

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-5.1c, Chapter 27, Student Transportation, expires on November 9, 2017. See: 45 N.J.R. 606(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.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 27, Student Transportation, was scheduled to expire on May 13, 2017. See: 43 N.J.R. 1203(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 6A:27-1.1 Authority
- 6A:27-1.2 Students who shall be transported
- 6A:27-1.3 Students who may be transported
- 6A:27-1.4 Passengers
- 6A:27-1.5 Insurance

SUBCHAPTER 2. NONPUBLIC SCHOOL TRANSPORTATION

- 6A:27-2.1 General provisions
- 6A:27-2.2 Eligibility requirements
- 6A:27-2.3 Responsibilities of the district board of education
- 6A:27-2.4 Responsibilities of the nonpublic school administrator
- 6A:27-2.5 Responsibilities of the parents or legal guardians of nonpublic school students
- 6A:27-2.6 Responsibilities of the Executive County Superintendent of Schools

SUBCHAPTER 3. CHARTER SCHOOL TRANSPORTATION

- 6A:27-3.1 General provisions
- 6A:27-3.2 Eligibility requirements
- 6A:27-3.3 Transportation within the school district or region of residence
- 6A:27-3.4 Transportation outside the school district or region of residence
- 6A:27-3.5 Responsibilities of district boards of education
- 6A:27-3.6 Responsibilities of the lead person of the charter school
- 6A:27-3.7 Responsibilities of the parents or legal guardians

SUBCHAPTER 4. SCHOOL CHOICE TRANSPORTATION

- 6A:27-4.1 General provisions
- 6A:27-4.2 Eligibility requirements
- 6A:27-4.3 Responsibilities of resident district boards of education

- 6A:27-4.4 Responsibilities of the chief administrator of the choice school
- 6A:27-4.5 Responsibilities of the parents or legal guardians

SUBCHAPTER 5. SPECIAL NEEDS TRANSPORTATION

- 6A:27-5.1 Special needs students
- 6A:27-5.2 Katzenbach School

SUBCHAPTER 6. OTHER SPECIAL POPULATIONS

- 6A:27-6.1 General provisions
- 6A:27-6.2 Homeless students
- 6A:27-6.3 Students residing in group homes
- 6A:27-6.4 Students residing in resource family homes
- 6A:27-6.5 Students residing in shared custody homes

SUBCHAPTER 7. VEHICLE USE AND STANDARDS

- 6A:27-7.1 General provisions
- 6A:27-7.2 Capacity
- 6A:27-7.3 Retirement of school buses
- 6A:27-7.4 Small vehicles
- 6A:27-7.5 School buses
- 6A:27-7.6 Transportation to and from related school activities
- 6A:27-7.7 Parent transporting his or her own child or children
- 6A:27-7.8 Use of school buses other than to and from school and school related activities
- 6A:27-7.9 Vehicle records
- 6A:27-7.10 Contracting for advertisements on school buses
- 6A:27-7.11 Limitations on content of advertisements on school buses
- 6A:27-7.12 Reporting requirements for advertisements on school buses

SUBCHAPTER 8. STATE AID

- 6A:27-8.1 General provisions
- 6A:27-8.2 School transportation efficiency and corrective action plans

SUBCHAPTER 9. CONTRACTING FOR TRANSPORTATION SERVICES

- 6A:27-9.1 General provisions
- 6A:27-9.2 Responsibilities of district boards of education
- 6A:27-9.3 Bid specifications
- 6A:27-9.4 Responsibilities of the bidder
- 6A:27-9.5 Bidder's guarantee
- 6A:27-9.6 Performance surety bond
- 6A:27-9.7 Bulk and combination bids
- 6A:27-9.8 Receiving and opening bids
- 6A:27-9.9 Contracts
- 6A:27-9.10 Awarding contracts
- 6A:27-9.11 High, collusive or no bids
- 6A:27-9.12 Quoted contracts
- 6A:27-9.13 Renewing contracts
- 6A:27-9.14 Addendum to a contract
- 6A:27-9.15 Transferring contracts and contract renewals
- 6A:27-9.16 Joint transportation agreements

SUBCHAPTER 10. COORDINATED TRANSPORTATION SERVICES

- 6A:27-10.1 General requirements
- 6A:27-10.2 Responsibilities of resident district boards of education
- 6A:27-10.3 Responsibilities of coordinated transportation services agencies
- 6A:27-10.4 Conditions when coordinated transportation services agencies must bid

SUBCHAPTER 11. SAFETY

- 6A:27-11.1 Emergency procedures
- 6A:27-11.2 Evacuation drills and safety education

- 6A:27-11.3 Training
- 6A:27-11.4 Student safety education

SUBCHAPTER 12. DRIVERS AND AIDES

- 6A:27-12.1 General requirements
- 6A:27-12.2 Accident reporting
- 6A:27-12.3 Students left on a school bus

SUBCHAPTER 13. GOVERNANCE AND ADMINISTRATION

- 6A:27-13.1 General authority
- 6A:27-13.2 General school district procedures
- 6A:27-13.3 Regulatory review
- 6A:27-13.4 Corrective plan
- 6A:27-13.5 Compliance investigation

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

financial hardship. The criteria used to determine financial hardship shall be the same as the Statewide eligibility standards established for free and reduced price meals under the State school lunch program.

(g) District boards of education shall notify the Department of Education, on the form prescribed by the Commissioner, when transportation is provided for students pursuant to this section.

Amended by R.2002 d.303, effective September 16, 2002.

See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

Rewrote the section.

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) through (f) as (d) through (g).

6A:27-1.4 Passengers

A district board of education shall ensure that only enrolled eligible public school students, eligible private school students, adults serving as chaperons or authorized school personnel are transported.

6A:27-1.5 Insurance

(a) Anyone providing for the transportation of students to and from school or school related activities or subcontracting to provide these services shall furnish automobile liability insurance for bodily injury and property damage in a minimum amount of \$1,000,000 combined single limit per occurrence for all vehicles which are used for this purpose.

(b) Insurance shall be obtained through a company authorized to issue insurance in New Jersey. The certificate of insurance shall name the district board(s) of education and any coordinated transportation services agency providing transportation services as an additional insured party to the policy. In addition, the certificate of insurance shall name, as an additional insured party to the policy, the resident district boards(s) of education for which another district board of education or agency is providing transportation.

1. Parents or legal guardians transporting only their own child or children shall be exempt from the requirement to provide the certificate of insurance that names the district board of education as an additional insured party to the policy.

(c) Self-insured transportation contractors and district boards of education as provided in N.J.S.A. 48:4-12 and 13 shall file a certificate of self-insurance with the Executive County Superintendent of Schools.

(d) Policies or certificates of insurance shall accompany all contracts or contract renewals when they are submitted to the Executive County Superintendent of Schools for approval.

(e) Policies or certificates of insurance shall be submitted to the district board of education and the Executive County

Superintendent of Schools whenever policies are amended, revised or renewed.

(f) The district board of education and the Executive County Superintendent of Schools shall be notified by the insured whenever any policy is cancelled. Notification shall be made within 48 hours of receipt of the notification of the cancellation by the insured, and before the cancellation takes effect.

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 "automobile" preceding "liability", in (b), rewrote the introductory paragraph and paragraph 1.

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 "or subcontracting to provide these service"; in (c), (d) and (e), substituted "Executive County Superintendent of Schools" for "county superintendent of schools"; and added (f).

Case Notes

Exclusion of liability coverage for school board as an additional insured under the school bus contractor's automobile policy, if the board's liability arose from the board's independent negligence unrelated to the actual operation of the bus or its driver, was valid. Rosario v. Haywood, 351 N.J. Super. 521, 799 A.2d 32.

SUBCHAPTER 2. NONPUBLIC SCHOOL TRANSPORTATION

6A:27-2.1 General provisions

(a) Transportation or aid in lieu of transportation shall be provided in accordance with N.J.S.A. 18A:39-1 et seq.

(b) District boards of education shall advertise and receive bids for nonpublic school transportation before a determination is made to provide transportation or aid in lieu of transportation.

1. The resident district board of education is not required to bid for nonpublic school services when transportation is provided utilizing a district owned vehicle, public transportation, through a renewal of an existing contract, or an agreement with another district board of education.

2. Resident district boards of education which paid aid in lieu of transportation in the prior year or have determined that they cannot provide transportation for the ensuing school year, shall attempt to utilize one of the coordinated transportation services agencies before paying aid in lieu of transportation.

3. When a resident district board of education bids or coordinates nonpublic school transportation services with another district board of education, the resident district board of education shall consider the following criteria prior to determining the method of providing transportation services. Additional criteria may also be used at the resident district board of education's discretion.

i. There are an adequate number of resident students attending the nonpublic school(s) to support a bus route.

ii. The location of the nonpublic school is within the district or regional school district.

iii. Tiered routes can be designed to include public and nonpublic schools. A tiered route shall mean the utilization of a single vehicle to service more than one route.

iv. Routes can be designed to transport public and nonpublic school students on the same bus.

v. Routes can be designed to service multiple nonpublic school destinations.

vi. The route can be designed according to local policy regarding length of time.

