

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

3. 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.

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)2, inserted the last sentence.

Case Notes

Although regulations provide for transportation to and from school as required in an IEP, a school district is not required to physically transport an eight-year-old autistic child to speech therapy where reasonable alternatives exist, such as reimbursement or providing the therapy after school. C.F. ex rel. J.F. v. Franklin Twp. Bd. of Educ., OAL Dkt. No. EDS 8034-08, 2008 N.J. AGEN LEXIS 876, Final Decision (October 29, 2008).

IEP was appropriate and FAPE provided, as it related to transportation, where the transportation services in the IEP of a cognitively impaired, ambulatory student required "front of house pickup," and the board of education changed its practice of driving up the driveway to curbside pick up; an adult was required to be home when the student was picked up or dropped off, and the school board's exercise of its discretion to determine school bus stops, consistent with the IEP, was not arbitrary or capricious. Vineland City Bd. of Educ. v. C.M., OAL Dkt. No. EDS 4589-08, 2008 N.J. AGEN LEXIS 407, Final Decision (June 26, 2008).

IEP of a 19-year-old autistic student attending a special school in Kansas was revised to include transportation as a related service with the provision that, unless there were overriding behavior or safety concerns at the time of the two scheduled breaks in the Kansas school's calendar, the student was to be provided during the breaks with the related service of round trip transportation with appropriate escorts for home visits to New Jersey, at district expense. The student was to be given the opportunity to make meaningful progress toward the ultimate goal of returning to his community and local school and, while it was beneficial for his parents to visit him in Kansas, it was also necessary for his long term educational progress that he be able to go home during the Kansas school's two scheduled school breaks. V.M. ex rel. C.M. v. Bridgewater-Raritan Reg'l Bd. of Educ., OAL Dkt. No. EDS 315-08, 2008 N.J. AGEN LEXIS 488, Final Decision (June 18, 2008).

Though parents were misled as to flexibility in the policy, the school board was entitled to adhere to its unwritten policy prohibiting transportation services to any place other than home and school, where the parents had requested pick-up and drop-off of their three-year-old at his daycare center in connection with special education services. S.H. and M.H. ex rel. L.H. v. Caldwell-West Caldwell Bd. of Educ., OAL Dkt. No. EDS 5369-08, 2008 N.J. AGEN LEXIS 375, Final Decision (June 17, 2008).

Children with disabilities are only entitled to individualized transportation services when the services are necessary to some fundamental

part of their special education needs. S.H. and M.H. ex rel. L.H. v. Caldwell-West Caldwell Bd. of Educ., OAL Dkt. No. EDS 5369-08, 2008 N.J. AGEN LEXIS 375, Final Decision (June 17, 2008).

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:27-5.2 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 dis-

trict, 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 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.

(b) For students removed from the custody of their parent or legal guardian and placed in a resource family home or students moved from placement in one resource family home to another resource family home after September 9, 2010:

1. The 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 district of residence, the district of residence shall provide transportation services; and

3. When a student is placed in a resource family home that is located outside of the student's district of residence, the school district in which the resource family home is located shall arrange for transportation services in consultation with the district of residence. The district of residence shall be responsible for the cost of the transportation.

Amended by R.2011 d.230, effective September 6, 2011.
See: 43 N.J.R. 769(a), 43 N.J.R. 2306(a).

Section was "Students residing in foster homes". Inserted designation (a); in (a), substituted "placed in a resource family home on or prior to

September 9, 2010" for "living in foster homes" and the second occurrence of "resource family" for the second occurrence of "foster"; and added (b).

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

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".