

CHAPTER 21

PUPIL TRANSPORTATION

Authority

N.J.S.A. 18A:1-1, 18A:4-15, 18A:39-21, and 18A:7D-18.

Source and Effective Date

R.1994 d.404, effective July 11, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

Chapter Expiration Date

Pursuant to Executive Order No. 22(1994), Chapter 21, Pupil Transportation, expires on January 11, 2001. See: 26 N.J.R. 3783(a) and 3942(a).

Chapter Historical Note

This chapter became effective prior to September 1, 1969.

Revisions for 1970: Amendments became effective May 13, 1970 as R.1970 d.54. See: 2 N.J.R. 30(e), 2 N.J.R. 48(a).

Revisions for 1972: Amendments became effective January 14, 1972 as R.1972 d.5. See: 3 N.J.R. 245(a), 4 N.J.R. 21(a). (This adoption amended sections 1, 3, 4(a), 5, 6, 8, 9, 16, 17, 19(b), 23(a), 24, 25, 28 and 29). New rule 11.4 became effective April 17, 1972 as R.1972 d.69. See: 4 N.J.R. 43(c), 4 N.J.R. 96(a). Amendments were adopted as R.1972 d.188, effective September 22, 1972. See: 4 N.J.R. 262(d). Amendments became effective November 6, 1972 as R.1972 d.220. See: 4 N.J.R. 231(a), 4 N.J.R. 302(a).

Revisions for 1973: Subchapter 18, concerning Type II Van Type Small Vehicles was effective on vehicles manufactured after March 1, 1973. This subchapter became effective January 10, 1973 as R.1973 d.18. See: 4 N.J.R. 301(b), 5 N.J.R. 38(a). Amendments became effective March 13, 1973 as R.1973 d.73. See: 5 N.J.R. 33(c), 5 N.J.R. 104(c). New rule, 11.6, became effective April 9, 1973 as R.1973 d.98. See: 5 N.J.R. 78(b), 5 N.J.R. 139(a). Section 5.11 was amended, effective May 7, 1973, as R.1973 d.123. See: 5 N.J.R. 103(c), 5 N.J.R. 185(a). Further amendments became effective June 20, 1973 as R.1973 d.161. See: 5 N.J.R. 138(a), 5 N.J.R. 220(a). Further amendments became effective July 3, 1973 as R.1973 d.180. See: 5 N.J.R. 184(c), 5 N.J.R. 260(a). Further amendments became effective September 20, 1973 as R.1973 d.267. See: 5 N.J.R. 219(a), 5 N.J.R. 333(a).

Revisions for 1974: Amendments became effective April 11, 1974 as R.1974 d.90. See: 6 N.J.R. 99(a), 6 N.J.R. 172(c). Further revisions became effective June 12, 1974 as R.1974 d.141. See: 6 N.J.R. 172(b), 6 N.J.R. 258(a). Further amendments became effective July 1, 1974 as R.1974 d.176. See: 6 N.J.R. 227(a), 6 N.J.R. 302(c).

Revisions for 1975: Amendments became effective January 14, 1975 as R.1975 d.5. See: 6 N.J.R. 467(a), 7 N.J.R. 46(b) and R.1975 d.6. See: 6 N.J.R. 470(a), 7 N.J.R. 46(c).

Revisions for 1976: Amendments became effective November 4, 1976 as R.1976 d.342. See: 8 N.J.R. 546(b). Subchapter 19 concerning School Bus Warning Lamps (Strobe) became effective May 1, 1977 as R.1976 d.386. See: 8 N.J.R. 454(a), 9 N.J.R. 12(b).

Revisions for 1977: Amendments became effective August 3, 1977 as R.1977 d.277. See: 9 N.J.R. 416(d).

Revisions for 1978: Subchapter 5 was substantially amended by the replacement of the original text and numbering with new subchapter 6 to be applicable to all buses manufactured after October 1, 1978, effective July 7, 1978 as R.1978 d.226. See: 10 N.J.R. 319(c).

Revisions for 1980: Amendments became effective September 5, 1980 as R.1980 d.382. See: 12 N.J.R. 453(b), 12 N.J.R. 569(e).

Revisions for 1983: Subchapter 5 was repealed and new rules adopted; Subchapter 6 concerning School Bus Body and Equipment Specifications was repealed and Subchapter 19, Rules Mandated for School Buses manufactured after May 1, 1977, was repealed effective June 20, 1983 as R.1983 d.247. See: 15 N.J.R. 383(a), 15 N.J.R. 1019(a). Amendments became effective October 17, 1983 as R.1983 d.457. See: 15 N.J.R. 982(b), 15 N.J.R. 1740(a).

Revisions for 1985: Amendments and new rules became effective August 5, 1985 as R.1985 d.396. See: 17 N.J.R. 1035(a), 17 N.J.R. 1875(a). Subchapter 1 was repealed pursuant to Executive Order 66(1978) effective August 9, 1985 with amendments effective September 3, 1985 as R.1985 d.451. See: 17 N.J.R. 1365(a), 17 N.J.R. 2107(a).

