

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.

Case Notes

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).

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

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".

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".

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-25.

(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.

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.

(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 County Superintendent of Schools.

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

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 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 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 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.

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