Educational Stability School District Notification generated by DCP&P pursuant to N.J.S.A. 30:4C-26b.h.** The school district of residence shall be responsible for the cost of transportation.

6A:27-6.5 Students residing in shared custody homes

- (a) Transportation for students living in shared custody homes shall be the responsibility of the resident district board of education.
  - (b) **Resident district boards of education shall be responsible for transportation of a student living in shared custody homes from only one residence within the school district.**
- [**(b)] (c)** The resident district board of education shall be determined in the same manner as prescribed by N.J.A.C. 6A:22-3.1 whether the student's parents or legal guardians are domiciled within different homes in the same school district or in different school districts.

## 6A:27-7.1 General provisions

- (a) Vehicles used to transport students to and from school or [school related] **school-related** activities shall meet the vehicle standards, registration, and inspection requirements of the New Jersey Motor Vehicle Commission (NJMVC). The vehicles shall be systematically inspected twice each year and shall 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] **that** is being used **as a common carrier** on a preset franchised route and schedule, or is chartered for [school related] **school-related** activities, [and] **is exempt from the requirement to have authorization for school use on the vehicle inspection sticker, as long as the vehicle displays a current certificate indicating that the vehicle was inspected by the NJMVC's Commercial Bus Unit.**
- (b) District boards of education **and all other owners of school vehicles** shall consult and comply with all Federal and State statutes and regulations governing school transportation vehicles and all NJMVC regulations pertaining to school transportation.
- (c) All other owners of school vehicles shall consult and comply with all Federal and State statutes and regulations governing school transportation vehicles and all NJMVC regulations pertaining to school transportation.]

## 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.
- (b) There shall be no standees.

- (c) This section shall not apply to a bus that is being used as a common carrier on a preset franchised route and schedule or is chartered for [school related] **school-related** activities.

#### 6A:27-7.3 Retirement of school buses

School [busses] **buses** shall be retired in accordance with N.J.S.A. 39:3B-5.1 and 5.2.

#### 6A:27-7.4 Small vehicles

- (a) A small vehicle is defined as a vehicle **that was** originally designed by the manufacturer with a seating capacity of 10 or fewer persons, including the driver, **and** that is used to transport students to and from school or [school related] **school-related** activities.
- (b) Small vehicles with a gross vehicle weight rating (GVWR) of less than 3,000 pounds shall not be used for the transportation of students to and from school or [school related] **school-related** activities. The GVWR is the value specified by the manufacturer as the maximum loaded weight of the vehicle.
- (c) [The] **This section's** provisions [of this section] **shall** apply to a small vehicle used for the transportation of public school students to and from school and [school related] **school-related** activities and nonpublic school students when services are provided by a district board of education.

#### 6A:27-7.5 School buses

- (a) A school bus is defined as a vehicle originally designed by the manufacturer with a capacity of 11 or more persons, including the driver.
- (b) [The vehicles] **School buses** shall comply with all New Jersey Motor Vehicle Commission regulations for the manufacture of school buses.

#### 6A:27-7.6 Transportation to and from [school related] **school-related** activities

Private vehicles with a capacity of eight or fewer passengers may be used for the transportation of students to and from school-related activities, in accordance with policies and regulations adopted by the [responsible transporting authority] **district board of education**. The [policy] **policies and regulations** shall clearly stipulate procedures [under which such] **for the safe** transportation [shall take place safely] **of students in private vehicles**, including provisions for appropriate and adequate insurance coverage **of private vehicles** and **the** approval of activities and drivers.

6A:27-7.7 Parent **or legal guardian** transporting his or her own child or children

- (a) A parent **or legal guardian** under a negotiated contract with a district board of education to transport only his or her own child or children shall not be required to do the following:
1. Possess a commercial driver's license;
  2. Use a vehicle registered as a school bus; or
  3. Comply with the health examination prescribed for employees of the district board of education.

6A:27-7.8 Use of school buses other than to and from school and [school related] school-related activities

- (a) The following words and terms shall have the prescribed meanings when used in this [subchapter] **section** unless the context clearly indicates otherwise:

“Contiguous school district” means a school district adjoining and adjacent to another school district and sharing in some part a common boundary within the State. For a regional school district, a contiguous school district shall be an adjoining and adjacent school district that shares in some part a common boundary with the total regional school district.

“Group” means 10 or more persons.

“Senior citizens” means State residents who are 60 years of age or older and their spouses. Spouses of senior citizens may be less than 60 years of age.

- (b) The district board of education may permit the use of school buses, owned or leased by the school district, for the purposes in (b)1, 2, and 3 below. Events shall include, but not be limited to, civic, social, cultural, educational, recreational, nutritional, and health programs and activities.
  - 1. Transporting senior citizens’ groups to and from events within the school district or in any contiguous school district;
  - 2. Transporting disabled citizens in any school district; and
  - 3. Transporting children and adults participating in a recreation or other program operated by the [municipality or municipalities] **municipality(ies)** in which the school district is located or the municipality in which any constituent school district of a regional school district is located.
- (c) The district board of education shall adopt a policy addressing the transportation of the groups in (b) above. The policy shall require groups seeking the use of school buses to pay all or part of any costs incurred by the district board of education in permitting such use. The costs shall include, but not be limited to, fuel, driver salaries, insurance, and depreciation.
- (d) The district board of education may approve the use of school buses by the groups [which] **in (b) above. Such use** shall not interfere with the transportation of school students.
- (e) Buses shall be operated only by a person having a valid commercial driver’s license with appropriate endorsement(s) required by the New Jersey Motor Vehicle Commission.
- (f) School bus warning lamps shall not be used when transporting the groups **in (b) above.**

- (g) School buses, when used to transport the groups **in (b) above**, shall load and unload off the public roadway so as not to interfere with traffic.
- (h) District boards of education using buses for the transportation of the groups **in (b) above** shall maintain proof of insurance coverage for such transportation. Insurance coverage shall include liability for bodily injury and property damage in the minimum amount of \$1,000,000 combined single limit per occurrence for all vehicles used for this purpose.

6A:27-7.9 Vehicle records

School bus owners shall retain all records of inspection and maintenance reports for the life of the vehicle. Such records shall be available for review by the New Jersey Motor Vehicle Commission.

6A:27-7.10 Contracting for advertisements on school buses

- (a) A **district** board of education may sell advertising space on the exterior of a school bus owned or leased by the **district** board of education in accordance with this section and N.J.A.C. 6A:27-7.11 and 7.12.
  - 1. All advertisements shall require the prior approval of the [local] **district** board of education.
  - 2. The Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., shall apply to any contract or agreement entered into by a **district** board of education for the purpose of placing advertising on school buses owned or leased by the **district** board of education.
  - 3. The advertiser will be considered an independent contractor and shall not be deemed to be an agent, servant, employee, or representative of the **district** board of education.