4. The resident district board of education is not required to bid for nonpublic school services when another district board of education has bid on the resident board's behalf.

(c) The resident district board of education is not required to pay aid in lieu of transportation when the parent or legal guardian of the nonpublic school student returns the signed payment voucher after the end of the fiscal year.

(d) The resident district board of education shall not expend more than the maximum per student expenditure for nonpublic school transportation in accordance with N.J.S.A. 18A:39-1.

1. The calculation of the maximum per student expenditure shall not include any administrative fee charged by a coordinated transportation services agency.

(e) Transportation for nonpublic school students shall be provided Monday through Friday between September 1 and June 30 when the non-profit nonpublic school is in session.

(f) A late application is any request received by the resident district board of education after March 15. Eligible students shall receive transportation or aid in lieu of transportation based upon the date of receipt of the applications for nonpublic school transportation by the resident district board of education.

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

Amended by R.2002 d.303, effective September 16, 2002.
See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).
Rewrote the section.

6A:27-2.2 Eligibility requirements

(a) Elementary school students shall reside more than two miles from their nonpublic school and secondary school students shall reside more than two and one-half miles from their nonpublic school to be eligible for transportation services.

(b) Only resident district boards of education which provide transportation to remote public school students attending public school programs other than vocational, special education or other specialized programs are required to provide transportation services to eligible nonpublic school students.

(c) The nonpublic school shall be located within the State not more than 20 miles from the student's home, and shall not be operated for profit in whole or in part.

1. If a school district is located in a county of the third class with a population of not less than 80,000 and not more than 120,000, transportation services shall be provided to a nonpublic school located outside the State not more than 20 miles from the student's home. A third class county is defined as a county that does not border the Atlantic Ocean and has a population between 50,000 and 200,000.

2. Students living more than 20 miles from their nonpublic school are eligible for transportation services when other remote students living in their municipality, whose residence is less than 20 miles from the school, are transported to the same school. Students who live more than 20 miles from their nonpublic school and who reside in a regional or consolidated school district composed of only two constituent municipalities, are also eligible for transportation services when other remote students living in either municipality are transported or the parents of other remote students living in either municipality receive aid in lieu of transportation. District boards of education may require students living more than 20 miles from the school to utilize existing school bus routes and stops established for students living within 20 miles of the school.

(d) All nonpublic school students eligible for transportation or aid in lieu of transportation shall be enrolled in grades kindergarten through grade 12. Nonpublic school students shall meet the entrance age requirement for the public school students of their resident district board of education in accordance with N.J.S.A. 18A:38-5 and 18A:44-2 to be eligible for transportation services.

(e) Expenditures for nonpublic school transportation are limited to the annual maximum statutorily established amount per student in accordance with N.J.S.A. 18A:39-1. If the cost of transportation to the nonpublic school exceeds this amount, the resident district board of education shall not provide transportation, but shall instead pay the parents or legal guardians of the student aid in lieu of transportation.

Amended by R.2002 d.303, effective September 16, 2002.
See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).
Rewrote c(2).

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

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

In paragraph (c)1, added "school" preceding "district".

6A:27-2.3 Responsibilities of the district board of education

(a) The resident district board of education shall document receipt of applications for nonpublic school transportation and determine students' eligibility for transportation.

(b) The parents or legal guardians of the nonpublic school student and the nonpublic school administrator shall be notified by the district board of education as to the determination of each application for nonpublic school transportation by August 1 of each year.

(c) District boards of education shall prepare the Nonpublic School Transportation Summary form, as prescribed by the Commissioner of Education, and shall submit such forms to the nonpublic school administrators in January and May for certification of each semester, respectively.

(d) The district boards of education shall evaluate the January and May certification reports and, if approved, shall continue to provide transportation services. The Request for Payment of Transportation Aid voucher, as prescribed by the Commissioner of Education, shall be sent to all parents or legal guardians of eligible students who are to receive first and second semester aid in lieu of transportation payments. The district board of education shall then pay aid in lieu of transportation to the parents or legal guardians of these students after receiving the signed Request For Payment of Transportation Aid vouchers from the parents or legal guardians.

(e) A district board of education shall consult with the nonpublic school administrator prior to designing bus routes and in sufficient time to advertise for bids, when a request is made by a nonpublic school administrator for such consultation.

(f) A district board of education shall provide to the Executive County Superintendent of Schools, upon request, documentation that the criteria for bidding pursuant to N.J.A.C. 6A:27-2.1(b)3 has been utilized.

Amended by R.2002 d.303, effective September 16, 2002.

See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

Added (f) and (g).

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

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

Deleted former (a); recodified former (b) through (g) as (a) through (f); and in (f), inserted "Executive".

6A:27-2.4 Responsibilities of the nonpublic school administrator

(a) The administrator of the nonpublic school shall obtain the Application for Nonpublic School Transportation forms and procedures from the New Jersey Department of Education website.

(b) Applications shall be distributed to the parents or legal guardians of students upon registration in the nonpublic school, and whenever the student has a change of address.

(c) The administrator of the nonpublic school shall annually collect the Application for Nonpublic School Transportation from the students' parents or legal guardians and shall submit these forms to the resident district boards of education in which the students reside, within 30 days of the students' registration in the nonpublic school, or by March 15 of the preceding school year in which transportation services are to be provided.

1. The administrator of the nonpublic school shall ensure the accuracy of the information contained in the Application for Nonpublic School Transportation, except for the one-way mileage from a student's home to the nonpublic school.

(d) The nonpublic school administrator shall submit the school calendar to the resident district board(s) of education responsible for providing transportation services by May 15, preceding the school year in which transportation is being requested.

(e) The nonpublic school administrator shall certify on forms, prescribed by the Commissioner of Education, that the named students were enrolled for the first and second semesters of the academic year. The nonpublic school administrator shall return these forms to the district board(s) of education as prescribed by the board.

(f) The nonpublic school administrator shall immediately notify the student's resident district board of education in writing when a student eligible for transportation or aid in lieu of transportation has a change in address or withdraws from the nonpublic school. Whenever a student has a change in address, a new Application for Nonpublic School Transportation shall also be submitted.

(g) The nonpublic school administrator shall immediately notify the student's resident district board of education in writing when there is a change in the school location.

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), added "and whenever the student has a change of address." following "nonpublic school"; in (c), added the last sentence; in (f), added "in writing" following "education"; and added (g).

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 procedures" and substituted "New Jersey Department of Education website" for "district board of education in which the nonpublic school is located"; in the introductory paragraph of (c), deleted the last sentence; added (c)1; and in (f), inserted the last sentence.

6A:27-2.5 Responsibilities of the parents or legal guardians of nonpublic school students

(a) It is the responsibility of the parents or legal guardians of a nonpublic school student to annually obtain the Application for Nonpublic School Transportation from the

administrator of the nonpublic school in which the student is enrolled.

(b) The parents or legal guardians shall complete the Application for Nonpublic School Transportation annually for each student, and submit the application to the administrator of the nonpublic school by March 10 preceding the school year for which transportation is being requested or at the time of registration in the nonpublic school if registration is after March 10.

1. Any application received after March 10 is considered to be a late application. Eligible students shall receive transportation or aid in lieu of transportation based upon the date the application is received by the resident district board of education.

2. A new application shall be completed and submitted to the nonpublic school whenever the student has a change of address.

(c) Parents or legal guardians receiving aid in lieu of transportation shall complete and submit a signed Request for Payment of Transportation Aid voucher to the resident district board of education upon request.

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), added paragraph 2.

6A:27-2.6 Responsibilities of the Executive County Superintendent of Schools

(a) The Executive County Superintendent of Schools shall assist district boards of education and the chief school administrators of the nonpublic schools in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of services.

(b) The Executive County Superintendent of Schools shall arbitrate any disputes between district boards of education and the chief school administrators of nonpublic schools regarding student transportation.

1. The district board of education or nonpublic school administrator shall submit requests for arbitration in writing to the Executive County Superintendent of Schools outlining the matter to be arbitrated.

(c) The Executive County Superintendent of Schools shall convene a meeting, at least once a year, of representatives of all district boards of education and nonpublic school administrators in the county to discuss issues related to student transportation.

New Rule, R.2002 d.303, effective September 16, 2002.

See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

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

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

Section was "Responsibilities of the County Superintendent of Schools". Inserted "Executive" throughout.

