

CHAPTER 27
STUDENT TRANSPORTATION

Authority

N.J.S.A. 18A:1-1, 18A:4-15, 18A:39-21 and 18A:70-18.

Source and Effective Date

R.2010 d.085, effective May 13, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 27, Student Transportation, expires on May 13, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 27, Student Transportation, was adopted as R.2001 d.17, effective January 2, 2001. See: 32 N.J.R. 3695(a), 33 N.J.R. 31(a).

Chapter 27, Student Transportation, was readopted as R.2005 d.259, effective July 8, 2005. See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

Chapter 27, Student Transportation, was readopted as R.2010 d.085, effective May 13, 2010. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:27-1.1 Authority

(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 (CTSA).

(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 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) Suspension of the operation of transportation services due to inclement weather or other conditions shall be the responsibility of the district board of education providing the transportation services.

Amended by R.2002 d.303, effective September 16, 2002.
 See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

In (a), inserted “(CTSA)” following “agencies”.
 Amended by R.2010 d.085, effective June 7, 2010.
 See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

Added new (c); and recodified former (c) as (d).

6A:27-1.2 Students who shall be transported

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

1. The words “remote from the school of attendance” 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 eight).

2. For the purpose of determining eligibility for student transportation, measurement shall be made by the shortest route along public roadways or public walkways between the entrance of the student’s residence nearest such public

roadway or public walkway and the nearest public entrance of the school which the student attends.

Amended by R.2002 d.303, effective September 16, 2002.

See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

Amended by R.2005 d.259, effective August 1, 2005.

See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

In (a)2, substituted “between” for “from,” and substituted “and” for “to”.

Amended by R.2010 d.085, effective June 7, 2010.

See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

In the introductory paragraph of (a), inserted the last sentence.

6A:27-1.3 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 policies and at their own 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 who provide for the transportation of students pursuant to N.J.S.A. 18A:39-1 or a cooperative transportation services agency 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 or legal guardian 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 coordinated transportation services agency (CTSA).

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

(d) When the parent or legal guardian elects to have transportation provided for their child pursuant to this section, the district board of education and a CTSA may elect to charge the parent or legal guardian for all or part of the cost of this service. However, the cost of the transportation paid by the 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.

(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 may elect to charge the parent or legal guardian for all or part of the cost of this service.

(f) Students may not be excluded from receiving services described under this section who are unable to pay because of

Amended by R.2005 d.259, effective August 1, 2005.
See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

In (a), substituted "Motor Vehicle Commission" for "Department of Transportation".

Amended by R.2010 d.085, effective June 7, 2010.

See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

In (a)1, inserted ", and displays a current certificate indicating that the vehicle was inspected by the New Jersey Motor Vehicle Commission's Commercial Bus Unit".

6A:27-7.2 Capacity

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

(b) There shall be no standees.

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

Amended by R.2010 d.085, effective June 7, 2010.

See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

Deleted (a)1.

6A:27-7.3 Retirement of school buses

(a) 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 (GVW) exceeds 25,000 pounds, shall not be utilized for student transportation purposes beyond the end of the 12th 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 10th year, shall have an annual in-depth inspection by the New Jersey Motor Vehicle Commission prior to the ensuing school year.

(b) School buses of transit type whose GVW exceeds 25,000 pounds shall not be used for student transportation purposes beyond the end of the 20th 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.

Amended by R.2005 d.259, effective August 1, 2005.

See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

In (a), substituted "New Jersey Motor Vehicle Commission" for "Department of Transportation".

6A:27-7.4 Small vehicles

(a) A small vehicle is defined as any vehicle originally designed by the manufacturer with a seating capacity of 10 or fewer persons including the driver, which is used to transport students to and from school or 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 activities. The GVWR is the value specified by the manufacturer as the maximum loaded weight of the vehicle.

(c) The provisions of this section apply to a small vehicle used for the transportation of public school students to and from school and 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 any vehicle originally designed by the manufacturer with a capacity of 11 or more persons including the driver.

(b) These vehicles shall comply with all New Jersey Motor Vehicle Commission regulations for the manufacture of school buses.

Amended by R.2005 d.259, effective August 1, 2005.

See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

In (b), substituted "Motor Vehicle Commission" for "Department of Transportation".

6A:27-7.6 Transportation to and from related school activities

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

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

A parent 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 possess a commercial driver's license, to use a vehicle registered as a school bus, or to comply with the health examination prescribed for employees of the district board of education.

Amended by R.2005 d.259, effective August 1, 2005.

See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

Added "a negotiated" preceding "contract".

Case Notes

Where child attended a self-contained school for autistic children in Stanhope, about 44 miles from his home in Ramsey and the child's IEP provided for transportation as a related service, parents' request for mileage reimbursement for four trips per day rather than one round trip per day, because the parent had to drive to Stanhope and back two times per day, was denied. In addition to its offer to provide the round-trip mileage reimbursement for private transportation, the board of education offered school bus transportation through a consortium of schools, and parents' subjective assertions concerning the consortium transportation could not be established as fact based on the record in the case. W.S. and P.S. ex rel. W.S. v. Ramsey Bd. of Educ., OAL DKT. NO. EDS 1544-08, 2008 N.J. AGEN LEXIS 89, Final Decision (February 20, 2008).