4. In the event the advertiser fails to provide service in accordance with the bid specifications and contract for advertisements, the advertiser shall be considered in breach of contract. Cancellation of the advertisement and/or enforcement of advertiser's performance bond may result.
5. The **district** board of education reserves the right, at its absolute discretion and at any time, to reject any advertising copy, whether or not [it] **the district board of education** has previously acknowledged and/or advertised the exact or similar copy.
6. No advertising space may be used[,] or re-sold[,] by the advertiser for the **direct or indirect** promotion[, either directly or indirectly,] of any business, organization, or enterprise other than the one defined in the original contract for advertisement.
7. The advertiser will protect, defend, and save harmless the **district** board of education from any suits or actions of every nature and description brought against it by reason of the advertisement.
8. Funds generated from the placement of advertisements on the outside of school buses owned or leased by a **district** board of education [are] **shall be** limited to the following uses:
  - i. Fifty percent of the revenue shall be used to offset fuel costs associated with the provision of student transportation services; and
  - ii. Fifty percent of the revenue shall be used to support any programs or services deemed appropriate by the **district** board of education.

6A:27-7.11 Limitations on content of advertisements on school buses

- (a) The **district** board of education shall not accept advertisements to be displayed or maintained on school buses owned or leased by the **district** board of education if the advertisement, or information contained in the [advertisements] **advertisement**:
  - 1. Is false, misleading, deceptive, disrespectful, fraudulent, or libelous;
  - 2. Contains material or language that is obscene, profane, vulgar, offensive, or reasonably determined not to be in good taste;
  - 3. Promotes unlawful or illegal goods, services, or activities;
  - 4. Promotes gambling, the sale or use of tobacco or tobacco-related products, or the sale or use of alcoholic beverages;
  - 5. Promotes the sale or use of products designed for use in connection with sexual activity;
  - 6. Depicts or glamorizes violent or antisocial behavior, or sexual conduct;
  - 7. Resembles a traffic control device;
  - 8. Declares or implies an endorsement by the **district** board of education; or
  - 9. Is political, religious, issues-related, controversial in nature, or not age appropriate.
- (b) The **district** board of education shall not allow any of its school buses to become a public forum for dissemination, debate, or discussion of public issues.
- (c) The **district** board of education [has the authority to] **may** reject any and all advertising that [it] **the district board of education** deems to be inappropriate or not in the best interest of the **district** board of education, the school district, or students.

6A:27-7.12 Reporting requirements for advertisements on school buses

- (a) [Local] **District** boards of education [which] **that** permit advertisements on school buses owned by the **district board of education** shall submit a report to the Commissioner of

Education no later than June [30th] **30** each year. [That] **The** report shall include the following information:

1. The number of district-owned school buses upon which advertising has been placed;
2. The length of time the advertisements have been on the school buses; and
3. The total revenue earned by the [school] district **board of education** as a result of the advertisements.

6A:27-7.13 School bus sensor system

- (a) The following words and terms shall have the following meanings when used in this section, unless the context clearly indicates otherwise:

“School bus” means as set forth in N.J.S.A. 39:1-1.

“Sensor system” means a system utilizing technology such as, but not limited to, radar, video, sound, or infrared technology that shall be capable of detecting the presence of a person(s) or object(s) as measured by the placement of a 12-inch high by 12-inch diameter cylinder within a minimum area defined as follows:

1. For vehicles with a GVWR of 10,000 pounds or less, five feet laterally to each side and extending 10 feet forward from the center of the vehicle’s front bumper, and five feet laterally to each side and extending 10 feet rearward from the center of the vehicle’s rear bumper; or
2. For vehicles with a GVWR over 10,000 pounds, 10 feet laterally to each side and extending 10 feet forward from the center of the vehicle’s front bumper, and 10 feet laterally to each side and extending 10 feet rearward from the center of the vehicle’s rear bumper.

- (b) Every school bus, as defined in this section, manufactured after April 16, 2018, shall be equipped with a sensor system as defined in this section.

1. This subsection shall not be construed to prohibit the equipping of a school bus with a sensor system to determine the presence of a person(s) or object(s) in the side areas of the school bus, in addition to the front and rear of the bus.

(c) The sensor system shall include an audible and visual alert signal placed in the driver's compartment to alert the driver when a person(s) or object(s) is detected within the sensor's designated area or a video monitor placed in the driver's compartment relaying the image of the sensor's designated area.

1. The audible alert signal for the sensor shall be a sound that is distinctive from all other audible alert signals on the bus.
2. The alert signal shall identify for the driver the location near the vehicle in which the person(s) or object(s) is detected, except when a video monitor is used.

(d) The rear sensor system shall activate only and always with the engagement of reverse gear and shall deactivate when the reverse gear is disengaged.

(e) The front sensor system shall activate in any gear other than reverse gear every time any passenger entrance door opens. The front sensor system shall deactivate:

1. With the engagement of reverse gear; and
2. When in any gear other than reverse, after all passenger doors are closed and:
  - i. The vehicle has reached a speed of 10 miles per hour; or
  - ii. Ten seconds have elapsed after closure of the passenger door(s).

#### **6A:27-7.14 Mobility assistance vehicles**

**(a) Any district board of education, governing body of a nonpublic school, or State agency may authorize a person certified as a mobility assistance vehicle technician to transport a student with medical needs in a mobility assistance vehicle to and from school or school-related activities, in accordance with N.J.S.A. 18A:39-20.1.**

1. “Student with medical needs” means a school-aged child who suffers from a life-threatening medical condition and, as a result of such condition, requires more individualized and continuous care.
- (b) Such vehicles shall be exempt from all registration, equipment, inspection, and maintenance requirements imposed on the transportation of students by a school bus.

#### Subchapter 8. State Aid

##### 6A:27-8.1 General provisions

- (a) District boards of education shall be entitled to State transportation aid for eligible resident public[,] **and** nonpublic [and charter] school students in accordance with N.J.S.A. 18A:7F-57.
- (b) State aid shall be calculated according to the transportation funding formula and administered in the manner determined by the Commissioner.
- (c) District boards of education shall submit **to the Department** all data necessary for the calculation of State transportation aid.

##### 6A:27-8.2 School transportation efficiency and corrective action plans

District boards of education shall submit to the Department all data for the calculation of their vehicle utilization rating and shall submit corrective action plans and reports, as necessary, in the manner prescribed by the Commissioner.

#### 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 this subchapter. District boards of education [reserve the right to] **may**

assign their transportation contracts to another district board of education upon approval of both district boards of education.