SUBCHAPTER 3. CHARTER SCHOOL TRANSPORTATION

6A:27-3.1 General provisions

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

(b) The transportation of students to and from a charter school shall be the responsibility of the district board of education of the school district in which each student resides. Students who reside less than remote from their charter school are eligible for transportation in accordance with the policies of the district board of education in which they reside.

(c) Eligible students shall receive transportation or aid in lieu of transportation based upon the date of receipt of the applications for charter school transportation by the district boards of education in which the students reside.

(d) Charter school students who reside in the school district or region of residence in which the charter school is located shall be provided with transportation in the same manner as transportation is provided to other public school students residing within the school district in which the charter school students reside.

(e) The expenditure for the transportation of charter school students who reside outside of the school district or region of residence in which the charter school is located is limited to the annual nonpublic school maximum statutorily established expenditure per student in accordance with N.J.S.A. 18A:39-1.

(f) Transportation shall be provided to students in accordance with the charter school calendar.

(g) The Executive County Superintendent of Schools shall arbitrate any disputes between district boards of education and the lead person of the charter school regarding student transportation.

1. The district board of education or lead person of the charter school shall submit requests for arbitration in writing to the Executive County Superintendent of Schools outlining the matter to be arbitrated.

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

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

In the first sentence of (b), added "district" preceding "board of education"; in (d), added "school" preceding "district" throughout paragraph; and in (e), added "school" preceding "district".

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

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

Added (g).

6A:27-3.2 Eligibility requirements

(a) Students in kindergarten through grade eight and pre-school 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.

(b) The transportation of students to and from a choice school shall be the responsibility of the district board of education of the school district in which each student resides.

(c) Eligible students shall receive transportation or aid in lieu of transportation based upon the date of receipt of the

applications for choice school transportation by the district boards of education in which the students reside.

1. The district board of education in which the students reside 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.

2. The district board of education in which the students reside 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.

(d) The resident school 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.

(e) Transportation shall be provided to choice students in accordance with the choice school calendar.

(f) The Executive County Superintendent of Schools shall arbitrate any disputes between district boards of education and the chief administrator of the choice school regarding student transportation.

1. The district board of education or chief administrator of the choice school shall submit requests for arbitration in writing to the Executive County Superintendent of Schools outlining the matter to be arbitrated.

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".

Amended by R.2011 d.230, effective September 6, 2011.

See: 43 N.J.R. 769(a), 43 N.J.R. 2306(a).

Deleted (a)1 and (a)2; rewrote (b) and (c); in (d), substituted "resident school" for "choice"; and added (e) and (f).

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, and provided that the choice school is not more than 20 miles from the student's residence, are eligible for transportation services, unless the cost of such services exceeds the annual maximum statutorily established amount per student for nonpublic school transportation.

1. 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 resident school district for such transportation to be provided. This request shall be made within seven days of receipt of the resident school district's notification to the parents or legal guardians.

i. If such a request is made, the resident school 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 resident school district. Parents or legal guardians shall pay this amount in the manner prescribed by the resident school district.

ii. If the parents or legal guardians of the choice student do not submit a written request for transportation services to the resident school district within seven days of receipt of the resident school 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.

2. If the resident school 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.

(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).

Amended by R.2011 d.230, effective September 6, 2011.

See: 43 N.J.R. 769(a), 43 N.J.R. 2306(a).

In the introductory paragraph of (a), inserted ", and provided that the choice school is not more than 20 miles from the student's residence,"; and added (a)1 and (a)2.

6A:27-4.3 Responsibilities of resident district boards of education

(a) The district board of education of the school district in which each student resides shall determine eligibility and provide transportation or aid in lieu of transportation to eligible choice school students.

(b) The resident school district boards of education shall establish policies and procedures for the provision of choice 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 resident school district shall notify the parents or legal guardians and the chief administrator of the choice school regarding the determination of the request for transportation services.

(d) Resident district boards of education shall submit the Choice School Certification of Attendance forms, as prescribed by the Commissioner of Education, to the choice school for the January and May certifications.

(e) Resident district boards of education shall send the Request for Payment of Transportation Aid voucher to the parents or legal guardians of eligible choice school students for the first and second semester aid in lieu of transportation payments.

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

6A:27-4.4 Responsibilities of the chief administrator of the choice school

(a) The chief administrator of the choice 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 choice 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 choice school and the name of the last school of attendance, if any. The chief administrator of the choice school shall ensure the accuracy of the information contained in the application for choice 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.

1. The chief administrator of the choice school shall obtain the Choice School Application for Transportation from the New Jersey Department of Education website.

(b) The chief administrator of the choice 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 chief administrator of the choice 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 chief administrator of the choice 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 choice school. Whenever a student has a change in address, a new application for choice school transportation shall also be submitted.

(e) The chief administrator of the choice 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 choice school.

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

6A:27-4.5 Responsibilities of the parents or legal guardians

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

(b) When the cost of transportation services to the choice school exceeds the annual maximum statutorily established amount for nonpublic school students, 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 choice 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.

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

Thirteen-year-old learning disabled student with ADHD was not entitled to transportation in the form of being picked up and dropped off at her driveway in lieu of the assigned bus stop because such transportation was not necessary for her to benefit from her education program. There was no medical testimony as to the need for a stop in front of her home; rather, the student's parents were simply worried about her safety and such a concern, standing alone, was not sufficient to change the bus stop. R.M. ex rel. E.M. v. South Hunterdon Reg'l Bd. of Educ., OAL Dkt. No. EDS 32-10, 2010 N.J. AGEN LEXIS 86, Final Decision (February 25, 2010).

Disabled child was not entitled to transportation from school to day-care where the district had a strict policy prohibiting transportation to any place other than home and school; although children with disabilities were entitled to individualized transportation services when they were necessary to some fundamental part of their special education needs, the district was not required to provide such transportation to accommodate the needs, work schedules or domestic arrangements of the child's grandmother and legal guardian. L.R. ex rel. E.R. v. Middletown Twp. Bd. of Educ., OAL Dkt. No. EDS 10263-09, 2009 N.J. AGEN LEXIS 720, Final Decision (October 15, 2009).

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 pickup; 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 1491, 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 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".

Case Notes

School district was precluded from leasing its buses to a Jewish Community Center for use in transporting children to the Center's private summer camp where only three categories of non-school uses for school buses were allowed: (1) the transport of senior citizens within a defined geographic area, (2) the transport of disabled persons within a school district, and (3) the transport of people participating in recreational or other programs operated by the municipalities in which the school district is located. Thus, the use of school buses was limited to programs operated by the municipality in which the school district was situated (rejecting 2009 N.J. AGEN LEXIS 11). *Murphy Transportation, Inc. v. Bd. of Educ. of Ocean, OAL Dkt. No. EDU 2991-07*, 2009 N.J. AGEN LEXIS 629, Final Decision (February 24, 2009).

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".

6A:27-7.10 Contracting for advertisements on school buses

(a) A board of education may sell advertising space on the exterior of a school bus owned or leased by the board of education in accordance with this section and N.J.A.C. 6A:27-7.11 and 7.12.

1. All advertisements shall require the prior approval of the local board of education.

2. The Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., shall apply to any contract or agreement entered into by a board of education for the purpose of placing advertising on school buses owned or leased by the board.

3. The advertiser will be considered an independent contractor and shall not be deemed to be an agent, servant, employee, or representative of the board of education.

4. In the event the advertiser fails to provide service in accordance with the bid specifications and contract for advertisements, the advertiser shall be considered in breach of contract. Cancellation of the advertisement and/or enforcement of advertiser's performance bond may result.

5. The board of education reserves the right, at its absolute discretion and at any time, to reject any advertising copy, whether or not it has previously acknowledged and/or advertised the exact or similar copy.

6. No advertising space may be used, or re-sold, by the advertiser for the promotion, either directly or indirectly, of any business, organization, or enterprise other than the one defined in the original contract for advertisement.

7. The advertiser will protect, defend, and save harmless the board of education from any suits or actions of every nature and description brought against it by reason of the advertisement.

8. Funds generated from the placement of advertisements on the outside of school buses owned or leased by a board of education are limited to the following uses:

- i. Fifty percent of the revenue shall be used to offset fuel costs associated with the provision of student transportation services; and
- ii. Fifty percent of the revenue shall be used to support any programs or services deemed appropriate by the board of education.

New Rule, R.2012 d.109, effective June 4, 2012.
See: 44 N.J.R. 201(a), 44 N.J.R. 1700(a).

6A:27-7.11 Limitations on content of advertisements on school buses

(a) The board of education shall not accept advertisements to be displayed or maintained on school buses owned or leased by the board of education if the advertisement or information contained in the advertisements:

1. Is false, misleading, deceptive, disrespectful, fraudulent, or libelous;
2. Contains material or language that is obscene, profane, vulgar, offensive, or reasonably determined not to be in good taste;
3. Promotes unlawful or illegal goods, services, or activities;
4. Promotes gambling, the sale or use of tobacco or tobacco-related products, or the sale or use of alcoholic beverages;
5. Promotes the sale or use of products designed for use in connection with sexual activity;
6. Depicts or glamorizes violent or antisocial behavior, or sexual conduct;
7. Resembles a traffic control device;
8. Declares or implies an endorsement by the board of education; or
9. Is political, religious, issues-related, controversial in nature, or not age appropriate.

