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APPENDIX**SUBCHAPTER 1. GENERAL PROVISIONS****6:21-1.1 General requirements**

(a) Under the provisions of the New Jersey Statutes, the State Board of Education shall adopt and enforce rules consistent with law to cover the design and operation of all school buses used in the transportation of public school pupils to and from school and school related activities including the transportation of nonpublic school pupils by a district board of education.

(b) Transportation of pupils attending public or nonpublic schools shall be provided pursuant to N.J.S.A. 18A:39-1 et seq.

(c) All forms prescribed by the Commissioner of Education referred to in this chapter are available in the office of the county superintendent of schools, and at the Bureau of Pupil Transportation, Department of Education, 240 West State Street, CN 500, Trenton, New Jersey 08625.

(d) It is recommended that district boards of education and school bus contractors acquaint themselves with the procedures described in the Department of Education Policies and Procedures Manual for Pupil Transportation to ensure efficiency in the implementation of a pupil transportation program. This manual is available for review at the transportation office of the district board of education, the office of the county superintendent of schools and the Bureau of Pupil Transportation.

Amended by R.1985 d.451, effective September 3, 1985.

See: 17 N.J.R. 1365(a), 17 N.J.R. 2107(a).

Added "1967" to Standards published, rules effective changed from "1967" to "1985".

Amended by R.1989 d.610, effective December 18, 1989.

See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

Retitled, formerly "Rules" and repealed and replaced (c) and (d).

Amended by R.1994 d.404, effective August 1, 1994.

See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

Case Notes

Refusal to reestablish bus stop was arbitrary and capricious. Peary v. Barnegat Township Board of Education, 93 N.J.A.R.2d (EDU) 798.

State aid reimbursement; prior approval of purchase by county superintendent. Hillsborough Township Board of Education v. Saul Cooperman, Commissioner of Education, and New Jersey Department of Education, 92 N.J.A.R.2d (EDU) 141.

6:21-1.2 Accident reporting

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

(b) 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 within 10 days after such accident complete and file a Motor Vehicle Accident Report in accordance with N.J.S.A. 39:4-130.

(c) Each district board of education shall establish policies and procedures to be followed by the school bus driver in the event of an emergency.

R.1972 d.220, effective November 6, 1972.
See: 4 N.J.R. 231(a), 4 N.J.R. 302(a).
Amended by R.1985 d.451, effective September 3, 1985.
See: 17 N.J.R. 1365(a), 17 N.J.R. 2107(a).
Section substantially amended and (c) added.
Amended by R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
References to specific forms to be filed added.
Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

6:21-1.3 Remote defined

(a) The words "remote from the schoolhouse" shall mean beyond 2½ miles for high school pupils (grades 9 through 12) and beyond two miles for elementary pupils (grades kindergarten through eight), except for educationally handicapped pupils.

(b) For the purpose of determining remoteness in connection with pupil transportation, measurement shall be made by the shortest route along public roadways or public walkways from the entrance of the pupil's residence nearest such public roadway or public walkway to the nearest public entrance of the assigned school.

R.1972 d.220, effective November 6, 1972.
See: 4 N.J.R. 231(a), 4 N.J.R. 302(a).
Amended by R.1976 d.342, effective November 4, 1976.
See: 8 N.J.R. 546(b).
Amended by R.1985 d.451, effective September 3, 1985.
See: 17 N.J.R. 1365(a), 17 N.J.R. 2107(a).
"8" changed to "eight".
Amended by R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
At (a) added category of "educationally handicapped pupils".

Law Review and Journal Commentaries

Education—Busing. P.R. Chenoweth, 137 N.J.L.J. 52 (1994).

Case Notes

Walkway was as safe as any other sidewalk, and walkway qualified as public thoroughfare for purposes of calculating whether students who used walkway resided more than two miles from school and had to be bused. Board of Educ. of Tp. of Wayne v. Kraft, 139 N.J. 597, 656 A.2d 430 (1995).

Safety considerations required that walkway in isolated and wooded area could not be used for determining whether students were eligible for mandatory free pupil transportation. Board of Educ. of Tp. of Wayne v. Kraft, 274 N.J.Super. 211, 643 A.2d 1029 (A.D.1994), certification granted 138 N.J. 267, 649 A.2d 1287, reversed 139 N.J. 597, 656 A.2d 430.

Safety and welfare of children is purpose of statute requiring transportation of elementary pupils living more than two miles from school. Board of Educ. of Tp. of Wayne v. Kraft, 274 N.J.Super. 211, 643 A.2d 1029 (A.D.1994), certification granted 138 N.J. 267, 649 A.2d 1287, reversed 139 N.J. 597, 656 A.2d 430.