- (b) Any contract drawn that fails to meet [the] **this subchapter's** requirements [of this subchapter] shall be set aside by the district board of education.
- (c) All contracts require the approval of the executive county superintendent.
  - 1. Notwithstanding the executive county superintendent's contract approval, State aid shall be subject to [modifications] **modification** by the Commissioner for good cause shown.
- (d) **All bidding practices shall be designed to prevent fraud, favoritism, and extravagance, to safeguard taxpayers, and to protect the lowest responsible bidder.**

#### 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] **will** exceed the statutory bid limit, except for contracts qualifying for renewal under N.J.S.A. 18A:39-3, 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] **school-related** activities transportation needs. The transportation shall be bid if the assessment indicates services are anticipated or in the aggregate will exceed the statutory bid limit, except for contracts qualifying for renewal.
  - 2. **The resident district board of education shall not be required to bid for nonpublic school, charter school, and choice program transportation services when the services are provided: utilizing a district-owned vehicle or public transportation; through a renewal of an existing contract qualifying for**

**renewal under N.J.S.A. 18A:39-3; or through an agreement with another**

**district board of education.**

- (b) District boards of education shall have the option of annually bidding all transportation contracts or awarding annual extensions of existing contracts. No contract for the transportation of students to and from school or [school related] **school-related** activities shall be made when the amount to be paid during the school year for such transportation exceeds the bid threshold limit, unless the district board of education making [such] **the** contract [shall have] **has** first publicly advertised for bids. Such advertisement shall be published once in a newspaper circulating in the school district at least 10 days prior to the date fixed for receiving proposals for [such] **the** transportation. All bids shall be advertised and shall include **the identification number of the bid and** the time and place for submission of proposals to the district board of education. No proposal shall be opened prior to the hour designated in the advertisement and none shall be received thereafter. The district board of education or designated official shall unseal bids in the presence of [those] **individuals** in attendance and **shall** publicly announce the contents.
- (c) District boards of education shall designate a committee, official, or **an** employee to prepare the specifications for which bid proposals are sought. Prior to the advertisement for bids, a copy of the specifications shall be submitted to the executive county superintendent 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) The officer of the district board of education responsible for distributing specifications to prospective bidders shall maintain separate lists of bidders and of all persons who take copies of the specifications.
- (e) If any person operating a school bus under contract with a district board of education [shall fail] **fails** to comply with any of the rules governing student transportation, the

district board of education shall immediately notify such person in writing of his or her failure to comply.

1. If the violation is repeated, the district board of education may require the violator to show cause at a hearing why his or her failure to comply should not be deemed a breach of contract.
2. If the district board of education after due notice and hearing determines that a breach of contract exists, [it] **the district board of education** may call upon the bondsperson or surety company[, as the case may be,] to perform the contract or to reimburse the district board of education for any financial loss resulting from the breach of the contract. The district board of education also may annul the contract.

#### 6A:27-9.3 Bid specifications

- (a) Specifications drawn for purposes of competitive bidding shall be drafted in a manner designed to encourage free, open, and competitive bidding. Specifications shall not knowingly discriminate, **or** exclude prospective bidders by reason of the impossibility of performance[,] or bidding by any one bidder. [All bidding practices shall be designed to prevent fraud, favoritism, and extravagance, to safeguard the taxpayers, and protect the lowest responsible bidder.] The bid specifications shall be definite, precise, impose common standards, and protect against discrimination in accordance with N.J.S.A. 10:5-31 et seq. When bid specifications are formed to deter rather than to invite genuine competition, an award to the favored bidder shall be set aside.
- (b) Any revisions to the bid specifications shall be furnished to all prospective bidders and shall not restrict competitive bidding. Modifications to the specifications shall not invalidate the award of a contract to the successful bidder when it appears that all such bulletins were received by all prospective and actual bidders in advance of the

submission of bids. If a district board of education finds it has made in good faith a mistake in its specifications that cannot be corrected, bids shall [not] be [accepted based upon the specifications] **rejected and re-advertised**.

- (c) Variations from the bid specifications required by this subchapter shall be reasonable and are subject to review by the Commissioner.
- (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. Bid specifications shall be prepared to include, but not be limited to, the **subchapter's** requirements [of this subchapter].
  - 1. The bid specifications shall include a separate route description for each individual route to and from school.
    - i. A route is a selected or an established course of travel by a vehicle with definite stops for the purpose of loading and unloading students. A route for the transportation of [regular] **general education** public school students shall be described from the first bus stop to the destination listing each street traveled and the schedule for arriving and departing.
    - ii. A route for the transportation of [special education] students **with disabilities**, vocational school students, and nonpublic school students shall be described listing, at a minimum, each bus stop, the schedule for arriving and departing, and the vehicle capacity. The 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, it shall include language that 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. Transportation routes shall be arranged so buses [shall] transverse highways that serve the largest number of students within a reasonable time limit and at a minimum cost.
- 2. The trip description for [school related] **school-related** activities transportation shall include the vehicle type and capacity and may include [any or all], but [shall] not be limited to, the following criteria [that shall] **to** define the basis of the bid:
  - i. The destination(s);
  - ii. The time of departure and return;
  - iii. The need for special equipment and instructions;
  - iv. The need for an aide; and
  - v. The number of vehicles required per trip.
- 3. The bid specifications shall state that the district board of education reserves the right to change the route or trip upon approval of the executive county superintendent. 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. Procedures for a change in route or trip schedule and emergency school closings;
  - ii. The cancellation of [a] **the** contract;
  - iii. The limits of automobile liability insurance to be provided by the contractor;
  - iv. The types of bid guarantee and performance surety bond to be provided by the contractor;
  - v. The term of the contract, including payment terms;

- vi. The need for specialized equipment or restrictions due to student classification, if applicable;
  - vii. The criteria to be used to award a contract in the case of a tied bid;
  - 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 **et seq.**
5. The bid specifications also shall include language that prohibits the subcontracting of contracts without prior written approval of the district board of education and, with the exception of contracts awarded on a per student basis, the commingling of students unless authorized to do so by the district board of education through the joint transportation agreement process.
6. District boards of education may include penalty language for noncompliance with the terms of the contract.
- (e) The district board of education shall include language that directs bidders to submit the following documents and forms prescribed by the Commissioner to be made part of the bid specifications and the contract:
- 1. A bid sheet for transportation to and from school shall contain a provision for the bid to be made on a per diem or per annum basis, and on a per route basis, for [regular] **general education** public **students**, nonpublic **students**, and [in-district special education] students[; and] **with disabilities**. **In addition to being bid on a per route basis, transportation for students with disabilities outside the school district may also be bid** on a [per route,] per vehicle, per student, or per mile basis [for special education students transported outside the school district];
    - i. The bid sheet shall identify each route to be bid and include a separate cost for adjusting the contract. Cost adjustments on a per mile basis are required for regular public and nonpublic school routes and in-district

- special education routes, and on a per mile, per student, or per vehicle basis for out-of-district special education routes. The cost of adjusting the contract shall be the same whether it is being increased or decreased.
- ii. Routes that require an aide shall be bid on a per diem basis.
  - iii. The bid sheet shall include a separate provision for the per diem cost for each aide to be assigned to the route.
  - iv. If an aide is not required at the time of the bid, but the district board of education [wishes] **has decided** to obtain an aide cost in [the event] **case** an aide is needed at a later date, the bid specifications shall include such language. The aide cost shall not be used if the need for the aide is unknown when determining the low bidder.
  - v. The per diem cost of adding or removing an aide shall be the same.
  - vi. The bid sheet may include a separate provision to request bulk and combination bids.
  - vii. Except for [school related] **school-related** activities transportation, bids that do not include an adjustment provision shall not be considered by the district board of education.
2. The bid sheet for [school related] **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. The bid sheet shall contain an identification number for each bid solicited on an hourly rate per vehicle or a per trip rate per vehicle.
  - 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. A business registration certificate;
4. A bidder's questionnaire and consent of surety;
5. A [stockholder's disclosure] statement **of ownership disclosure**;
6. An affirmative action questionnaire;
7. A non-collusion affidavit;
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:27-9.4 Responsibilities of the bidder

- (a) Bidders or their agents shall not draft specifications or route descriptions to be advertised for bid.
- (b) The bidder shall complete and submit the bid on the bid sheet contained in the specifications. Bids [that do not] **shall** include a separate cost for adjusting the contract [shall not be considered by the district board of education].
- (c) [Alternate] **Bidders shall not submit unsolicited alternate** bids [not solicited by the district board of education shall not be considered for award].
- (d) Bids are to be placed in a sealed envelope and submitted in the manner specified by the district board of education.
- (e) Bidders shall submit a guarantee payable to the district board of education to ensure that the successful bidder [shall] **will** enter into that contract, if awarded, and furnish a performance surety bond.
  1. The guarantee to be submitted shall be a certified check, cashier's check, or bid bond as required by the district board of education. No other form of guarantee is authorized.