(b) The board of education shall not allow any of its school buses to become a public forum for dissemination, debate, or discussion of public issues.

(c) The board of education has the authority to reject any and all advertising that it deems to be inappropriate or not in the best interest of the board of education, the school district, or students.

New Rule, R.2012 d.109, effective June 4, 2012.
See: 44 N.J.R. 201(a), 44 N.J.R. 1700(a).

6A:27-7.12 Reporting requirements for advertisements on school buses

(a) Local boards of education which permit advertisements on school buses owned by the board shall submit a report to the Commissioner of Education no later than June 30th each year. That report shall include the following information:

1. The number of district-owned school buses upon which advertising has been placed;
2. The length of time the advertisements have been on the school buses; and
3. The total revenue earned by the school district as a result of the advertisements.

New Rule, R.2012 d.109, effective June 4, 2012.
See: 44 N.J.R. 201(a), 44 N.J.R. 1700(a).

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-57.

(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.

Amended by R.2010 d.085, effective June 7, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).
Updated the N.J.S.A. reference.

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. Boards of education reserve the right to assign their transportation contracts to another board of education upon approval of both boards of education.

(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 Executive County Superintendent of Schools.

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

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 last sentence; in the introductory paragraph of (c), inserted "Executive"; and in (c)1, substituted "Executive County Superintendent's" for "county superintendent's".

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 are anticipated or 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 are anticipated or 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 Executive 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.

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) and in (a)1, inserted "are anticipated or"; and in (c), inserted "Executive".

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 accordance with N.J.S.A. 10:5-31 et seq. When bid specifications are formed to deter

rather than to invite genuine competition, an award to the favored bidder shall be set aside.

(b) Any revisions to the bid specifications shall be furnished to all prospective bidders and shall not restrict competitive bidding. Modifications to the specifications shall not invalidate the award of a contract to the successful bidder when it appears that all such bulletins were received in advance of the submission of bids by all prospective and actual bidders. If, in good faith, a district board of education finds it has made a mistake in its specifications that cannot be corrected, bids shall not be accepted based upon those specifications.

(c) Variations from the bid specifications required by this subchapter shall be reasonable and are subject to review by the Commissioner of Education.

(d) Bid specifications shall contain a number to identify each bid and language that requires contractors to comply with all current applicable State and Federal laws pertaining to student transportation and shall be prepared to include, but not be limited to, the requirements of this subchapter.

1. The bid specifications shall include a separate route description for each individual route to and from school.

i. A route is a selected or an established course of travel by a vehicle with definite stops for the purpose of loading and unloading students. A route for the transportation of regular public school students shall be described from the first bus stop to the destination listing each street traveled and the schedule for arriving and departing.

ii. A route for the transportation of special education students, vocational school students and nonpublic school students shall, at a minimum, be described listing each bus stop, the schedule for arriving and departing

and the vehicle capacity. The statement "the direction of the vehicle from the last stop shall be along the safest most direct route to the destination" shall also be included in the route description. In addition, language shall be included which requires the successful bidder to submit to the district board of education, within 10 days of the start of the contract, a description of the actual streets traveled.

iii. Transportation routes shall be arranged so that the buses shall transverse the highways that serve the largest number of students within a reasonable time limit and at a minimum cost.

2. The trip description for school related activities transportation shall include any or all, but shall not be limited to, the following criteria which shall define the basis of the bid:

- i. The destination(s);
- ii. The time of departure and return;
- iii. The vehicle type and capacity;
- iv. The need for special equipment and instructions;
- v. The need for an aide; and
- vi. The number of vehicles required per trip.

3. The bid specifications shall state that the district board of education shall reserve the right, with the approval of the Executive County Superintendent of Schools, to change the route or trip. If any change results, adjustment in the contract price shall be made in accordance with the bid.

4. The specifications shall include language that describes the following district board of education requirements:

- i. Procedures for a change in route or trip schedule and emergency school closings;
- ii. The cancellation of a contract;
- iii. The limits of automobile liability insurance to be provided by the contractor;
- iv. The types of bid guarantee and performance surety bond to be provided by the contractor;
- v. The term of the contract including payment terms;
- vi. The need for specialized equipment or restrictions due to student classification, if applicable;
- vii. The criteria to be used to award a contract in the case of a tied bid;
- viii. A copy of the school calendar for routes to and from school; and
- ix. A statement of disclosure of political contributions in accordance with N.J.S.A. 19:44A-20.13.

5. Language shall also be included in the bid specifications which prohibits the subcontracting of contracts without the prior written approval of the district board of education; and, with the exception of contracts awarded on a per student basis, the commingling of students unless authorized to do so by the district board of education through the joint transportation agreement process.

6. District boards of education may include penalty language for noncompliance with the terms of the contract.

(e) The district board of education shall include language which directs bidders to submit the following documents and forms, prescribed by the Commissioner of Education, to be made part of the bid specifications and of the contract:

1. A bid sheet for transportation to and from school shall contain a provision for the bid to be made on a per diem or per annum basis and on a per route basis for regular public, nonpublic and in-district special education students; and on a per route, per vehicle, per student, or per mile basis for special education students transported outside the school district;

i. The bid sheet shall identify each route to be bid and include a separate cost for adjusting the contract. Cost adjustments on a per mile basis are required for regular public and nonpublic school routes and in-district special education routes, and on a per mile, per student, or per vehicle basis for out-of-district special education routes. The cost of adjusting the contract shall be the same whether that cost is being increased or decreased.

ii. Routes that require an aide shall be bid on a per diem basis.

iii. The bid sheet shall include a separate provision for the per diem cost for each aide to be assigned to the route.

iv. If an aide is not required at the time of the bid but the district board of education wishes to obtain an aide cost in the event an aide is needed at a later date, the bid specifications shall include such language. The aide cost shall not be used if the need for the aide is unknown when determining the low bidder.

v. The per diem cost of adding or removing an aide shall be the same.

vi. The bid sheet may include a separate provision to request bulk and combination bids.

vii. Except for school related activities transportation, bids that do not include an adjustment provision shall not be considered by the district board of education.

2. The bid sheet for school related activities transportation shall include a provision for bids to be made on an hourly rate per vehicle or a per trip rate per vehicle, and shall include a separate provision for an aide cost, if required.

i. The bid sheet shall contain an identification number for each bid solicited on an hourly rate per vehicle or a per trip rate per vehicle.

ii. The bid sheet shall contain a separate provision for adjusting the contract on a per hour or per mile basis, if an adjustment is solicited by the district board of education.

3. A business registration certificate;

4. A bidder's questionnaire and consent of surety;

5. A stockholder's disclosure statement;

6. An affirmative action questionnaire;

7. A non-collusion affidavit;

8. Proof of the ability to obtain automobile liability insurance coverage required by the specifications; and

9. A Coordinated Transportation Services Agency membership form.

Amended by R.2002 d.303, effective September 16, 2002.

See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

In (d), deleted "and nonpublic" preceding "school" in 1i and substituted "students and nonpublic school students shall, at a minimum, be" for "students shall be" in 1ii.

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

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

Rewrote (d) and added paragraph 6; rewrote (e) and added paragraph 8.

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)1ii, inserted "vocational school students" and substituted "statement" for "Statement"; in (d)3, inserted "Executive"; in (d)4vii and (e)7, deleted "and" from the end; in (d)4viii and (e)8, substituted "and"

for a period at the end; added (d)4ix and (e)9; and in (e)2ii, inserted "on a per hour or per mile basis".

6A:27-9.4 Responsibilities of the bidder

(a) Bidders or their agents shall not draft specifications or route descriptions to be advertised for bid.

(b) The bidder shall complete and submit the bid on the bid sheet contained in the specifications. Bids that do not include a separate cost for adjusting the contract shall not be considered by the district board of education.

(c) Alternate bids which are not solicited by the district board of education shall not be considered for award.

(d) Bids are to be placed in a sealed envelope and submitted in the manner specified by the district board of education.

(e) Bidders shall submit a guarantee payable to the district board of education to ensure that, if a contract is awarded, the successful bidder shall enter into that contract and furnish a performance surety bond.

1. The guarantee to be submitted shall be a certified check, cashier's check or bid bond as required by the district board of education. No other form of guarantee is authorized.

2. The bid bond, cashier's or certified check shall be forfeited upon refusal of the successful bidder to execute a contract; otherwise, the guarantee shall be returned when the contract is executed and a performance bond filed.