Revisions for 1986: Amendments became effective May 5, 1986 as R.1986 d.156. See: 18 N.J.R. 138(a), 18 N.J.R. 975(a).

Revisions for 1987: Amendment repealed sections 10.2 and 10.3; amended 10.1 and renumbered 10.4 to 10.2 effective February 2, 1987 as R.1987 d.94. See: 18 N.J.R. 2155(a), 19 N.J.R. 290(a). Subchapter 18, Inspection, was adopted as R.1987 d.184, effective April 20, 1987. See: 19 N.J.R. 5(a), 19 N.J.R. 633(b).

Pursuant to Executive Order No. 66(1978), Chapter 21, Pupil Transportation, was readopted as R.1989 d.610, effective November 22, 1989. See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a). Subchapter 11, Drivers; Subchapter 13, Bid Specifications; Subchapter 14, Bond; and Subchapter 15, Bidding, were repealed and replaced by R.1989 d.610, effective December 18, 1989. Subchapter 12, Advertising for Bids, was repealed and reserved by R.1989 d.610, effective December 18, 1989. Subchapter 19, Pupil Transportation Governance and Administration, was a new rule adopted by R.1989 d.610, effective December 18, 1989. See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).

Subchapter 12, Use of School Buses Other Than To and From School and School Related Activities, was adopted as R.1993 d.272, effective June 7, 1993. See 25 N.J.R. 1095(a), 25 N.J.R. 2249(a). Subchapters 6, 6A, 6B and 6C, regarding standards for buses used for pupil transportation, were adopted as R.1992 d.397, effective November 2, 1992 (operative May 21, 1993). See: 24 N.J.R. 2109(a), 24 N.J.R. 4069(a).

Pursuant to Executive Order No. 66(1978), Chapter 21 was readopted as R.1994 d.404. See: Source and Effective Date. Subchapter 5, Standards for School Buses, was repealed and a new Subchapter 5, Standards for School Buses Manufactured July 1985 through May 1993, was adopted as a part of R.1994 d.404, effective August 1, 1994. See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a). See, also, section annotations.

N.J.A.C. 6:21-4.1, Capacity, Subchapter 5, Standards for School Buses Manufactured July 1985 through May 1993, Subchapter 6, Standards for Buses Used for Pupil Transportation Manufactured June, 1993 or Thereafter, Subchapter 6A, Chassis Standards, Subchapter 6B, Body Standards, Subchapter 6C, Specially Equipped School Bus Standards, Subchapter 8, Use of Vehicles as School Buses Under the Jurisdiction of the Department of Transportation, Subchapter 9, Small Vehicle Standards, Subchapter 17, Insurance, Subchapter 18, Inspection, and Appendix, were recodified as N.J.A.C. 13:20-49C.5, Capacity, 13:20-49, Standards for School Buses Manufactured July 1985 through May 1993, 13:20-49A, Standards for Buses Used for Pupil Transportation Manufactured June, 1993 or Thereafter, 13:20-49B, Chassis Standards, 13:20-49C, Body Standards, 13:20-49D, Specially Equipped School Bus Standards, 13:20-49E, Use of Vehicles as School Buses Under the Jurisdiction of the Department of Transportation, 13:20-49F, Small Vehicle Standards, 13:20-49H, Insurance, 13:20-49G, Inspection, and 13:20-49 Appendix, respectively, by administrative change. See: 32 N.J.R. 3090(a).

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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).

(d) A certified copy of the minutes of the district board of education authorizing the adjustment shall accompany the Contract Addendum form when submitted to the County Superintendent of Schools.

New Rule: R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

6:21-16.10 Transferring contracts and contract renewals

(a) Whenever a contractor has entered into or intends to enter into an agreement to sell or assign to a purchaser all of the contractor's rights and liabilities with respect to the transportation contract between the district board of education and the contractor, such assignment requires the approval of the district board of education and the county superintendent of schools.

(b) The transfer shall impose no additional cost to the district board of education.

(c) All terms of the original contract shall remain in effect.

(d) The assignment between the district board of education and the purchaser shall not become effective until the purchaser provides:

1. A certificate of insurance;
2. A surety (performance) bond;
3. A stockholders' disclosure statement;
4. Affirmative action documentation; and
5. An affidavit of noncollusion.

(e) The prescribed "Pupil Transportation Contract Transfer Agreement" shall be completed for each contract/multi-contract.

(f) Certified board minutes approving the transfer of the contract must accompany the "Pupil Transportation Contract Transfer Agreement" when it is submitted to the County Superintendent for approval.

New Rule: R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

6:21-16.11 Joint transportation agreements

(a) Two or more district boards of education may provide jointly for the transportation of pupils to and from any school(s), within or outside the district or counties.

(b) Whenever in the judgment of the county superintendent of schools transportation of pupils could be more economically accomplished by joint transportation, he or she may order such joint transportation, assign the administra-

tion to one district board of education as host and prorate the cost to the joining district boards of education.

(c) The district board of education providing the transportation, either by district-owned vehicle or contracted vehicle, will be referred to as the "host".