2. The bid bond[,] **or** cashier's or certified check shall be forfeited upon refusal of the successful bidder to execute a contract; otherwise, the guarantee shall be returned when the contract is executed and a performance bond filed.
- (f) A surety bond for the performance of the contract for transportation to and from school equal at least to the amount of one year of the contract shall be provided to the district board of education. 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.
- (g) A surety bond for the performance of the contract for transportation for [school related] **school-related** activities shall be provided to the district board of education as required by the specifications.
- (h) A surety bond shall be provided for the faithful performance of all provisions of the specifications and for all matters that are contained in the notice to bidders and relate to the performance of the contract.
- (i) The performance surety bond shall be either a corporate or personal surety bond as required by the district board of education.
- (j) The performance surety bond shall be submitted to the district board of education with an executed contract prior to the start date of the contract.

#### 6A:27-9.5 Bidder's guarantee

- (a) The district board of education may 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 number assigned to the bid for which guarantee is submitted.
- (b) The amount of the bidder's guarantee shall be a minimum of five percent of the bid, not to exceed \$50,000.

- (c) Except for the three lowest bidders, the guarantee shall be returned to the bidders within 10 [working] **business** days after the opening of the bids.

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 equal at least to the amount of one year of the contract shall be required by the district board of education. 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 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 or may permit a personal surety bond.
1. Contracts awarded on a per diem basis shall be bonded in the per annum amount based on the actual number of days transportation is required by the school calendar or may be in the per annum amount based on 180 days.
  2. Contracts for [school related] **school-related** activities transportation shall be bonded for an amount to be determined by the district board of education.
  3. The district board of education may require a performance surety bond for quoted contracts **pursuant to N.J.A.C. 6A:27-9.12.**
  4. Personal bonds shall be submitted on the personal surety bond form prescribed by the Commissioner. 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] **guaranteed** by the bond.

- i. The district board of education [shall have the right to] **may** reject an individual surety offer, and may request a certification that each individual's net worth is sufficient to 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) [guarantied] **guaranteed** by the bond.
- (b) If it is necessary to replace an existing corporate or personal surety bond, the contractor shall furnish a new surety bond as required by the original bid. The contractor may substitute a corporate bond for a personal bond with the approval of the district board of education.

#### 6A:27-9.7 Bulk and combination bids

- (a) District boards of education may receive bulk and combination bids.
  1. A bulk bid is a bid that is awarded for a lesser price than the sum of the individual bids when all routes advertised in the bulk bid are awarded to one bidder.
  2. A combination bid is a bid that is designed by the district board of education and groups specified routes together to be serviced by the contractor utilizing the same vehicle for all routes in the group.
- (b) Bulk and combination bids shall include individual route or contract costs.
  1. Bulk bids shall contain a percentage deduction that shall be applied to each route or contract bid price when all routes or contracts contained in the bulk bid are awarded to a single bidder.
- (c) Bulk bidding shall not be used to eliminate competitive bidding.

## 6A:27-9.8 Receiving and opening bids

- (a) Unless the proposals are to be received at a **district board of education** meeting [of the district board of education], a committee, **an** officer, or **an** employee of the district board of education shall be designated to receive the proposals at a time and place designated by the district board of education and stated in the bid advertisement. At the time and place so designated and advertised, the district board of education or [any] board-designated committee, officer, or employee shall receive the proposals and proceed to unseal them and publicly announce their contents. No proposals shall be opened before the time designated in the advertisement and none shall be received thereafter.
- (b) The district board of education [shall reserve the right to] **may** reject any or all bids.
- (c) After bids are opened, a district board of education [cannot] **shall not** impose new conditions and bidders [cannot] **shall not** be allowed to change bids or make oral bids. Specifications shall not be modified after bids have been received and the contract **shall not be** awarded to one of the bidders upon revised specifications.
- (d) Bulletins issued to explain minor details of specifications and to make minor changes shall not invalidate the award of a contract to the successful bidder when it appears that all such bulletins were received by all prospective and actual bidders in advance of the submission of bids. The officer of the district board of education responsible for distributing specifications to prospective bidders shall keep a list of their names and addresses so that bulletins can be issued to them, if necessary. If a district board of education finds it has made in good faith a mistake in its specifications that cannot be corrected, bids shall be rejected and re-advertised.

## 6A:27-9.9 Contracts

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

1. Beginning in the second year, a multi-year contract may be increased annually by a maximum of seven and one-half percent of the original yearly contract amount in accordance with N.J.S.A. 18A:39-2.
- (b) All contracts or contract renewals for student transportation shall be made on **Commissioner-prescribed** forms [prescribed by the Commissioner], and shall be submitted [for approval] **by the district board of education** to the executive county superintendent **for approval** within 30 days after the award of the contract or by September 1 of the school year in which transportation is to be provided.
- (c) New contracts submitted to the executive county superintendent 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 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) Negotiated contracts between a district board of education and a parent or guardian transporting only his or her own [child or children] **child(ren)** shall be accompanied by a certified copy of the minutes of the district board of education authorizing the contract, a certificate of insurance, and a copy of the parent's or legal guardian's valid driver's license and vehicle registration.
- (f) **[A] When submitting new contracts to the executive county superintendent, the district board of education shall also submit a summary of all bids received [shall be submitted to the executive county superintendent with the submission of new contracts].**  
If a contract is not awarded to the lowest bidder, a statement by the [school] **district**

board **of education** attorney justifying the contract award [must] **shall** accompany the summary.

- (g) All transportation contracts [require the approval of] **shall be approved by** the executive county superintendent regardless of whether State aid is involved.
- (h) Notwithstanding the executive county superintendent's approval, State aid shall be subject to modifications by the Commissioner for good cause shown.

6A:27-9.10 Awarding contracts

- (a) Contracts shall be awarded to the lowest responsible bidder by formal action of the district board of education during a public meeting.
  - 1. The **district board of education meeting** minutes authorizing the award of a contract shall include the contractor's name, route numbers, and individual route costs of all bidders who submitted bids.
  - 2. A contract that is not awarded to the lowest bidder shall be accompanied by a statement by the [school board's] **district board of education's** attorney justifying the contract award.
- (b) The district board of education [is not authorized to] **shall not** delegate its power to enter into a transportation contract.
- (c) **The district board of education shall not consider bids that do not include a separate cost for adjusting the contract.**
- (d) **The district board of education shall not consider unsolicited alternate bids for award.**
- [(c)] (e) Any award of a contract made by a district board of education after advertisement shall be according to the terms advertised to prospective bidders. Each bidder shall be compelled to conform to every substantial condition imposed upon other bidders.