(f) A surety bond for the performance of the contract for transportation to and from school shall be provided to the district board of education equal at least to the amount of one year of the contract. In the case of contracts for more than one year, the bond may be for an amount in excess of the proportionate annual contract amount as determined by the district board of education.

(g) A surety bond for the performance of the contract for transportation for school related activities shall be provided to the district board of education as required by the specifications.

(h) A surety bond shall be provided for the faithful performance of all provisions of the specifications and for all matters contained in the notice to bidders relating to the performance of the contract.

(i) The performance surety bond shall be either a corporate surety bond or personal surety bond as required by the district board of education.

(j) The performance surety bond shall be submitted to the district board of education with an executed contract prior to the start date of 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).

Added (c); recodified former (c)-(d) as (d)-(e); recodified former (e) as (f) and added "for transportation to and from school" preceding "shall be provided"; added (g) and recodified former paragraphs 1 and 2 as (h) and (i); and added (j).

6A:27-9.5 Bidder's guarantee

(a) The district board of education may, at its discretion, require the guarantee to be submitted in the form of a certified check, cashier's check or bid bond. No other form of guarantee is authorized.

1. The bidder guarantee shall include the bid number assigned to the bid for which it is submitted.

(b) The amount of the bidder's guarantee shall be a minimum of five percent of the bid, not to exceed \$50,000.

(c) Except for the three lowest bidders, the guarantee shall be returned to the bidders within ten working days after the opening of the bids.

Amended by R.2010 d.085, effective June 7, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).
Added (a)l.

6A:27-9.6 Performance surety bond

(a) A surety bond for the performance of contracts and contract renewals for transportation to and from school shall be required by the district board of education equal at least to the amount of one year of the contract. In the case of contracts for more than one year, the bond may be for an amount in excess of the proportionate annual contract amount as determined by the district board of education. The district board of education may, at its discretion, require a performance surety bond furnished by a corporate surety company recognized by the State Department of Banking and Insurance as being authorized to do business in the State of New Jersey or may permit a personal surety bond.

1. Contracts awarded on a per diem basis shall be bonded in the per annum amount based on the actual number of days transportation is required by the school calendar or, at the discretion of the district board of education, may be in the per annum amount based on 180 days.

2. Contracts for school related activities transportation shall be bonded for an amount to be determined by the district board of education.

3. The district board of education may at its discretion require a performance surety bond for quoted contracts.

4. Personal bonds shall be submitted on the Personal Surety Bond form, as prescribed by the Commissioner of Education. The bond shall be signed by at least two responsible sureties, who are residents of New Jersey, neither of whom shall be a member of the district board of education and shall include the multi-contract number(s) or route number(s) guaranteed by the bond.

i. The district board of education shall have the right to reject an individual surety offer, and may request a certification that each individual's net worth is sufficient to guaranty the bond.

5. The corporate bond shall be issued in the name of the school bus contractor with whom the district board of education holds the contract and shall be signed by the contractor and authorized agent of the bonding company. The bond shall also include the multi-contract number(s) or route number(s) guarantied by the bond.

(b) If it is necessary to replace an existing corporate or personal surety bond, the contractor shall furnish a new surety bond as required by the original bid. A corporate bond may be substituted for a personal bond by the contractor with the approval 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).

In (a), rewrote the introductory paragraph, added paragraphs 1 through 3, recodified former paragraph 1 as 4, added paragraph 5; deleted former (b); recodified former (c) as (b), and rewrote the subsection.

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)4, inserted "and shall include the multi-contract number(s) or route number(s) guarantied by the bond"; in (a)4i, substituted "guaranty" for "cover"; and in (a)5, inserted the last sentence.

6A:27-9.7 Bulk and combination bids

(a) District boards of education may receive bulk and combination bids.

1. A bulk bid is a bid that is awarded for a lesser price than the sum of the individual bids, when all routes advertised in the bulk bid are awarded to one bidder.

2. A combination bid is a bid designed by the district board of education which groups specified routes together to be serviced by the contractor utilizing the same vehicle for all routes in the group.

(b) Bulk and combination bids shall include individual route or contract costs.

1. Bulk bids shall contain a percentage deduction that shall be applied to each route or contract bid price when all routes or contracts contained in the bulk bid are awarded to a single bidder.

(c) Bulk bidding shall not be used to eliminate competitive bidding.

6A:27-9.8 Receiving and opening bids

(a) Unless the proposals are to be received in a meeting of the district board of education, a committee, officer, or employee of the district board of education shall be designated to receive the proposals at a time and place designated by the district board of education and stated in the advertisement for bids. At the time and place so designated and advertised, the

district board of education or any committee, officer, or employee designated by the district board of education to do so, shall receive the proposals and proceed to unseal them and publicly announce their contents. No proposals shall be opened before the time designated in the advertisement and none shall be received thereafter.

(b) The district board of education shall reserve the right to reject any or all bids.

(c) A district board of education cannot impose new conditions, and bidders cannot be allowed to change bids or make oral bids after they are opened. Specifications shall not be modified after bids have been received and the contract awarded to one of the bidders upon revised specifications.

(d) Bulletins issued to explain minor details of specifications and to make minor changes shall not invalidate the award of a contract to the successful bidder when it appears that all such bulletins were received in advance of the submission of bids by all prospective and actual bidders. The officer of the district board of education responsible for distributing specifications to prospective bidders shall keep a list of their names and addresses so that bulletins can be issued to them, if necessary. If, in good faith, a district board of education finds it has made a mistake in its specifications that cannot be corrected, bids shall be rejected and re-advertised.

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 "district" following "The officer of the" and added "of education" preceding "responsible".

6A:27-9.9 Contracts

(a) The term of the original contract shall not exceed four years.

1. Beginning in the second year, a multi-year contract may be increased annually by a maximum of seven and one-half percent of the original yearly contract amount in accordance with N.J.S.A. 18A:39-2.

(b) All contracts or contract renewals for student transportation shall be made on forms prescribed by the Commissioner of Education, and shall be submitted for approval to the Executive County Superintendent of Schools within 30 days after the award of the contract by the district board of education or by September 1 of the school year in which transportation is to be provided.

(c) New contracts submitted to the Executive County Superintendent of Schools shall be accompanied by the bid specifications, all documents required by the specifications to be submitted by the bidder, a copy of the newspaper bid advertisement, and a certified extract of the minutes of the district board of education authorizing the contract.

(d) Contract renewals submitted to the Executive County Superintendent of Schools shall be accompanied by a certi-

fied extract of the minutes of the district board of education authorizing the contract and copies of the contractor's certificate of insurance, affirmative action documentation and performance surety bond.

(e) Negotiated contracts between a district board of education and a parent or guardian transporting only his or her own child or children shall be accompanied by a certified copy of the minutes of the district board of education authorizing the contract, a certificate of insurance, and a copy of the parent's or legal guardian's valid driver's license and vehicle registration.

(f) A summary of all bids received shall be submitted to the Executive County Superintendent of Schools with the submission of new contracts. If a contract is not awarded to the lowest bidder, a statement by the school board attorney justifying the contract award must accompany the summary.

(g) All transportation contracts require the approval of the Executive County Superintendent of Schools regardless of whether State aid is involved.

(h) Notwithstanding the Executive County Superintendent's approval, State aid shall be subject to modifications by the Commissioner of Education for good cause shown.

Amended by R.2002 d.303, effective September 16, 2002.

See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

In (c) and (d), substituted "extract" for "copy" preceding "of the minutes".

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), deleted "in triplicate," following "transportation shall be made".

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 "original"; in (b), (c), (d) (f) and (g), inserted "Executive"; and in (h), substituted "Executive County Superintendent's" for "county superintendent's".

6A:27-9.10 Awarding contracts

(a) Contracts shall be awarded to the lowest responsible bidder by formal action of the district board of education in a public meeting.

1. The board minutes authorizing the award of contracts shall include the contractor's name, route numbers and individual route costs of all bidders who submitted bids.

2. A contract that is not awarded to the lowest bidder shall be accompanied by a statement by the school board's attorney justifying the contract award.

(b) The district board of education is not authorized to delegate its power to enter into a transportation contract.

(c) Any award of a contract made by a district board of education after advertisement shall be according to the terms advertised to prospective bidders. Each bidder shall be compelled to conform to every substantial condition imposed upon other bidders.

(d) After a contract has been awarded, a bidder cannot be relieved from conforming to the conditions imposed upon him or her in the specifications and cannot substitute something that does not conform to the specifications.

(e) A district board of education shall not reject the bid of the lowest bidder upon the ground that he or she is not responsible without giving him or her a hearing upon the facts. To determine that a bidder is not responsible, the district board of education must find as a fact, after notice and a public hearing, that the bidder is so lacking in experience, financial ability, equipment and facilities to justify that he or she would be unable to carry out the contract, if awarded.