Private roads; remoteness from school. Board of Educ. of Tp. of Wayne v. Kraft, 274 N.J.Super. 211, 643 A.2d 1029 (A.D.1994), certification granted 138 N.J. 267, 649 A.2d 1287, reversed 139 N.J. 597, 656 A.2d 430.

State Board of Education properly interpreted of regulation delineating distance from pupil's residence which renders school remote to include in calculation driveway running from public roadway. Nelson v. Board of Educ. of Borough of Glen Ridge, 246 N.J.Super. 467, 587 A.2d 1327 (A.D.1991).

Statute providing for reimbursement to parent of expenses for private school transportation within the State upheld against equal protection constitutional challenge. Reed v. State Attorney General, 195 N.J.Super. 172, 478 A.2d 788 (App.Div.1984).

School district was required to provide transportation for children when distance covered between home and school was beyond two-mile limit. Nichols v. Wayne Board of Education, 95 N.J.A.R.2d (EDU) 157.

Right to free transportation; route to school measured along available sidewalks and existing marked crosswalks. Nichols v. Wayne Township Board of Education, 93 N.J.A.R.2d (EDU) 701.

Students not entitled to busing; students lived within two miles of school. Potter, et al., v. Board of Education of Township of Wayne, 93 N.J.A.R.2d (EDU) 162.

Courtesy school busing policy; not arbitrarily applied to student living within one mile of school. Buonocore v. Hillsdale Borough Board of Education, 92 N.J.A.R.2d (EDU) 655.

Walkway was "public walkway" for purpose of determining remoteness from school house. Board of Education of Township of Wayne v. Kraft, O'Keefe, Brooks, Moriarty, Glazer, Et Al, 92 N.J.A.R.2d (EDU) 111.

Policy behind and meaning of "remoteness": "W.C." and "M.L." Horner, individually and as parents and natural guardians of "W.L.H." and "J.R.H." v. Bd. of Ed. Kinsway Reg. H.S. Dist., Gloucester Cty., 1979 S.L.D. 487, 1979 S.L.D. 493.

Application of hazard exception. Beggans v. Bd. of Ed., W. Orange, Essex Cty., 1974 S.L.D. 834, 1975 S.L.D. 1071.

6:21-1.4 Retirement of school buses

(a) School buses manufactured prior to April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for pupil transportation.

(b) School buses, Type I and Type II, as defined by N.J.S.A. 39:1-1, which are registered and inspected in this State, manufactured on or after April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be utilized for pupil transportation purposes beyond the end of the twelfth year from the year of manufacture, as noted on the vehicle registration, or at the end of the school year in which that year falls, whichever is later. Such buses, when used beyond the tenth year, shall have an annual in-depth inspection by the Division of Motor Vehicles prior to the ensuing school year.

(c) School buses of transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds shall not be used for pupil transportation purposes beyond the end of the twentieth year from the year of manufacture, as noted on the vehicle registration, or at the end of the school year in which that year falls, whichever is later.

R.1974 d.176, effective July 1, 1974.
See: 6 N.J.R. 227(a), 6 N.J.R. 302(c).
Amended by R.1980 d.382, effective September 5, 1980.
See: 12 N.J.R. 453(b), 12 N.J.R. 569(e).

(a) amended.
(c) deleted.

Amended by R.1983 d.457, effective October 17, 1983.
See: 15 N.J.R. 982(b), 15 N.J.R. 1740(a).
Added new (b) and recodified old (b) as (c).
Amended by R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

At (b) added Type I and Type II school buses and referenced statutory cite for definition.

(b) It shall be the obligation of the parent or guardian of private school pupils to annually obtain the Application For Private School Transportation, as prescribed by the Commissioner of Education, from the administrative office of the private school in which the pupil is enrolled.

(c) Upon completion by the parent or guardian, the application shall be returned to the private school on or before May 1 preceding the school year in which transportation is being requested.

(d) The private school shall annually collect from the parent or guardian the applications and submit them to the public school from which transportation is being requested for registration and implementation prior to May 15.

(e) The public school shall notify the parent or guardian and private school as to the determination of each application by August 1.

(f) A late application shall be any application received by the district after May 15. Eligible pupils will receive transportation or aid in lieu of transportation based upon the date of receipt of the application by the public school.

(g) Prior to August 1, the public schools shall prepare the Private School Transportation Summary form as prescribed by the Commissioner of Education.

Amended by R.1975 d.5, effective January 14, 1975.
See: 6 N.J.R. 467(a), 7 N.J.R. 46(b).
Amended by R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

Late application redefined as after May 15 and references to specific forms added.