[(d)] (f) After a contract has been awarded, a bidder cannot be relieved from conforming to the conditions imposed in the specifications and cannot substitute something that does not conform to the specifications.

[(e)] (g) A district board of education shall not reject the lowest bid upon the ground that the bidder is not responsible without giving him or her a hearing upon the facts. To determine that a bidder is not responsible, the district board of education after notice and a public hearing must find as a fact that the bidder is so lacking in experience, financial ability, equipment, and facilities to justify that he or she would be unable to carry out the contract, if awarded.

[(f)] (h) The lack of ability upon the part of a contractor to work in harmony or the district board of education's inability to enforce the terms of a previous contract cannot be controlling factors in determining the bidder's responsibility. Disputes involving controverted questions of fact with reference to the performance of a previous contract do not constitute grounds for declaring a bidder irresponsible, if [such] **the** disputed matters can be taken care of under a contract properly safeguarding the public interest with a contractor who is financially responsible.

[(g)] (i) A district 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 **district board of education** 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] **shall** be made by resolution approved by majority of the district 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 that shall include the bidder, the superintendent, and the executive county superintendent. The executive

county superintendent shall make a determination as to nonperformance, which may be appealed to the Commissioner;

- (1) **To facilitate the executive county superintendent's determination, the district board of education shall submit to the executive county superintendent all documentation in support of its position that the bidder is "nonperforming." The district board of education also shall provide a copy of the documentation to the bidder.**
- (2) **The bidder shall have 14 days from receipt of the district board of education's submission to submit a written response to the executive county superintendent.**
- (3) **If the executive county superintendent determines there are no facts in dispute, the executive county superintendent's determination as to nonperformance may be decided summarily based on the submissions in writing by the district board of education and the bidder.**
- (4) **If the executive county superintendent determines there are facts in dispute, he or she shall hold a hearing in accordance with N.J.S.A. 18A:39-11.3.**
- (5) **The executive county superintendent shall issue a written decision within seven days of the hearing or submission by the bidder.**

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

- iii. The bidder defaulted on a transportation contract requiring the **district** 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 district board of education.

6A:27-9.11 High, collusive, or no bids

If no bids were received on two occasions, or bids were rejected on two occasions by the district board of education because they were too high, contracts [shall] **may** be awarded pursuant to N.J.S.A. 18A:18A-5.c and d.

6A:27-9.12 Quoted contracts

- (a) Quotations for unanticipated transportation services may be sought after the opening of school. 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 to avoid reaching the [amount determined by the Governor as the formal competitive bidding requirement] **statutory bid threshold for transportation, pursuant to N.J.S.A. 18A:39-3.**
- (b) Quoted contracts may be issued for unanticipated transportation services provided the following requirements are met:
  1. At least three quotations shall be sought and documented;
  2. Quotations shall be solicited on a per diem basis and may include a provision to adjust the quotation within the bid threshold;
  3. Quoted contracts under the bid threshold may be in effect for the balance of the school year;

4. Quoted contracts over the bid threshold shall be issued for a period of time that will not cause the contract to exceed the bid threshold. The competitive bid process shall be completed within this timeframe, and awarded contracts implemented for the balance of the school year; and
5. Quoted contracts shall not be renewed but shall be included in the aggregate cost of transportation services for the ensuing school year.

(c) [Quoted] **The district board of education's submission of quoted contracts** [submitted] to the executive county superintendent **for approval** shall be accompanied by a certified copy of the district board of education **meeting** 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, [are] **shall be** permitted provided:

1. The contract was entered into through competitive bidding;
2. The terms of the contract remain the same;
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 for the school year the annual rise in the Consumer Price Index (CPI) as defined in N.J.S.A. 18A:7F-45, regardless of whether 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.

- i. The contractual base amount is the sum of the actual cost to the district board of education for items included in the bid at the end of the term of the contract in the prior year; and
  - 4. The school destination remains the same as the original contract.
    - i. Destination is defined as the physical location of the school(s).
- (b) When it is necessary to change the bus type, an immediate rebid of a contract renewal [is] **shall not be** required. Any such change shall be approved by the district board of education and shall be bid for the next school year.

6A:27-9.14 Addendum to a contract

- (a) An addendum shall be required to adjust the cost of an existing contract or contract renewal.
  - 1. An addendum to a contract or contract renewal for [regular] **general education** students and [handicapped] students **with disabilities** transported to schools within the school district shall be calculated based on the increase/decrease mileage adjustment stated in the original bid.
  - 2. An addendum to a contract or contract renewal for the transportation of [handicapped] students **with disabilities** transported outside the school district shall be based on the per student, per mileage, or per vehicle adjustment stated in the original bid.
  - 3. If the cost of an aide is not part of the bid, an addendum to a contract or contract renewal for the purpose of adding an aide may be a negotiated cost provided it does not exceed the bid threshold.
- (b) An addendum to a contract or contract renewal shall be [submitted to the executive county superintendent] on the **Commissioner-prescribed** contract addendum form. [prescribed by the Commissioner,] **The district board of education shall submit the**

**form to the executive county superintendent** for approval within 30 days of the district board of education's approval.

- (c) Increased bonding [is] **shall be** required when an addendum [added] to an existing contract increases its cost.
  - 1. When an addendum added to the contract increases the cost, additional bonding coverage [is] **shall not be** required if the remaining cost of the original contract plus the additional cost of the adjustment does not exceed the amount of the original bond.
- (d) [A] **The district board of education shall attach a** certified copy of the minutes of the district board of education authorizing the adjustment and additional performance surety bond, if required, [shall accompany] **to** the contract addendum form when it is submitted to the executive county superintendent.

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 the executive county superintendent.
- (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] **agreement** requires the approval of the district board(s) of education and the executive county superintendent.

- (c) The **district board of education shall complete the** student transportation contract agreement form prescribed by the Commissioner [shall be completed] for each individual contract or multi-contract.
- (d) The transfer of contracts shall impose no additional cost to the district board of education.
- (e) All terms of the original contract shall remain in effect.
- (f) The assignment between the district board of education and the purchaser shall not become effective until the purchaser provides all documents required of the original bidder.
- (g) The student transportation contract transfer agreement form shall be accompanied by a copy of the certified **district board of education** minutes approving the transfer of the contract and all documents required of the original bidder when [it is submitted] **the district board of education submits it** to the executive county superintendent for approval.
- (h) The assignment of selected contracts to another person or company [is] **shall** not [to] be considered a transfer, but shall be considered subcontracting. In this case, all the provisions of the contract shall remain in effect and shall impose no additional cost to the district board of education.
  - 1. No contract shall be subcontracted without the approval of the district board of education.
  - 2. **When a district board of education allows a contract to be subcontracted, the district board of education shall submit to the executive county superintendent a certified copy of the minutes approving each route to be subcontracted and a certificate of insurance from the subcontractor.**
- (i) Whenever a district board of education assigns to another district board of education any or all of the [board's] **assigning district board of education's** rights and liabilities for

transportation contracts [held by the board] **it holds**, such assignment requires the approval of both district boards of education and the executive county superintendent.