(f) The lack of ability upon the part of a contractor to work in harmony or the district board of education's inability to enforce the terms of a previous contract cannot be controlling factors in determining the bidder's responsibility. Disputes involving controverted questions of fact with reference to the performance of a previous contract do not constitute grounds for declaring a bidder irresponsible, if such disputed matters can be taken care of under a contract properly safeguarding the public interest with a contractor who is financially responsible.

(g) A board of education may disqualify a bidder who would otherwise be determined to be the lowest responsible bidder for a student transportation contract, if the board finds that it has had prior negative experience with the bidder. The disqualification shall be for a reasonable, defined period of time not to exceed three years, and must be made by resolution approved by majority of the board of education.

1. Prior negative experience may be any one of the following:

i. The bidder has been determined to be "nonperforming" under a student transportation contract after a hearing which shall include the bidder, the superintendent of schools, and the Executive County Superintendent of Schools. The Executive County Superintendent shall make a determination as to nonperformance, which may be appealed to the Commissioner and the State Board of Education;

ii. The bidder defaulted on a transportation contract requiring the board of education to utilize the services of another contractor to complete the contract;

iii. The bidder defaulted on a transportation contract requiring the board of education to look to the bidder's surety for completion of the contract or tender of the costs of completion; or

iv. The bidder has at least a 10 percent ownership in any contractor that had prior negative experience with the board of education.

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

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

Added (g).

6A:27-9.11 High, collusive or no bids

If on two occasions no bids were received, or on two occasions bids were rejected by the district board of education because they were too high, contracts shall be awarded pursuant to N.J.S.A. 18A:18A-5(c) and (d).

6A:27-9.12 Quoted contracts

(a) Quotations may be sought after the opening of school for unanticipated transportation services. All anticipated transportation services shall be bid. The process of soliciting quotations shall not be used by the district board of education to intentionally split transportation routes into smaller parts so as to avoid reaching the amount determined by the Governor as the formal competitive bidding requirement.

(b) Quoted contracts may be issued for unanticipated transportation services provided the following requirements are met.

1. At least three quotations shall be sought and documented.

2. Quotations shall be solicited on a per diem basis and may include a provision to adjust the quotation within the bid threshold.

3. Quoted contracts under the bid threshold may be in effect for the balance of the school year.

4. Quoted contracts over the bid threshold shall be issued for a period of time which will not cause the contract to exceed the bid threshold. The competitive bid process shall be completed within this timeframe, and awarded contracts implemented for the balance of the school year.

5. Quoted contracts shall not be renewed. These contracts shall be included in the aggregate cost of transportation services for the ensuing school year.

(c) Quoted contracts submitted to the Executive County Superintendent of Schools shall be accompanied by a certified copy of the district board of education minutes authorizing the contract, copies of the contractor's certificate of insurance, performance surety bond, if applicable, and evidence of three quotes.

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), rewrote paragraphs 2 and 4.

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 second sentence; and in (c), inserted "Executive".

6A:27-9.13 Renewing contracts

(a) Annual extensions of an existing contract, approved by the Executive County Superintendent of Schools, are permitted provided:

1. The contract was entered into through competitive bidding;

2. The terms of the contract remain the same;

3. There is no increase in the annual amount of the contract to the district board of education, or the increase in the contractual base amount as a result of such extension does not result in an effective increase that exceeds the annual rise in the Consumer Price Index (CPI) as defined in N.J.S.A. 18A:7F-45 for that school year, regardless of the fact that the route description has changed or an aide has been added or removed. The increase may exceed the rise in the CPI when the increase, as provided for in the original bid, is directly attributable to the addition of an aide, a route change to accommodate a new student rider, or safety concerns. Any such extension shall require the approval of the Executive County Superintendent of Schools.

i. The contractual base amount is the sum of the actual cost to the district board of education for those items included in the bid at the end of the term of the contract in the prior year; and

4. The school destination remains the same as the original contract.

i. Destination is defined as the physical location of the school(s).

(b) When it is necessary to change the bus type, an immediate rebid of a contract renewal is not required. Any such change shall be approved by the district board of education and shall be bid for the next school year.

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)3, rewrote the introductory paragraph.

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

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

In paragraph (a)3, deleted "original" preceding "contractual", in 3i, deleted "original" throughout and added "in the prior year" preceding "and".

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) and in the introductory paragraph of (a)3, inserted "Executive"; and in the introductory paragraph of (a)3, updated the N.J.S.A. reference.

6A:27-9.14 Addendum to a contract

(a) An addendum shall be required in order to adjust the cost of an existing contract or contract renewal.

1. An addendum to a contract or contract renewal for regular students and handicapped students transported to schools within the school district shall be calculated based on the increase/decrease mileage adjustment stated in the original bid.

2. An addendum to a contract or contract renewal for the transportation of handicapped students transported outside the school district shall be based on the per student,

per mileage or per vehicle adjustment stated in the original bid.

3. An addendum to a contract or contract renewal for the purpose of adding an aide may be a negotiated cost, if the cost of an aide is not part of the bid, provided the cost does not exceed the bid threshold.

(b) An addendum to a contract or contract renewal shall be submitted on the Contract Addendum form, prescribed by the Commissioner of Education, to the Executive County Superintendent of Schools for approval within 30 days of the district board of education's approval.

(c) Increased bonding is required when an addendum is added to an existing contract increasing its cost.

1. When an addendum is added to the contract, increasing the cost, additional bonding coverage is not required if the remaining cost of the original contract plus the additional cost of the adjustment does not exceed the amount of the original bond.

(d) A certified copy of the minutes of the district board of education authorizing the adjustment and additional performance surety bond, if required, shall accompany the Contract Addendum form when it is submitted to the Executive County Superintendent of Schools.

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

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

In paragraphs 1 and 2 of (a), added "school" preceding "district".

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

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

In (b) and (d), inserted "Executive".

6A:27-9.15 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 all of the transportation contracts held by the contractor, such assignment requires the approval of the district board(s) of education and their Executive County Superintendent of Schools.

(b) When 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 all of the transportation contracts serviced by a specific terminal(s) that will no longer be operated by the contractor for student transportation services, such assignment requires the approval of the district board(s) of education and their Executive County Superintendent of Schools.

(c) The Student Transportation Contract Transfer Agreement form, prescribed by the Commissioner of Education, shall be completed for each individual contract or multi-contract.

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

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

(f) The assignment between the district board of education and the purchaser shall not become effective until the purchaser provides all documents required of the original bidder.

(g) The Student Transportation Contract Transfer Agreement form shall be accompanied by a copy of the certified board minutes approving the transfer of the contract and all documents required of the original bidder when it is submitted to the Executive County Superintendent for approval.

(h) The assignment of selected contracts to another person or company is not to be considered a transfer, but shall be considered subcontracting. In this case, all the provisions of the contract shall remain in effect and shall impose no additional cost to the district board of education.

1. No contract shall be subcontracted without the approval of the district board of education.

(i) Whenever a board of education assigns to another board of education any or all of the board's rights and liabilities for transportation contracts held by the board, such assignment requires the approval of both district boards of education and the Executive County Superintendent of Schools.

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

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

Added (b); recodified former (a)1 as (c); deleted former (a)2; recodified former (b)-(e) as (d)-(g); and added (h).

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), (b) and (g), inserted "Executive"; and added (i).

6A:27-9.16 Joint transportation agreements

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

(b) Whenever in the judgment of the Executive County Superintendent of Schools transportation of students could be more economically accomplished by joint transportation, he or she may order such joint transportation, assign the administration to one district board of education as host and prorate the cost to the joining district board(s) of education.

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

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

(e) The Joint Transportation Agreement form, prescribed by the Commissioner of Education, shall be sent to the host

school district's Executive County Superintendent of Schools for approval within 60 days of the agreement.

1. A copy of a joint agreement, signed by all parties, issued between district boards of education in different counties shall be sent within 90 days of the agreement to the joiner school district's Executive County Superintendent of Schools.

(f) Certified copies of the board minutes for each district board of education involved in the joint agreement shall accompany the agreement submitted to the Executive County Superintendent of Schools.

Amended by R.2002 d.303, effective September 16, 2002.

See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

In (e), rewrote 1 and 2.

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

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

Rewrote (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 (b), (d), the introductory paragraph of (e) and in (f), inserted "Executive"; and in (e)1, substituted "Executive County Superintendent of Schools" for "county superintendent of schools".

SUBCHAPTER 10. COORDINATED TRANSPORTATION SERVICES

6A:27-10.1 General requirements

(a) For the purposes of this subchapter, a resident district board of education, Educational Services Commission, Jointure Commission, County Special Services School District or any other entity governed by a local district board of education providing coordinated transportation services and identified by the Commissioner of Education for this purpose shall be known as a coordinated transportation services agency (CTSA).