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

(a) The following words and terms, when used in this subchapter, shall have the meanings listed 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 of New Jersey. For a regional school district, a contiguous school district shall be an adjoining and adjacent school district which shares in some part a common boundary with the total regional school district.

“Group” means 10 or more persons.

“Senior citizens” means those people of the State of New Jersey 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 purpose of transporting senior citizens’ groups to and from events within the school district or in any contiguous school district, for transporting handicapped citizens in any school district, and for transporting children and adults participating in a recreation or other program operated by the municipality or municipalities in which the school district is located or the municipality in which any constituent school district of a regional school district is located. Such events shall include, but not be limited to, civic, social, cultural, educational, recreational, nutritional and health programs and activities.

(c) The district board of education shall adopt a policy addressing the transportation of these groups. 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, the costs of fuel, driver salaries, insurance, and depreciation.

(d) The use of school buses by these groups requires the approval of the district board of education and 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 these groups.

(g) School buses, when used to transport these groups, 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 these groups 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.

Amended by R.2005 d.259, effective August 1, 2005.

See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

In (a) and (b), added “school” preceding “district” throughout; in (e), substituted “Motor Vehicle Commission” for “Department of Transportation”.

Case Notes

School district was precluded from leasing its buses to a Jewish Community Center for use in transporting children to the Center's private summer camp where only three categories of non-school uses for school buses were allowed: (1) the transport of senior citizens within a defined geographic area, (2) the transport of disabled persons within a school district, and (3) the transport of people participating in recreational or other programs operated by the municipalities in which the school district is located. Thus, the use of school buses was limited to programs operated by the municipality in which the school district was situated (rejecting 2009 N.J. AGEN LEXIS 11). *Murphy Transportation, Inc. v. Bd. of Educ. of Ocean*, OAL Dkt. No. EDU 2991-07, 2009 N.J. AGEN LEXIS 629, Final Decision (February 24, 2009).

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.

Amended by R.2005 d.259, effective August 1, 2005.
See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

Substituted "New Jersey Motor Vehicle Commission" for "Division of Motor Vehicles in the Department of Transportation".

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, 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 of Education.

(c) A choice school district shall be entitled to State aid for each eligible choice school student transported.

(d) District boards of education shall submit all data necessary for the calculation of State transportation aid.

Amended by R.2010 d.085, effective June 7, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).
Updated the N.J.S.A. reference.

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

District boards of education shall submit 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 of Education.

SUBCHAPTER 9. CONTRACTING FOR TRANSPORTATION SERVICES**6A:27-9.1 General provisions**

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

(b) Any contract drawn which fails to meet the 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 of Schools.

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

Amended by R.2010 d.085, effective June 7, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

In (a), inserted the last sentence; in the introductory paragraph of (c), inserted "Executive"; and in (c)1, substituted "Executive County Superintendent's" for "county superintendent's".

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

(a) Prior to the opening of school and in sufficient time to publicly advertise for bids, district boards of education shall assess their student transportation needs. If the assessment indicates that student transportation services are anticipated or in the aggregate shall exceed the statutory bid limit, except for contracts qualifying for renewal, all transportation services shall be bid in accordance with N.J.S.A. 18A:39-3.

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

(b) 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 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 contract shall have 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 transportation. All bids shall be advertised with the time and place fixed to each advertisement 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 in attendance and publicly announce the contents.

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

(d) The officer of the district board of education responsible for distributing specifications to prospective bidders shall maintain a bidders' list and keep a list 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 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, after due notice and hearing, the district board of education determines that a breach of contract exists, it 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, and may annul the contract.

Amended by R.2005 d.259, effective August 1, 2005.
See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

In (a), added paragraph 1; in (b), added "or school related activities" following "to and from school"; added "school" preceding "district at least 10 days"; added "district" following "submission of proposals to the"; rewrote (c); and in (e), deleted paragraph 3.

Amended by R.2010 d.085, effective June 7, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

In the introductory paragraph of (a) and in (a)1, inserted "are anticipated or"; and in (c), inserted "Executive".

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, 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 must be definite, precise, impose common standards and shall 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 in advance of the submission of bids by all prospective and actual bidders. If, in good faith, a district board of education finds it has made a mistake in its specifications that cannot be corrected, bids shall not be accepted based upon those specifications.

(c) Variations from the bid specifications required by this subchapter shall be reasonable and are subject to review by the Commissioner of Education.

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

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

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

iii. Transportation routes shall be arranged so that the buses shall transverse the 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 activities transportation shall include any or all, but shall not be limited to, the following criteria which shall define the basis of the bid:

- i. The destination(s);
- ii. The time of departure and return;

- iii. The vehicle type and capacity;
- iv. The need for special equipment and instructions;
- v. The need for an aide; and
- vi. The number of vehicles required per trip.

3. The bid specifications shall state that the district board of education shall reserve the right, with the approval of the Executive County Superintendent of Schools, to

change the route or trip. If any change results, adjustment in the contract price shall be made in accordance with the bid.

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