

Individualized Education Program in order to be eligible for transportation services.

## SUBCHAPTER 5. SPECIAL NEEDS TRANSPORTATION

### 6A:27-5.1 Special needs students

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

1. 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 the 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.

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 assigned.

4. Students with disabilities below the age of five shall be transported in vehicles equipped with safety belts or other child restraint systems.

### 6A:27-5.2 Katzenbach School

(a) A district board of education shall be required to furnish daily transportation Monday through Friday to and from the Katzenbach School for nonboarding 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 which 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 responsible for the transportation of residential students between established regional sites and the student's home in accordance with N.J.A.C. 6A:14-3.9(a)7.

## 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 the 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 that school district.

(b) When a homeless child attends school in the district of residence, the district of residence shall provide transportation services.

(c) When a homeless child attends school in the 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.

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 "school" preceding "district other", "district in which", and "district."; added (b); recodified former (b)-(d) as (c)-(e); in (c), added "school" preceding "district"; and in (d), added "school" preceding "district where".

### 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.

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

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

Rewrote the section.

### 6A:27-6.4 Students residing in foster homes

Transportation for students living in foster homes shall be the responsibility of the resident district board of education in which the foster home is located.

**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) 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 within the same school district or different school districts.

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

**SUBCHAPTER 7. VEHICLE USE AND STANDARDS****6A:27-7.1 General provisions**

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

1. A vehicle is exempt from authorization for school use on the certificate of inspection when it is being used on a preset franchised route and schedule or is chartered for school related activities.

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".

**6A:27-7.2 Capacity**

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

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

(b) 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.

**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