(b) Representatives of the participating resident district boards of education and the CTSA shall meet at least annually to establish the provisions of the contractual agreement between the parties.

(c) Resident district boards of education shall utilize a CTSA to transport students going to a special education or vocational school located outside of the resident school district, and nonpublic school students whose parents received aid in lieu of transportation in the prior school year. District boards of education may also utilize the CTSA for any other transportation needs.

(d) Transportation for a special education or vocational school student newly assigned to a school located outside of the resident school district, or a newly registered nonpublic school student for which no route currently exists, shall be given to a CTSA. If the CTSA is unable to coordinate transportation for this student with students from other school districts, the resident district board of education may choose

to provide the transportation or, in the case of nonpublic school students, pay aid in lieu of transportation.

(e) The Executive County Superintendent of Schools shall assist district boards of education and the chief school administrators of the nonpublic schools in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of services.

(f) Resident district boards of education shall adopt, by resolution, an agreement with the CTSA for transportation services. A copy of the board resolution to participate in the coordinated services, the contractual agreement, and a copy of the board minutes from both parties shall be sent to the Executive County Superintendent of Schools. The agreement shall include, but is not limited to, the following:

1. The time period to be covered by the agreement;
2. A description of the services to be provided;
3. A list of the responsibilities of each party to the agreement;
4. A formula for establishing the cost of service to each participating district board of education, including a provision for adjusting the final cost based upon actual expenditures;
5. Administrative fees to be charged, if applicable;
6. A payment time schedule;
7. Provisions for revision of the services;
8. The signatures of both parties to the agreement; and
9. A provision for the Executive County Superintendent's acknowledgement of the agreement between the parties.

(g) District boards of education and the CTSA shall provide to the Department of Education all data necessary for the evaluation of the coordinated transportation services.

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 "a" following "subchapter," added "district" preceding "board of education"; in (b), added "district" preceding "boards of education"; in (c), added "school" preceding "district,"; in (d), added "school" preceding "district," and "districts,"; in the introductory paragraph of (f), deleted "(if separate from the board resolution)"; and in paragraph 4 added "board of education" following "district".

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

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

In (e) and in the introductory paragraph of (f), inserted "Executive"; in the introductory paragraph of (f), inserted "from both parties"; and in (f)9, substituted "Executive County Superintendent's" for "county superintendent's".

6A:27-10.2 Responsibilities of resident district boards of education

(a) Resident district boards of education shall evaluate their methods of transporting students attending a special education or vocational school located outside of the school

district and nonpublic school students whose parents or legal guardians receive aid in lieu of transportation to determine whether services could be more economically provided through a CTSA.

1. Bidding is not required for the purpose of comparing costs in order to make this determination.

(b) Resident district boards of education responsible for the transportation of students going to a special education or vocational school located outside the school district shall utilize a CTSA, except when:

1. The resident district can provide transportation at a lesser cost;

2. The resident district board of education can share transportation services through an agreement with another district board of education;

3. The transportation to be provided by the CTSA does not fall within the policies of the resident district board of education regarding length of ride and/or assignment of students to routes based on student age or classification; or

4. The CTSA is unable to coordinate transportation with other school districts.

(c) Once the resident district board of education has been notified of the estimated cost of transportation and has agreed to the service arranged by the CTSA, the services shall be provided until the student no longer requires transportation.

1. Any party to the transportation service may dissolve the arrangement for good cause shown. The party withdrawing from the agreement shall make documentation of the cause available to all affected parties, upon request.

(d) Resident district boards of education that paid aid in lieu of transportation to the parents or legal guardians of nonpublic school students in the prior year, or who have determined that transportation cannot be provided for the ensuing school year, shall attempt to utilize a CTSA for those students before the determination is made to pay aid in lieu of transportation.

1. If any unique limitations or restrictions on providing this transportation exist, the resident district board of education shall provide this information to the CTSA.

2. By August 1 preceding the school year in which transportation is to be provided, the district board of education shall notify the parents or legal guardians of the nonpublic school students and the nonpublic school administrators as to the manner in which transportation services are to be provided.

3. The Executive County Superintendent of Schools shall be notified when it has been determined that the inability to provide transportation services is due to calendar and/or schedule conflicts.

(e) The resident district board of education shall document the reasons why it chose not to use a CTSA and maintain documentation of their per student cost calculation.

(f) If the resident district board of education determines it is in their best interest to renew existing contracts, it may do so in accordance with N.J.S.A. 18A:39-3.

(g) Regional school districts shall continue to have the responsibility for providing nonpublic school transportation services for all constituent school district students in accordance with N.J.S.A. 18A:39-1. It shall be the regional school district's responsibility to determine when transportation should be provided through a CTSA.

Amended by R.2002 d.303, effective September 16, 2002.

See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

Deleted (d)4.

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

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

In the introductory paragraph of (a), added "school" preceding "district and nonpublic"; in the introductory paragraph of (b), added "school" preceding "district shall", added paragraph 2, recodified former paragraphs 2 and 3 as 3 and 4, added "school" preceding "districts" in paragraph 4; in (f), substituted "the" for "their" and deleted "of the board"; in (g), added "school" preceding "district".

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)3, inserted "Executive".

6A:27-10.3 Responsibilities of coordinated transportation services agencies

(a) A CTSA shall be required to organize, schedule and provide transportation services in a manner which achieves maximum efficiency for participating districts. These services and method of payment shall be described in an agreement between the CTSA and the resident district board of education.

(b) A CTSA may contract for transportation services, use vehicles owned or leased by the agency, and/or utilize vehicles owned by district boards of education for the provision of coordinated services.

(c) The calculation of per student costs for transportation services provided by a CTSA shall not include administrative expenses above the cost of providing the actual transportation service. If the agency costs are equal to or less than the maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a, excluding administrative fees, the agency shall provide transportation for the nonpublic school students.

1. The maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a shall be determined by dividing the actual cost of the route to and from school by the number of students assigned to the route. This per student cost calculation does not include the administrative cost to administer the nonpublic school transportation program.

2. An administrative fee is the amount charged to a district board of education by a CTSA for costs incurred to administer the transportation program. The administrative fee shall not be included in determining the actual cost of the route to and from school. Administrative fees are excluded from the calculation of the maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a.

(d) A CTSA may charge an administrative fee to participating school districts to cover the ordinary cost of doing business. Determining routes and availability of service should be considered part of the ordinary cost of doing business and included in the administrative fees charged to district boards of education. The agency shall not charge a per student application fee.

(e) A CTSA may notify parents of the provision of nonpublic school transportation in accordance with N.J.A.C. 6A:27-2.3(c). This service shall be made part of the resolution and contractual agreement between the parties.

(f) If a CTSA cannot provide the requested services, the agency shall:

1. Document why it is unable to provide transportation; and
2. Maintain a listing of destinations for which it is unable to coordinate services in order to share this information with other school districts for possible coordination in the future.

(g) Prior to bidding for transportation services, the CTSA shall notify participating school districts whether transportation will be coordinated with other school districts on their routes.

(h) Resident district boards of education shall be billed for services in accordance with the contractual agreement with the agency. The billing shall include the participating school district's individual route costs based on adjusted monthly expenditures. The final cost billed to resident district boards of education shall be based on actual expenditures.

1. The CTSA shall provide to district boards of education the information necessary, on a form prescribed by the Commissioner, for State reimbursement of the portion of any administrative fee which causes the per student cost to exceed the maximum expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a.

Amended by R.2002 d.303, effective September 16, 2002.
See: 34 N.J.R. 1887(a), 34 N.J.R. 3205(a).

Rewrote (c); in (h), added 1.

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) and (g), added "school" preceding "districts"; in the introductory paragraph of (h), added "school" preceding "district's".

6A:27-10.4 Conditions when coordinated transportation services agencies must bid

(a) The CTSA is subject to all laws governing student transportation contracts, including bonding requirements. In addition to the standard forms required with a bid, a CTSA must also include:

1. An agency membership form listing each member school district with the name of the district superintendent; and
2. A non-collusion statement indicating that personnel within the agency that is bidding did not draft specifications or route descriptions.

(b) Bidding by CTSA's in order to utilize agency owned/leased vehicles is not required when:

1. An educational services commission or jointure commission transports students who reside in districts that were member of the commission as of January 1, 2004, and the commission provided transportation with vehicles they owned/leased as of that date;
2. An educational services commission or jointure commission provided transportation to students who reside in districts located in first class counties that were not members of the commission, and as of January 1, 1999 were transported by vehicles owned/leased by the commission;
3. A county special services school district transports students enrolled in the district or students enrolled in nonpublic schools who reside in the county, if as of January 1, 2004 the special services school district owned/leased buses and was providing transportation; or
4. A county special services school district transports special education students within the county or contiguous counties, if as of January 1, 2004 the special services school district is located in a 5th class county and has been providing special education transportation with buses it owns/leases.