6A:27-9.16 Joint transportation agreements

- (a) Two or more district boards of education may provide jointly for the transportation of students to and from any school(s) within or outside the **school** districts or [counties] **county(ies)**.
- (b) Whenever the executive county superintendent determines that transportation of students could be more economically accomplished by joint transportation, he or she may order [such] **the** joint transportation, assign the administration to one district board of education as **the** host, and prorate the cost to the joining district board(s) of education.
- (c) The district board of education providing the transportation, either by district-owned or contracted vehicle, shall be referred to as the host.
- (d) The host district board of education shall [be responsible for initiating] **initiate** the joint agreement and [for ensuring] **shall ensure** that transportation contracts meet the requirements for approval by the executive county superintendent.
- (e) The **host district board of education shall send the** joint transportation agreement form prescribed by the Commissioner [shall be sent] to the host school district's executive county superintendent for approval within 60 days of the agreement.
  - 1. A copy of a joint agreement signed by all parties and 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.
- (f) Certified copies of the [board] minutes **approving the agreement** for each district board of education involved in the joint agreement shall accompany the agreement submitted **by the host district board of education** to the executive county superintendent.

6A:27-10.1 General requirements

- (a) For the purposes of this subchapter, a resident district board of education, educational services commission, jointure commission, county special services school district, or any other entity governed by a [local] district board of education providing coordinated transportation services and identified by the Commissioner for this purpose shall be known as a coordinated transportation services agency (CTSA).
- (b) Representatives of the participating resident district boards of education and the CTSA shall meet at least annually to establish the provisions of the contractual agreement between the parties.
- (c) Resident district boards of education shall utilize a CTSA to transport students going to a special education or vocational school located outside of the resident school district, and nonpublic school students whose parents received aid in lieu of transportation in the prior school year **or for whom the resident school district cannot provide transportation in the ensuing school year**. District boards of education may also utilize the CTSA for any other transportation needs.
- (d) Transportation for a special education or vocational school student newly assigned to a school located outside of the resident school district, or a newly registered nonpublic school student for whom no route currently exists, shall be [given] **assigned** to a CTSA. If the CTSA is unable to coordinate transportation for the student with students from other school districts, the resident district board of education may choose to provide the transportation or pay aid in lieu of transportation in the case of nonpublic school students.
- (e) The executive county superintendent shall assist district boards of education and the [chief school] **nonpublic schools** 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] **The CTSA shall submit to the executive county superintendent a** copy of the **district board of education** resolution to participate in the coordinated services, the contractual agreement, and a copy of the **district board of education** minutes from both parties [shall be sent to the executive county superintendent]. The agreement shall include, but [is] not **be** limited to, the following:
1. The time period to be covered by the agreement;
  2. A description of the services to be provided;
  3. A list of the responsibilities of each party to the agreement;
  4. A formula for establishing the cost of service to each participating district board of education, including a provision for adjusting the final cost based upon actual expenditures;
  5. Administrative fees to be charged, if applicable;
  6. A payment time schedule;
  7. Provisions for revision of the services;
  8. The signatures of both parties to the agreement; and
  9. A provision for the executive county superintendent's acknowledgement of the agreement between the parties.
- (g) District boards of education and the CTSA shall provide to the Department all data necessary for the evaluation of the coordinated transportation services.

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

- (a) Resident district boards of education shall evaluate their methods of transporting students attending a special education or vocational school located outside of the school district

and nonpublic school students whose parents or legal guardians receive aid in lieu of transportation to determine whether services could be more economically provided through a **coordinated transportation services agency** (CTSA).

1. Bidding is not required for the purpose of comparing costs to make this determination.

**(b) Resident district boards of education shall first attempt to use a CTSA to provide transportation services for nonpublic school students prior to determining eligibility for aid in lieu of transportation.**

[**(b)**] **(c)** Resident district boards of education responsible for the transportation of students going to a special education or vocational school located outside the school district shall utilize a CTSA, except when:

1. The resident district can provide transportation at a lesser cost;
2. The resident district board of education can share transportation services through an agreement with another district board of education;
3. The transportation to be provided by the CTSA does not fall within the policies of the resident district board of education regarding length of ride and/or assignment of students to routes based on student age or classification; or
4. The CTSA is unable to coordinate transportation with other school districts.

[**(c)**] **(d)** Once the resident district board of education has been notified of the estimated cost of transportation and has agreed to the service arranged by the CTSA, the services shall be provided until the student no longer requires transportation.

1. Any party to the transportation service may dissolve the arrangement for good cause shown. The party withdrawing from the agreement shall make available upon request documentation of the cause to all affected parties.

[**(d)**] **(e)** 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 the nonpublic school students before the determination is made to pay aid in lieu of transportation.

1. If any unique limitations or restrictions on providing this transportation exist, the resident district board of education shall provide this information to the CTSA.
2. By August 1 preceding the school year in which transportation is to be provided, the district board of education shall notify the parents or legal guardians of the nonpublic school students and the nonpublic school administrators as to the manner in which transportation services are to be provided.
3. The executive county superintendent shall be notified when it has been determined that the inability to provide transportation services is due to calendar and/or schedule conflicts.

[(e)] (f) The resident district board of education shall document the reasons why it chose not to use a CTSA and maintain documentation of the per student cost calculation.

[(f)] (g) The resident district board of education may renew existing contracts in accordance with N.J.S.A. 18A:39-3 if the district board of education determines it is in its best interest to do so.

[(g)] (h) Regional [school districts] **district boards of education** shall continue to have the responsibility for providing nonpublic school transportation services for all constituent school district students **regardless of grade level**, in accordance with N.J.S.A. 18A:39-1. [It shall be the] **The** regional school [district's responsibility to determine] **district board of education shall be responsible for determining** when transportation should be provided through a CTSA.

6A:27-10.3 Responsibilities of coordinated transportation services agencies

- (a) A coordinated transportation services agency (CTSA) shall [be required to] organize, schedule, and provide transportation services in a manner that achieves maximum efficiency for participating school districts. Services and method of payment shall be described in an agreement between the CTSA and the resident district board of education.
- (b) A CTSA may contract for transportation services, use vehicles owned or leased by the agency, and/or utilize vehicles owned by district boards of education for the provision of coordinated services.
- (c) The calculation of per student costs for transportation services provided by a CTSA shall not include administrative expenses above the cost of providing the actual transportation service. If the agency costs are equal to or less than the maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a, excluding administrative fees, the agency shall provide transportation for the nonpublic school students.
  - 1. The maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a shall be determined by dividing the actual cost of the route to and from school by the number of students assigned to the route. The per student cost calculation does not include the administrative cost to administer the nonpublic school transportation program.
  - 2. An administrative fee is the amount charged to a district board of education by a CTSA for costs incurred to administer the transportation program. The administrative fee shall not be included in determining the actual cost of the route to and from school. Administrative fees are excluded from the calculation of the maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a.
- (d) A CTSA may charge an administrative fee to participating school districts to cover the ordinary cost of doing business. Determining routes and availability of service should be

considered part of the ordinary cost of doing business and included in the administrative fees charged to **resident** district boards of education. The agency shall not charge a per student application fee.