SUBCHAPTER 2. REQUIREMENTS FOR NONPUBLIC SCHOOL TRANSPORTATION

6:21-2.1 General requirements

(a) 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 adopt policies and procedures governing the transportation of pupils to and from school. Districts shall advertise for bids before determination is made to provide transportation or aid in lieu of transportation pursuant to N.J.S.A. 18A:39-1.

Repealed and New Rule: R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

Case Notes

Fear for safety while commuting did not render private school expenses reimbursable. *B.J. v. Board of Educ. of the Township of Teaneck*, 93 N.J.A.R.2d (EDU) 424.

6:21-2.2 Registration procedure

(a) The private school shall obtain the Application for Private School Transportation, as prescribed by the Commissioner of Education, from the public schools.

6:21-2.3 Time of transportation

Transportation, pursuant to N.J.S.A. 18A:39-1, shall be provided Monday through Friday between September 1 and June 30 when the nonprofit private school is in session.

6:21-2.4 Grade level

Students eligible for transportation or aid in lieu of transportation shall be enrolled in grades kindergarten through grade 12. The determination of entrance age for pupils shall be in accordance with N.J.S.A. 18A:38-5 and 18A:44-2.

Amended by R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
"Aid in lieu of transportation" added.

6:21-2.5 School closings

Suspension of the operation of the pupil transportation system, due to inclement weather or other conditions, shall be the responsibility of the public school authorities providing the transportation.

Amended by R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

Corrected N.J.A.C. cite and referenced "inclement" weather.

6:21-2.6 Early withdrawal

The public school shall be immediately notified by the administrative agent of the private school when a pupil eligible for transportation or aid in lieu of transportation withdraws from the private school.

Amended by R.1975 d.5, effective January 14, 1975.
See: 6 N.J.R. 467(a), 7 N.J.R. 46(b).
Repealed and New Rule: R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

6:21-2.7 Certification of attendance

(a) Between January 1 and January 10 of each year, the private school administrator shall certify on forms prescribed by the Commissioner of Education, that the named pupils were enrolled for the first half of the academic year (September to January) and return the forms to the public school prior to January 15.

(b) The public school shall evaluate the January certification report and, if approved, shall pay aid in lieu of transportation to the parent or guardian of the eligible pupils after receiving a signed Request For Payment of Transportation Aid voucher as prescribed by the Commissioner of Education.

(c) Between May 1 and May 10 of each year, the private school administrator shall certify on forms prescribed by the Commissioner of Education that the named pupils were enrolled for the second half of the academic year, (January to June) and return the forms to the public school prior to May 15.

(d) The public school shall evaluate the May certification, and if approved, shall pay aid in lieu of transportation to the parent or guardian of the eligible pupils after receiving a signed Request For Payment of Transportation Aid voucher as prescribed by the Commissioner of Education.

(e) Upon request, the district board of education shall send to the county superintendent of schools the Private School transportation Summary.

(f) A district board of education shall not be required to pay aid in lieu of transportation when the Request for Payment of Transportation Aid voucher is received after the close of the fiscal year.

Amended by R.1975 d.5, effective January 14, 1975.
See: 6 N.J.R. 467(a), 7 N.J.R. 46(b).
Repealed and New Rule: R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

6:21-2.8 (Reserved)

Amended by R.1975 d.5, effective January 14, 1975.
See: 6 N.J.R. 467(a), 7 N.J.R. 46(b).
Repealed by R.1989 d.610, effective December 18, 1989.

See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

6:21-2.9 (Reserved)

R.1975 d.5, effective January 14, 1975.
See: 6 N.J.R. 467(a), 7 N.J.R. 46(b).
Repealed by R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

SUBCHAPTER 3. REQUIREMENTS FOR PUBLIC SCHOOL TRANSPORTATION

6:21-3.1 Statutory basis

(a) Transportation of pupils attending public schools shall be furnished pursuant to N.J.S.A. 18A:39-1 et seq.

(b) District boards of education shall adopt policies and procedures governing the transportation of pupils to and from school and school related activities.

Amended by R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
New (b) added.

Case Notes

No abuse of discretion in changing designated bus stop for perceptually impaired 12-year-old. Peary v. Board of Education of Township of Barnegat, 93 N.J.A.R.2d (EDU) 167.

SUBCHAPTER 4. SCHOOL BUS CAPACITY

6:21-4.1 Capacity

(a) The number of pupils assigned to a seat may not exceed the gross seating length in inches divided by 15. Application of the foregoing formula shall not result in the approval of a school vehicle with a seating capacity in excess of 54.

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

(b) There shall be no standees.

(c) This section shall not apply to a bus while being used as a common carrier on a preset franchised route and schedule.

Repeal and New Rule, R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).