New Rule, R.2010 d.085, effective June 7, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

SUBCHAPTER 11. SAFETY

6A:27-11.1 Emergency procedures

(a) District boards of education shall establish policies and procedures to be followed by the school bus driver in the event of an emergency.

(b) District boards of education and school bus contractors shall establish policies and practices to ensure that school bus drivers employed by them comply with all applicable rules of this chapter.

6A:27-11.2 Evacuation drills and safety education

(a) School administrators shall organize and conduct emergency exit drills at least twice within the school year for all students who are transported to and from school.

1. All other students shall receive school bus evacuation instruction at least once within the school year.

(b) The school bus driver and bus aide shall participate in the emergency exit drills.

(c) Drills shall be conducted on school property and shall be supervised by the principal or person assigned to act in a supervisory capacity.

(d) Drills shall be documented in the minutes of the local board of education at the first board meeting following the completion of the emergency exit drill. The minutes shall include, but are not limited to, the following:

1. The date of the drill;
2. The time of day the drill was conducted;
3. The school name;
4. The location of the drill;
5. The route number(s) included in the drill; and
6. The name of the school principal, or person(s) assigned, who supervised the drill.

Amended by R.2010 d.085, effective June 7, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).
Added (d).

6A:27-11.3 Training

(a) Employers shall ensure that all school bus drivers and school bus aides are properly trained for the functions of their positions.

(b) Employers shall administer a safety education program for all permanent and substitute drivers and aides. At a minimum, this training shall include:

1. Student management and discipline;
2. School bus accident and emergency procedures;
3. Conducting school bus emergency exit drills;
4. Loading and unloading procedures;
5. School bus stop loading zone safety;
6. Inspecting the school vehicle for students left on board at the end of a route; and
7. The use of a student's education records, including the employee's responsibility to ensure the privacy of the student and his or her records, if applicable.

(c) In addition to the training requirements in (b) above, employers shall administer a safety education program for

school bus drivers which includes defensive driving techniques and railroad crossing procedures.

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

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

In (b)4, deleted "and" from the end; in (b)5, substituted a semicolon for a period at the end; and added (b)6 and (b)7.

6A:27-11.4 Student safety education

District boards of education shall provide a safety education program to public school students, which includes pedestrian safety and rules for riding the school bus.

SUBCHAPTER 12. DRIVERS AND AIDES**6A:27-12.1 General requirements**

(a) The school bus driver and aide shall be reliable persons of good moral character who possess the qualifications and communication skills necessary to perform the duties of the position.

(b) Anyone driving a school vehicle used to transport students to and from school and school related activities shall meet all requirements of N.J.S.A. 18A:39-17, 18, 19 and 20 and all New Jersey Motor Vehicle Commission rules governing school bus drivers.

1. The Executive County Superintendent shall ensure compliance with the requirement in (b) above.

(c) Drivers shall hold a valid Commercial Driver's License with appropriate endorsement(s) for the class and type of vehicle operated, issued by the New Jersey Motor Vehicle Commission.

(d) School bus drivers shall wear a properly adjusted and fastened seat belt.

(e) Employers shall retain a current qualifications record for each school bus driver and aide and shall submit a school bus driver transmittal form to the New Jersey Department of Education Criminal History Review Unit prior to assigning a newly hired, currently approved school bus driver to a bus route. At a minimum, the retained records shall include:

1. The driver's and/or aide's name and social security number;
2. The driver's license number with the class of license, endorsement to operate a school bus, and the issuing State;
3. A current medical examiner's certificate, if required;
4. The current criminal history background check certification letter; and
5. A copy of the New Jersey Department of Education Criminal History Review Unit school bus driver transmittal form, if applicable.

(f) The driver shall complete daily a driver's school bus condition report as prescribed by the Motor Vehicle Commission.

(g) The school bus driver and bus aide shall participate in emergency exit drills performed in accordance with N.J.A.C. 6A:27-11.2.

(h) School bus aides shall meet criminal history background check requirements pursuant to N.J.S.A. 18A:6-7.1 et seq.

(i) School bus drivers and aides shall meet tuberculin testing requirements pursuant to N.J.A.C. 6A:32-6.3.

(j) School bus drivers and aides shall be considered to be school officials under the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, who have a legitimate educational interest to those parts of a student's record relating to transportation, without parental consent.

1. Legitimate educational interest, applicable whenever a school official needs to review an education record in order to fulfill his or her professional responsibility, is defined for school bus drivers and aides as information needed in order to receive proper training and ensure informed actions to safely transport the student and any other students on the bus.

2. School bus drivers and aides shall receive training in the use of a student's education records, and in their responsibility to ensure the privacy of the student and his or her records.

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 (b) and in (c), substituted "Motor Vehicle Commission" for "Department of Transportation"; added (b)1, (e)5 and (j); rewrote the introductory paragraph of (e); in (e)3, deleted "and" from the end; in (e)4, substituted "and" for a period at the end; in (f), substituted "Motor Vehicle Commission" for "Commissioner of Education"; and in (i), updated the N.J.A.C. reference.

6A:27-12.2 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 within 10 days of the accident.

(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.

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 "within 10 days of the accident".

6A:27-12.3 Students left on a school bus

(a) Every owner/operator of a school vehicle shall immediately inform the administrator or principal of the receiving school and the chief school administrator of the district board of education providing for the transportation or their designee following an incident in which it has been determined that a student has been left unattended on the school bus at the end of the route. School district or school bus contractor personnel who discover, or to whom it is reported, that a student has been left on a school bus shall immediately report the incident to the owner/operator of the vehicle.

1. A student is considered to have been left unattended on the school bus at the end of the route when the driver has left the vicinity of the bus.

(b) The chief school administrator or their designee shall complete the Student Left Unattended on the Bus report prescribed by the Commissioner and submit the report to the Executive County Superintendent of Schools within 10 days of the incident.

1. The Executive County Superintendent shall submit the completed report to the Office of Student Transportation and Shared Services and the Criminal History Review Unit.

New Rule, R.2010 d.085, effective June 7, 2010.
See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

SUBCHAPTER 13. GOVERNANCE AND ADMINISTRATION

6A:27-13.1 General authority

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

(b) The Commissioner of Education may withhold or adjust transportation aid for district boards of education which are noncompliant with the provisions set forth in this chapter, such as, but not limited to, the improper award of contracts, use of unauthorized vehicles or inaccurate data submitted for State aid.

6A:27-13.2 General school district procedures

District boards of education shall submit reports 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.2005 d.259, effective August 1, 2005.
See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).
Added "school" preceding "district"; in rule heading.

6A:27-13.3 Regulatory review

(a) The Executive County Superintendent of Schools shall conduct a review of transportation operations of district boards of education in accordance with N.J.A.C. 6A:30 and 6A:23A-2.3.

(b) The Office of Student Transportation and Shared Services field representative shall conduct reviews of the Executive County Superintendent's administration of student transportation. This review shall include a sampling of records that have been submitted to the Executive County Superintendent of Schools by district boards of education to determine compliance with the provisions of this chapter.

(c) The Office of Student Transportation and Shared Services field representative shall conduct reviews of student transportation procedures, operations and fiscal records of district boards of education as directed by the Commissioner of Education, and shall notify the district board of education and Executive County Superintendent of the findings.

(d) The Office of Student Transportation and Shared Services shall verify data submitted by district boards of education for State transportation aid.

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 "Executive" and substituted "and 6A:23-2.3" for "1.4(a)7"; in (b), (c) and (d), inserted "and Shared Services"; in (b), deleted "quarterly" following "conduct", substituted "Executive County Superintendent's" for "county superintendent's" and inserted the second occurrence of "Executive"; and in (c), deleted "on site annual" following "conduct" and substituted "Executive County Superintendent" for "county superintendent".

6A:27-13.4 Corrective plan

A district board of education found to be deficient as a result of the Office of Student Transportation and Shared

Services review shall submit a corrective action plan addressing the specific recommendations to the Executive County Superintendent of Schools and the Office of Student Transportation and Shared Services.

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

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

Inserted "and Shared Services" twice and inserted "Executive".

6A:27-13.5 Compliance investigation

(a) The Office of Compliance shall conduct a complete inspection of student transportation procedures, operations, and costs for any district board of education identified as deficient in the administration of student transportation as a result of the Office of Student Transportation and Shared Services review or State Department of Education monitoring process under any one of the following circumstances.

1. The Office of Student Transportation and Shared Services review indicates that conditions exist 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 Executive County Superintendent of Schools; or

3. A district board of education fails to achieve certification based upon deficiencies noted in student transportation and does not demonstrate reasonable progress pursuant to N.J.A.C. 6A:23A-4.1(a).

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) and in (a)1, inserted "and Shared Services"; in (a)2, inserted "Executive"; and in (a)3, updated the N.J.A.C. reference.