

**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

**6A:27-3.2 Eligibility requirements**

(a) Students in kindergarten through grade eight and preschool students who meet the eligibility requirements defined in N.J.A.C. 6A:27-1.2(a) who reside more than two miles and students in grades nine through 12 who reside more than two and one-half miles from the charter school that they attend are eligible for transportation services.

(b) Special education students attending a charter school shall be eligible for transportation services if they meet the distance requirements of (a) above, or transportation is required in the student's Individualized Education Program (IEP).

(c) The charter school shall be located within the State.

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 "and preschool students who meet the eligibility requirements defined in N.J.A.C. 6A:27-1.2(a)"; and added (c).

**6A:27-3.3 Transportation within the school district or region of residence**

Eligible charter school students who reside in the school district or region of residence in which the charter school is located shall be provided transportation on the same terms and conditions as transportation is provided to students attending other public schools located within the school district in which the charter school student resides.

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

Added "school" preceding "district" throughout paragraph.

**6A:27-3.4 Transportation outside the school district or region of residence**

(a) Eligible charter school students who reside outside of the charter school's school district or region of residence shall be provided transportation services within the annual non-public school maximum statutorily established expenditure per student in accordance with N.J.S.A. 18A:39-1.

1. If the cost of transportation exceeds the maximum allowable expenditure, then the parents or legal guardians of each student may choose to pay the amount in excess of the annual maximum, or they shall be entitled to the maximum allowable expenditure as aid in lieu of transportation. The parents or legal guardians of each student shall notify the district board of education in which the student resides, in writing, of their choice of paying the additional amount or of receiving aid in lieu of transportation. If the parents or legal guardians of the student do not submit a written request for transportation services to the district board of education within seven days of receipt of the school district's notice, then the student shall not be transported, but the parents or legal guardians shall be entitled to the annual maximum allowable expenditure in lieu of transportation.

2. Once the parents or legal guardians of each student notify the district boards of education in which the students reside that they agree to pay the amount over the annual maximum statutorily established amount, the parents or legal guardians are no longer entitled to receive aid in lieu of transportation for that school year.

3. The payment of aid in lieu of transportation may be adjusted when the request for transportation is received after the start of the charter school's year, or when the student withdraws from the charter school before the close of the charter school's year.

4. District boards of education shall pay aid in lieu of transportation to the parents or legal guardians of eligible charter school students for each half of the academic year. Payment shall be made after the certification form verifying attendance is submitted by the lead person of the charter school and the voucher for payment is properly completed and returned by the parents or legal guardians to the district boards of education in which the students reside. District boards of education shall not be required to pay aid in lieu of transportation when the voucher for payment is received after the close of the fiscal year.

(b) District boards of education shall not be required to bid for transportation services but may instead pay aid in lieu of transportation when the request for transportation is received after the start of the school year.

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

In rule heading, added "school" preceding "district"; in introductory paragraph of (a), added "school" preceding "district"; and in paragraph (a)1, added "school" preceding "district's".

**6A:27-3.5 Responsibilities of district boards of education**

(a) District boards of education shall determine eligibility and provide transportation or aid in lieu of transportation to eligible charter school students.

(b) District boards of education shall establish policies and procedures for the provision of charter school transportation in excess of the maximum statutorily established nonpublic school per student expenditure pursuant to N.J.S.A. 18A:39-1.

(c) By August 1, the district board of education of the school district in which each student resides shall notify the parents or legal guardians and the lead person of the charter school regarding the determination of the request for transportation services.

(d) District boards of education shall submit the Charter School Certification of Attendance forms, as prescribed by the Commissioner of Education, to the charter school for the January and May certifications.

(e) District boards of education shall send the Request for Payment of Transportation Aid voucher to the parents or legal

guardians of eligible charter school students for the first and second semester aid in lieu of transportation payments.

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

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

In (c), added "district" preceding "board of education".

#### **6A:27-3.6 Responsibilities of the lead person of the charter school**

(a) The lead person of the charter school shall notify the district board of education in which each student resides of the need for transportation. Notification shall be given by March 15 preceding the school year in which transportation services are to be provided, or at the time of each student's registration in the charter school if such registration occurs after March 15. This notification shall be submitted on the form prescribed by the Commissioner of Education and shall include the student's name, address, grade, one-way mileage from the student's home to the charter school and the name of the last school of attendance, if any. The lead person of the charter school shall ensure the accuracy of the information contained in the application for charter school transportation, except for the one-way mileage from the student's home to the charter school. A late application shall be any request received by the district board of education after March 15.

(b) The lead person of the charter school shall submit the school calendar to all district boards of education responsible for providing transportation services for their students by May 15 preceding the school year in which transportation is being requested.

(c) In January and May of each year, the lead person of the charter school shall certify, on forms prescribed by the Commissioner of Education, that the students were enrolled for each semester of the academic year. The certification forms shall be returned to the district board of education in which each student resides as prescribed by the board.