- (e) A CTSA may notify parents **or legal guardians** of the provision of nonpublic school transportation in accordance with N.J.A.C. 6A:27-2.3[(c)](b). Notification to the parents **or legal guardians** by the CTSA shall be made part of the resolution and contractual agreement between the parties.
- (f) If a CTSA cannot provide the requested transportation, the agency shall:
  1. Document why it is unable to provide transportation; and
  2. Maintain a listing of destinations for which it is unable to coordinate services to share this information with other school districts for possible coordination in the future.
- (g) Prior to bidding for transportation services, the CTSA shall notify participating school districts whether transportation will be coordinated with other school districts on their routes.
- (h) Resident district boards of education shall be billed for services in accordance with the contractual agreement with the agency. The billing shall include the participating school district's individual route costs based on adjusted monthly expenditures. The final cost billed to resident district boards of education shall be based on actual expenditures.
  1. The CTSA shall provide to district boards of education on a Commissioner-prescribed form the information necessary for State reimbursement of the portion of any administrative fee that causes the per student cost to exceed the maximum expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a.

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

- (a) The coordinated transportation services agency (CTSA) [is] **shall be** 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 **shall** include:
  - 1. An agency membership form listing each member school district and the name of the school district's 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 CTSAs to utilize agency owned/leased vehicles is not required when:
  - 1. An educational services commission or jointure commission transports students who reside in school districts that were members of the commission as of January 1, 2004, and the commission provided transportation with vehicles [they] **it** owned/leased as of that date;
  - 2. An educational services commission or jointure commission [provided transportation to] **transports** students who reside in school 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 (**CSSSD**) transports students who reside in the county and are enrolled in the school district or in nonpublic schools[,] if, as of January 1, 2004, the [special services school district] **CSSSD** owned/leased buses and was providing transportation; or
  - 4. A [county special services school district] **CSSSD** transports [special education] students **with disabilities** within the county or contiguous counties[,] if, as of January 1, 2004, the [special services school district] **CSSSD** is located in a fifth class county and has been providing special education transportation with buses it owns/leases.

**6A:27-11.1 [Emergency procedures] District board of education safety policies**

- (a) District boards of education shall establish policies and procedures to be followed by the school bus driver in the event of an emergency.
- (b) District boards of education and school bus contractors shall establish policies and practices to ensure that school bus drivers [employed by them] comply with all applicable rules of this chapter.
- (c) **District boards of education shall develop a policy to ensure that school administration conducts ongoing random checks of school bus transportation operations. The checks shall include, but not be limited to:**
  - 1. **Verifying that drivers possess a valid CDL with proper endorsements to operate the type(s) and class(es) of vehicle(s) used to transport students as set forth in N.J.A.C. 6A:27-12.1(d);**
  - 2. **Verifying that the vehicle(s) being used to transport students has a valid registration, insurance, and inspection sticker as set forth in N.J.A.C. 6A:27-1.6 and 7.1; and**
  - 3. **Conducting a pre-trip inspection of buses.**

**6A:27-11.2 Evacuation drills and safety education**

- (a) [School administrators] **Administrators, or a person assigned to act in a supervisory capacity, in each school of attendance** shall organize and conduct emergency exit drills **on school property** at least twice within [the] **each** school year for all students who are transported to and from school. **Drills shall include instruction for the proper use and adjustment of seatbelts.**

1. All other students shall receive school bus evacuation instruction at least once within [the] **each** school year.
- (b) [The school] **School** bus [driver] **drivers** and bus [aide] **aides** shall participate in the emergency exit drills.
- (c) Drills shall be conducted on school property and shall be supervised by the principal or person assigned to act in a supervisory capacity.]
- [**(d)**] **(c)** Drills shall be documented in the minutes of [the district board of education at] the first **district board of education** meeting following the completion of [the] **each** emergency exit drill. The minutes shall include, but [are] **shall** not **be** limited to, the following:
  1. The date of the drill;
  2. The time 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 assigned person(s) who supervised the drill.

#### 6A:27-11.3 Training

- (a) Employers shall ensure that all school bus drivers and school bus aides are properly trained for the functions of their positions.
- (b) Employers shall administer a safety education program for all permanent and substitute drivers and aides **twice per calendar year**. At a minimum, the training shall include:
  1. Student management and discipline;
  2. School bus accident and emergency procedures;
  3. Conducting school bus emergency exit drills;
  4. Loading and unloading procedures;

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) In addition to the training requirements in (b) above, employers shall administer to school bus drivers a safety education program that includes defensive driving techniques and railroad crossing procedures.
- (d) **For all school bus drivers and school bus aides that it employs, an employer shall administer a training program for interacting with students with disabilities as developed by the Commissioner pursuant to N.J.S.A. 18A:39-19.2 and 19.3. The employer shall administer the training program to each employee prior to allowing him or her to operate a school bus or serve as a school bus aide.**
1. **An employer shall require a school bus driver or school bus aide to file a certification with the employer that the individual has completed the training program within five business days of its completion. The employer shall retain a copy of the certification for the duration of the individual's employment, and shall forward a copy of the certification to the executive county superintendent with the annual school bus driver and aide certifications.**

6A:27-11.4 Student safety education

[District] **At least once each school year, district** boards of education shall provide to public school students a safety education program that includes pedestrian safety and rules for riding the school bus.

## **6A:27-11.5 Student list for school-sponsored activities**

**Each district board of education may develop and implement a policy requiring the compilation of a list of the names of students being transported by a school bus to a school-sponsored activity, including, but not limited to, field trips or interscholastic sports programs. Any policy pursuant to this section shall require the individual creating the list of students for each school bus to submit it to the school principal, or designee, and the principal, or designee, to maintain the list for use in the case of an emergency.**

### **Subchapter 12. Drivers and Aides**

#### **6A:27-12.1 General requirements**

- (a) The school bus driver and aide shall be reliable persons of good moral character who possess the qualifications and communication skills necessary to perform the duties of the position.
- (b) Anyone driving a school vehicle used to transport students to and from school and [school related] **school-related** activities shall meet all requirements of N.J.S.A. **18A:6-7.6 through 7.12 and 18A:39-17, 18, 19.1, and 20**, and all New Jersey Motor Vehicle Commission (NJMVC) rules governing school bus drivers.
  - 1. The executive county superintendent shall ensure compliance with the requirements in (b) above.
- (c) **Any certified mobility assistance vehicle technician authorized by a district board of education, nonpublic school governing body, or State agency to provide mobility assistance vehicle transportation services, pursuant to N.J.S.A. 18A:39-20.1, shall:**
  - 1. **Furnish to the executive county superintendent a criminal history background check and evidence of a check for the technician's record of alcohol and drug-related motor vehicle violations;**

- 2. Not be required to be licensed or regulated as a school bus driver; and**
- 3. Not be subject to the requirements set forth in N.J.S.A. 18A:39-19.2.**

[c] (d) [Drivers] A **driver** shall hold a valid commercial driver's license (**CDL**) with appropriate endorsement(s) for the class and type of vehicle operated, issued by the **NJMVC or the state where the driver primarily resides.**

[d] (e) School bus drivers shall wear a properly adjusted and fastened seat belt.