(d) The "host" district board of education will be responsible for initiating the joint agreement and insure that when transportation is provided by contracted services, contracts meet the requirements for approval by the County Superintendent of Schools.

(e) Four copies of the joint transportation agreement form prescribed by the Commissioner shall be submitted to the county superintendent of schools for approval. Joint agreements between district boards of education located in more than one county shall be submitted to both county superintendents of schools for approval.

(f) Certified copies of board minutes for each district board of education involved in the joint agreement shall accompany the joint transportation agreement submitted to the county superintendent of schools.

(g) Joint agreements issued between district boards of education in the same county shall be sent to the county superintendent for approval within 60 days of the agreement.

(h) Joint agreements issued between district boards of education in different counties shall be sent to the county superintendents for approval within 90 days of the agreement.

New Rule: R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

SUBCHAPTERS 17 THROUGH 18. (RESERVED)

SUBCHAPTER 19. PUPIL TRANSPORTATION GOVERNANCE AND ADMINISTRATION

6:21-19.1 General authority

(a) The Commissioner shall provide for a thorough evaluation of district boards of education pupil transportation operations and fiscal procedures to determine compliance with the provisions of this chapter and N.J.S.A. 18A:39-1 et seq.

(b) The Commissioner may withhold or adjust transportation aid for district boards of education which are noncom-

pliant with the provisions set forth in this chapter. For example, transportation aid may be adjusted or withheld for the improper award of contracts, use of unauthorized vehicles or inaccurate data submitted for State aid.

Amended by R.1991 d.460, effective September 3, 1991.
See: 23 N.J.R. 1737(a), 23 N.J.R. 2636(a).

Commissioner's authority to review, withhold or adjust State aid specified.

6:21-19.2 General district procedures

(a) District boards of education shall annually submit pupil transportation contracts to the county superintendent of schools as required by law and regulation for review as to form and compliance with N.J.A.C. 6:21-13 through 17.

(b) The district board of education auditor shall submit, by November 1st of each year, the district audit questionnaire form as prescribed by the Commissioner for pupil transportation to the county superintendent of schools for review.

(c) District boards of education shall submit reports, through the county superintendent's office, necessary for the calculation of State transportation aid and the analysis of the numerical values (cost factors) contained in the transportation aid formula in accordance with N.J.S.A. 18A:7D-18 and 19.

Amended by R.1991 d.460, effective September 3, 1991.
See: 23 N.J.R. 1737(a), 23 N.J.R. 2636(a).

Process for calculation of transportation aid specified.

6:21-19.3 Regulatory review

(a) The county superintendent of schools shall conduct a review of district boards of education transportation operations in accordance with N.J.A.C. 6:21-16.1.

(b) The Bureau of Pupil Transportation field representative shall conduct quarterly reviews of the county superintendent's administration of pupil transportation. This review shall include a sampling of records that have been submitted to the county superintendent of schools by district boards of education to determine compliance with the provisions of this chapter.

(c) The Bureau of Pupil Transportation field representative shall conduct on site annual reviews of district boards of education pupil transportation procedures, operations and fiscal records as directed by the Commissioner and shall notify the district board of education, and county superintendent of the findings.

(d) The Bureau of Pupil Transportation shall verify data, required by the Quality Education Act, submitted by district boards of education for State transportation aid.

Amended by R.1991 d.460, effective September 3, 1991.
See: 23 N.J.R. 1737(a), 23 N.J.R. 2636(a).

Review of transportation operations specified.

Amended by R.2000 d.358, effective September 5, 2000.
See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In (a), updated N.J.A.C. reference.

6:21-19.4 Corrective plan

Any district board of education found to be deficient as a result of the Bureau of Pupil Transportation review shall submit a corrective action plan addressing the specific recommendations to the county superintendent of schools and the Bureau of Pupil Transportation.

Amended by R.1991 d.460, effective September 3, 1991.
See: 23 N.J.R. 1737(a), 23 N.J.R. 2636(a).

Bureau of Pupil Transportation also to receive corrective plan.

6:21-19.5 Compliance investigation

(a) The Division of Compliance shall conduct a complete inspection of pupil transportation procedures, operations, and costs for any district board of education identified as deficient in the administration of pupil transportation as a result of the Bureau of Pupil Transportation review or State Department of Education monitoring process under any one of the following circumstances:

1. The Bureau of Pupil Transportation review indicates that conditions exist within the district that may prevent the successful implementation of a corrective action plan.
2. A district board of education fails to implement and adhere to the corrective action plan that has been approved by the county superintendent of schools; or
3. A district fails to achieve certification based upon deficiencies noted in pupil transportation and does not demonstrate reasonable progress pursuant to N.J.A.C. 6A:30-2.5(b).

Amended by R.1991 d.460, effective September 3, 1991.
See: 23 N.J.R. 1737(a), 23 N.J.R. 2636(a).

Stylistic changes.

Amended by R.2000 d.358, effective September 5, 2000.
See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In (a)3, updated N.J.A.C. reference.