(d) The lead person of the charter school shall immediately notify in writing the district boards of education in which the students reside when a student eligible for transportation or aid in lieu of transportation has a change in address or withdraws from the charter school. Whenever a student has a change in address, a new application for charter school transportation shall also be submitted.

(e) The lead person of the charter school shall immediately notify the district board of education in which students reside, in writing, whenever there is a change in the location of the charter school.

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

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

In (d), added "in writing" following "immediately notify"; and added (e).

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 fourth sentence; and in (d), inserted the last sentence.

#### **6A:27-3.7 Responsibilities of the parents or legal guardians**

(a) At the time of enrollment in a charter school, and whenever there is a change of address, it shall be the responsibility of the parents or legal guardians of a charter school student to provide the lead person of the charter school with the student's name, address, grade, one-way mileage between the student's home and the charter school and the name of the last school of attendance, if any.

(b) When a student lives outside of a charter school's district or region of residence, the parents or legal guardians of that student shall notify the district board of education in which the student resides, in writing, of their choice of paying the amount in excess of the maximum statutorily established nonpublic school per student expenditure, or receiving aid in lieu of transportation.

1. If the parents or legal guardians of the charter school student do not submit a written request for transportation services, then the student shall not be entitled to transportation, but the parents or legal guardians shall receive the annual maximum statutorily established amount in lieu of transportation.

2. The student's parents or legal guardians who choose to pay for transportation shall do so in the manner prescribed by the district board of education in which the student resides.

3. The student's parents or legal guardians receiving aid in lieu of transportation shall submit a Request for Payment of Transportation Aid voucher to the district board of education in which the student resides in the manner prescribed by the board in order to receive aid in lieu 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 "and whenever there is a change of address," preceding "it shall be the responsibility", substituted "between" for "from" and substituted "and" for "to" following "student's home".

### **SUBCHAPTER 4. SCHOOL CHOICE TRANSPORTATION**

#### **6A:27-4.1 General provisions**

(a) Transportation or aid in lieu of transportation shall be provided pursuant to N.J.S.A. 18A:39-1 et seq. A choice school shall be considered a public school offering a specialized program.

1. The choice district shall be entitled to State aid pursuant to N.J.S.A. 18A:7F-25 for each eligible choice school student transported.

2. The choice district shall supply any information necessary for the calculation of State transportation aid.

(b) Choice districts are responsible for providing transportation to enrolled choice students who are eligible for transportation.

1. By August 1, the choice district shall notify the parent or legal guardian of each choice student regarding the arrangements which have been made for the provision of transportation services.

2. In the event that the cost of transportation services exceeds the annual maximum statutorily established amount for nonpublic school students, then the parents or legal guardians may submit a written request to the choice district for such transportation to be provided. This request shall be made within seven days of receipt of the choice district's notification to the parents or legal guardians.

i. If such a request is made, the choice district shall provide transportation services and the parents or legal guardians of the choice student shall pay the amount in excess of the annual established maximum to the choice district. Parents or legal guardians shall pay this amount in the manner prescribed by the choice district.

ii. If the parents or legal guardians of the choice student do not submit a written request for transportation services to the choice district within seven days of receipt of the choice district's notice, then the choice student shall not be entitled to transportation, but the parents or legal guardians shall receive the annual maximum statutorily established amount in lieu of transportation.

3. If the choice district provides aid in lieu of transportation to the parents or legal guardians, then that amount shall be consistent with the amount established for nonpublic school students in N.J.S.A. 18A:39-1 and that payment may be adjusted for late registration or early withdrawal.

i. The parents or legal guardians of choice students who receive aid in lieu of transportation shall submit a voucher for payment supplied by the choice district in accordance with choice district policies.

ii. The choice district shall pay aid in lieu of transportation for each half of the academic year after the voucher for payment is submitted by the parents or legal guardians of the choice student.

iii. The choice district shall not be required to pay aid in lieu of transportation when it receives the voucher for payment after the close of the fiscal year.

(c) The choice district shall administer transportation contracts in accordance with N.J.A.C. 6A:27-9.

(d) The choice district shall not be responsible for providing transportation services for choice students residing less than two miles in grades K through eight and less than two and one-half miles in grades nine through 12, or more than 20 miles from the choice district's school.

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

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

In (d), substituted "one-half" for "one half".

#### 6A:27-4.2 Eligibility requirements

(a) Students in kindergarten through grade eight and preschool students who meet the eligibility requirements defined in N.J.A.C. 6A:27-1.2(a) who reside more than two miles and students in grades nine through 12 who reside more than two and one-half miles from the choice school that they attend are eligible for transportation services, unless the cost of such services exceeds the annual maximum statutorily established amount per student for nonpublic school transportation.

(b) Special education students attending a choice school shall meet the distance requirements in (a) above or transportation must be a requirement of the student's Individualized Education Program in order to be eligible for transportation services.

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

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

Rewrote (a).

### 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. 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 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, 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".