(f) **Employers shall submit to the Department's Office of Student Protection a school bus driver transmittal form, and shall receive an approval letter from the Office of Student Protection, prior to assigning a newly hired, currently approved school bus driver to a bus route.**

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

1. The driver's and/or aide's name and Social Security number;
2. The driver's license number with the class of license, endorsement to operate a school bus, and the issuing [State] **state**;
3. A current medical examiner's certificate, if required;
4. The current criminal history background check certification letter; and
5. A copy of the Department's [Criminal History Review Unit] **Office of Student Protection** school bus driver transmittal form, if applicable.

(h) **Employers shall notify each school bus driver when reoccurring qualification requirements become due. The requirements shall include, but not be limited to:**

1. **Driver license renewal;**
2. **Driver physical; and**
3. **Criminal history background check.**

- (i) **Employers shall notify each school bus aide and mobility vehicle assistance technician when the criminal history background check becomes due.**
- (j) **Within one business day of notification that a school bus driver's license is suspended or revoked, employers shall verify to the Department's Office of Student Protection that the driver is no longer operating a school bus.**
- [f] (k) The driver shall complete daily a driver's school bus condition report as prescribed by the NJMVC.
- [g) The school bus driver and bus aide shall participate in emergency exit drills performed in accordance with N.J.A.C. 6A:27-11.2.]
- [h] (l) School bus aides shall meet criminal history background check requirements, pursuant to N.J.S.A. 18A:6-7.1 et seq.
- [i) School bus drivers and aides shall meet tuberculin testing requirements pursuant to N.J.A.C. 6A:32-6.3(b)2iv.]
- [j] (m) School bus drivers and aides shall be considered under the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, to be school officials who have a legitimate educational interest to 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 to fulfill his or her professional responsibility, is defined for school bus drivers and aides as information needed 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.]

- (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 that involves an injury, death, or property damage. **The driver shall complete and submit the Commissioner-prescribed preliminary school bus accident report to the principal and school business administrator by the end of the first business day after the accident.** The driver shall also [complete and] file, within 10 days of the accident, the **completed Commissioner-prescribed** preliminary school bus accident report [prescribed by the Commissioner] **with the Department.**
- (b) **The district board of education shall also electronically submit the accident information to the Department on the Department-prescribed electronic accident report log.**
- [b)] (c) In addition to the preliminary school bus accident report, the driver of a school bus involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of \$500.00, shall complete and file within 10 days after [such] **the** accident a motor vehicle accident report in accordance with N.J.S.A. 39:4-130.

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 the transportation, or their designees, following an incident in which it has been determined that a student was 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] **his or her** designee, shall complete the [student left unattended on the bus] **Student Left Unattended On the Bus** report prescribed by the Commissioner and submit it to the executive county superintendent within 10 days of the incident.
  1. The executive county superintendent shall submit the completed report to the Office of [Student Transportation] **School Finance** and the [Criminal History Review Unit] **Office of Student Protection**.

#### **6A:27-12.4 School district transportation supervisors**

- (a) **For the purposes of this chapter, “school district transportation supervisor” means an individual employed by a district board of education whose job function includes a majority of the following: the operation of student transportation in the school district; administration, supervision, and evaluation of student transportation and vehicle maintenance personnel; planning and coordinating work schedules for all transportation personnel; the packaging of routes for bidding purposes; administering, monitoring, and overseeing the Federal and State requirements for student transportation in the school district; developing and implementing the school district’s student transportation policies and training; regularly monitoring the safe transportation of the school district’s students and the maintenance of vehicles; and preparation or submission of district board of education contracts, reports, and other documentation required by this chapter.**
- (b) **A school district transportation supervisor who meets the criteria of b(1) or 2 below shall be required, as a condition of employment, to provide evidence to the district board of education of satisfactory completion of the School Transportation**

**Supervisors Certification Program offered by the Center for Government Services at Rutgers, the State University of New Jersey or any other certification program designated by the Commissioner.**

- 1. A school district transportation supervisor who was employed by a district board of education on January 31, 2019, and has less than 11 years of experience as a school district transportation supervisor shall complete the certification program no later than January 31, 2023.**
  - 2. A school district transportation supervisor who was hired by a district board of education after January 31, 2019, and has less than 11 years of experience as a school district transportation supervisor shall complete the certification program within four years of the date of hire.**
- (c) **The school district transportation supervisor and district board of education shall determine who bears the cost of completing the certification program.**
- (d) **A certified school business administrator employed as the district board of education's school business administrator shall not be required to meet the requirements set forth in (b) above, regardless of whether the individual performs the majority of the job functions in (a) above.**
- (e) **Any school district transportation supervisor certification program designated by the Commissioner shall include courses focused on the statutes and regulations that govern school transportation operations.**

Subchapter 13. Governance and Administration

6A:27-13.1 General authority

- (a) The Commissioner shall provide for a thorough evaluation of student transportation operations and fiscal procedures of district boards of education to determine compliance with the provisions of this chapter and N.J.S.A. 18A:39-1 et seq.

- (b) The Commissioner may withhold or adjust transportation aid for district boards of education that are noncompliant with the **chapter's** provisions [set forth in this chapter], such as, but not limited to, the improper award of contracts, use of unauthorized vehicles, or inaccurate data submitted for State aid.

#### 6A:27-13.2 General school district procedures

District boards of education shall submit **to the Department** reports necessary for the calculation of State transportation aid and the analysis of the numerical values (cost factors) contained in the transportation aid formula in accordance with N.J.S.A. 18A:7F-57.

#### 6A:27-13.3 Regulatory review

- (a) The executive county superintendent shall conduct a review of transportation operations of district boards of education in accordance with N.J.A.C. 6A:30 and 6A:23A-2.3.
- (b) The Office of [Student Transportation field representative] **School Finance** shall conduct reviews of the executive county superintendent's administration of student transportation. The review shall include a sampling of records submitted to the executive county superintendent by district boards of education to determine compliance with the **chapter's** provisions [of this chapter].
- (c) The Office of [Student Transportation field representative] **School Finance** shall conduct reviews of student transportation procedures, operations, and fiscal records of district boards of education as directed by the Commissioner[, and]. **The Office of School Finance** shall notify the district board of education and executive county superintendent of the findings.
- (d) The Office of [Student Transportation] **School Finance** shall verify data submitted by district boards of education for State transportation aid.

#### 6A:27-13.4 Corrective **action** plan

A district board of education found to be deficient as a result of the Office of [Student Transportation] **School Finance** review shall submit to the Office and the executive county superintendent a corrective action plan addressing the specific recommendations.

#### 6A:27-13.5 Compliance investigation

- (a) The Office of Fiscal Accountability and 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] **School Finance** review or Department monitoring process under any one of the following circumstances:
  - 1. The Office of [Student Transportation] **School Finance** review indicates the existence of conditions that may prevent the successful implementation of [a] **the corrective action plan required pursuant to N.J.A.C. 6A:27-13.4;**
  - 2. A district board of education fails to implement and adhere to the corrective action plan approved by the executive county superintendent; 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:23A-4.1(a)] **compliance as set forth in the corrective action plan.**