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Retitled, formerly "Rules" and repealed and replaced (c) and (d).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

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.